
AEROPLANE NOISE RULES

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**Subsidiary
1999/019**

Rules made under s. 337(b) and (c) of the Public Health Act and section 23(g)(i) of the Interpretation and General Clauses Act.

AEROPLANE NOISE RULES

(L.N. 1999/019)

2.3.1999

ARRANGEMENT OF RULES.

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SCHEDULE

**LIST OF AEROPLANES EXEMPTED IN ACCORDANCE
WITH RULE 13.**

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Title

1. These Rules may be cited as the Aeroplane Noise Rules.

Interpretation

- 2.(1) In these Rules, and unless the context otherwise requires–

“accepted” in relation to a certificate of airworthiness means an application made to the competent authority for Gibraltar for such a certificate or for the modification of such a certificate which the competent authority for Gibraltar has not rejected;

“aeroplane” means an aeroplane in respect of which a certificate of airworthiness is in force;

“air carrier” means an air transport undertaking with a valid operating licence;

“certificate of airworthiness” means a certificate of airworthiness duly issued or rendered valid under the law of the country or territory in which the aeroplane is registered, certifying that the aeroplane to which the certificate relates is fit to fly, and includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in the certificate of airworthiness relating to that certificate;

“Community air carrier” means an air carrier with a valid operating licence granted by a Member State or EEA State in accordance with Council Regulation (EEC) No. 2407/92 of the 23rd July 1992 on licensing air carriers;

“the Convention” means the Convention on International Civil Aviation signed on behalf of Gibraltar by the United Kingdom representative at Chicago on the 7th December 1944;

“the 1989 Council Directive” means Council Directive 89/629/EEC of the 4th December 1989 on the limitation of noise emissions from civil subsonic jet aeroplanes;

“the 1992 Council Directive” means Council Directive 92/14/EEC of the 2nd March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 as amended by Council Directive 98/20/EC of the 30th March 1998;

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“derived version” means a modification of a prototype aeroplane which, from the point of view of airworthiness, is similar to the prototype but incorporates changes in type design which may affect its noise characteristics adversely;

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on the 2nd May 1992 as adjusted by the Protocol signed at Brussels on the 17th March 1993;

“EEA State” means a State, other than a member State, which is a Contracting Party to the EEA Agreement;

“Gibraltar Airport” means the area of land and the buildings and works thereon, at North Front, and the areas of sea water adjacent to North front, designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and, without prejudice to the generality of the foregoing, includes the civil air terminal;

“Minister” means the Minister with responsibility for transport;

“noise certificate” means a document issued or validated by a State or by a competent authority of a State attesting noise certification in respect of an aeroplane either by way of a separate certificate or a statement contained in another document approved by the State of registry of the aeroplane and required by that State to be carried in the aeroplane;

“operating licence” means an authorisation granted to an undertaking permitting it to carry out carriage by air of passengers, mail and/or cargo for remuneration and/or hire;

“overseas departments” has the same meaning as in article 2.3 of the 1992 Directive;

“total civil subsonic jet fleet” in relation to a Community air carrier means the total aircraft fleet of civil subsonic jet aeroplanes at the disposal of that carrier, through ownership or any form of lease agreement of not less than one year;

“Volume I of Annex 16/1981” means the first edition-1981 of Volume I of Annex 16 to the Convention;

“Volume I of Annex 16/1988” means the second edition-1988 of Annex 16 to the Convention.

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(2) In these Rules, unless the context otherwise requires, any reference to—

- (a) a numbered rule is a reference to the rule bearing that number in these rules; and
- (b) a numbered sub-rule is a reference to the sub-rule bearing that number in the rule in which the reference appears.

(3) References in this rule to aircraft registered in Gibraltar shall be construed as references to aircraft in respect of which there is an entry in a register maintained pursuant to a statutory duty to control the use of aircraft in or over Gibraltar.

References to “Member State”

3. For the purposes of these Rules “Member State” means member State of the European Communities, as defined in the European Communities Act, and includes a reference to Gibraltar.

Noise certificate requirements for Gibraltar registered propeller-driven aeroplanes

4.(1) This rule shall apply to any civil propeller-driven aeroplane registered in Gibraltar and falling within one of the categories set out in Volume 1 of Annex 16/1981.

(2) Subject to rule 6, an aeroplane to which this rule applies shall not be used in the territories of member States or EEA States unless there is in force in respect of that aeroplane a noise certificate granted by the Minister certifying that—

- (a) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 9,000 kilograms which in the opinion of the Minister—
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the competent authority for Gibraltar accepted an application for a certificate of airworthiness on or after the 17th November 1988, or
 - (ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane meets the standards specified in Part II, Chapter 3 of

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Volume I of Annex 16/1988;

- (b) subject to paragraph (i), in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms and which in the opinion of the Minister—
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the competent authority for Gibraltar accepted an application for a certificate of airworthiness on or after the 17th November 1988, or
 - (ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane meets the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988;

- (c) in the case of any other aeroplane, the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapters 2, 5 or 6 of Volume 1 of Annex 16/1981.

Noise certificate requirements for Gibraltar registered propeller-driven aeroplanes: Supplementary provisions

5.(1) Subject to sub-rule (3), this rule shall apply to any civil propeller-driven aeroplane with a maximum certificated take-off mass not exceeding 5,700 kilograms first registered in Gibraltar on or after the 24th July 1980 and not falling within one of the categories set out in Volume 1 of Annex 16/1981.

(2) Subject to rule 6, an aeroplane to which this rule applies shall not be used in the territories of member States or EEA States unless there is in force in respect of that aeroplane a noise certificate granted by the Minister certifying—

- (a) in the case of an aeroplane which in the opinion of the Minister conforms to a prototype aeroplane being a prototype in respect of which the competent authority for Gibraltar accepted an application for a certificate of airworthiness on or after the 17th November 1988 or conforms to a derived version of such a prototype aeroplane, that the aeroplane meets the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988,

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- (b) in the case of any other aeroplane, the aeroplane complies with the requirements which are at least equal to the applicable standards specified in Part II, Chapter 6 of Volume I of Annex 16/1981.
- (3) This rule shall not apply to—
 - (a) any aeroplane not satisfying the applicable requirements for noise certification when it can be equipped to those standards provided that—
 - (i) suitable conversion equipment exists for the aeroplane type in question,
 - (ii) aeroplanes fitted with such equipment are capable of achieving the standards required for noise certification,
 - (iii) such equipment is available,
 - (iv) the operator has ordered the equipment, and
 - (v) such equipment is fitted within two years from the date of registration in Gibraltar, or
 - (b) any aeroplane which has been used before the 1st July 1979 by a Community air carrier under a hire purchase or leasing contract concluded by that date, and which for this reason, has been registered in a State other than that in which it is used, or
 - (c) any aeroplane of historic interest.

Exemptions for Gibraltar registered propeller driven aeroplanes

6.(1) The Minister may grant an exemption from the requirements of sub-rule (2) of rule 4 or sub-rule (2) of rule 5 to permit, in exceptional individual cases, temporary use in Gibraltar and in the United Kingdom of aeroplanes which could not otherwise lawfully be operated on the basis of those rules or sub-rule (2).

(2) The Minister may grant an exemption from the requirements of sub-rule (2) of rule 4 to authorise the use of any aeroplane with a maximum certificated take-off mass exceeding 5,700 kilograms which is specially designed and manufactured in very few units, and used for the transportation of aeronautical industry products of exceptional sizes, and which cannot be put into service on the basis of that rule provided that use is restricted to

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Gibraltar, the United Kingdom and the territories of other consenting member States and EEA States.

Noise certificate requirements for foreign registered propeller driven aeroplanes

7.(1) Subject to sub-rules (2) and (3), no civil propeller driven aeroplane registered otherwise than in Gibraltar, in the United Kingdom or another member State or EEA State shall land or take-off in Gibraltar unless there is in force in respect of that aeroplane a noise certificate granted by the competent authority of the State of registry on the basis of satisfactory evidence that the aeroplane complies with requirements which are at least as stringent as those which the aeroplane, were it on the register of Gibraltar, would be required to meet by virtue of rule 4 or 5.

(2) The Minister may grant an exemption from the requirements of sub-rule (1) to permit, in exceptional cases, temporary use in Gibraltar or in the United Kingdom of aeroplanes which could not otherwise lawfully be operated on the basis of that sub-rule or sub-rule (3).

(3) The Minister may grant an exemption from the requirements of sub-rule (1) to authorise the use of any aeroplane with a maximum certificated take-off mass exceeding 5,700 kilograms which is specially designed and manufactured in very few units, and used for the transportation of aeronautical industry products of exceptional sizes, and which cannot be put into service on the basis of that sub-rule provided that use is restricted to Gibraltar, the United Kingdom and the territories of other consenting member States or EEA States.

Noise certificate requirements for civil subsonic jet aeroplanes

8.(1) Subject to sub-rule (3), this rule shall apply to any civil subsonic jet aeroplane registered in Gibraltar and falling within one of the categories set out in Volume 1 of Annex 16/1981.

(2) Subject to rule 25, an aeroplane to which this rule applies shall not be used in the territories of member States or EEA States unless there is in force in respect of that aeroplane a noise certificate granted by the Minister certifying that the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapters 2 or 3 of Volume 1 of Annex 16/1981.

(3) This rule shall not apply to any aeroplane to which rule 10 or 12 or, on or after the 1st April 2002, rule 14 applies, but it shall apply to any such aeroplane for the time being exempted from the requirements of any of those

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rules if that aeroplane would otherwise fall within the description set out in sub-rule (1).

Noise certificate requirements for civil subsonic jet aeroplanes: Further provisions

9.(1) Subject to sub-rule (3), this rule shall apply to any civil subsonic jet aeroplane registered in Gibraltar.

(2) An aeroplane to which this rule applies shall not be used in the territories of member States or EEA States unless there is in force in respect of that aeroplane a noise certificate granted by the Minister certifying that the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 2, of Volume 1 of Annex 16/1981.

(3) This rule shall not apply to any aeroplane to which rule 8, 10 or 12 or, on or after the 1st April 2002, rule 14 applies but it shall apply to any such aeroplane for the time being exempted from the requirements of sub-rule (2) of rule 10, sub-rule (2) of rule 12 or sub-rule (2) of rule 14 if that aeroplane would otherwise fall within the description set out in sub-rule (1).

Noise certificate requirements for civil subsonic jet aeroplanes registered in Gibraltar after the 1st November 1990

10.(1) Subject to sub-rule (3), this rule shall apply to any civil subsonic jet aeroplane, registered in Gibraltar after the 1st November 1990, which has a maximum take-off mass of more than 34,000 kilograms and a capacity of more than 19 seats and powered by engines having a by-pass ratio of less than 2.

(2) Subject to rules 21 and 22, an aeroplane to which this rule applies shall not be used in the territories of member States or EEA States unless there is in force in respect of that aeroplane a noise certificate granted by the Minister certifying that the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 3, Volume 1 of Annex 16/1988.

(3) This rule shall not apply—

- (a) to any aeroplane entered on the register of a member State or EEA State on or after the 1st November 1990,
- (b) to any aeroplane used only in the territories of the overseas departments,

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- (c) to any aeroplane in respect of which there is in force an exemption granted by a member State or a territory of the EEA other than the United Kingdom or Gibraltar, pursuant to Article 4 of the 1989 Council Directive,
- (d) on or after 1st April 2002, to any aeroplane to which rule 14 applies.

Noise certificate requirements for civil subsonic jet aeroplanes registered in third countries

11.(1) Subject to sub-rule (2) no civil subsonic jet aeroplane which is registered otherwise than in Gibraltar, the United Kingdom or another member State or EEA State shall land or take-off in Gibraltar unless there is in force in respect of that aeroplane a noise certificate granted by the competent authority of the State of registry certifying that the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 2, of Volume 1 of Annex 16/1981.

(2) This rule shall not apply to any aeroplane to which rule 12 or, on or after the 1st April 2002, rule 14 applies but it shall apply to any such aeroplane for the time being exempted from the requirements of either of those rules if that aeroplane would otherwise fall within the description set out in sub-rule (1).

Noise certificate requirements for civil subsonic jet aeroplanes with a maximum take-off mass of 34,000 kilograms or more

12.(1) Subject to sub-rule (3) and to rule 13, this rule applies to any civil subsonic jet aeroplane with a maximum take-off mass of 34,000 kilograms or more or with a certified maximum internal accommodation for the aeroplane type in question of more than 19 passenger seats, excluding any seats for crew only, and in either case fitted with engines having a by-pass ratio of less than 2.

(2) Subject to rules 20 and 22 to 25 an aeroplane to which this rule applies shall not be operated at Gibraltar Airport unless there is in force in respect of that aeroplane a noise certificate granted, in the case of an aeroplane registered in Gibraltar, by the Minister, and, in the case of an aeroplane registered in the United Kingdom or elsewhere, by the competent authority of the United Kingdom or of the State of registry, certifying that the aeroplane meets either—

- (i) the standards specified in Part II, Chapter 3, Volume 1 of Annex 16/1988; or

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- (ii) the standards specified in Part II, Chapter 2, Volume 1 of Annex 16/1988, provided that the aeroplane was first issued an individual certificate of airworthiness less than 25 years before the 1st April 1995.

(3) This rule shall not apply–

- (a) to any aeroplane on the register of a member State or a territory of the EEA other than the United Kingdom or Gibraltar, in respect of which there is in force an exemption granted by that State pursuant to articles 4 to 7 of the 1992 Directive;
- (b) before 1st April 2002, to any aeroplane the subject of the 1989 Directive;
- (c) on or after 1 April 2002, to any aeroplane to which rule 14 applies.

**Noise certificate requirements for civil subsonic jet aeroplanes:
Exceptions**

13.(1) Subject to sub-rule (2), rule 12 shall not apply in relation to any aeroplane listed in the Schedule to these Rules insofar as–

- (a) that aeroplane, having been granted noise certification to the standards specified in Part II, Chapter 2, Volume 1 of Annex 16/1988, operated into any airport in the territories of member States or EEA States in a twelve month reference period between 1986 and 1990 selected in conjunction with the States concerned; and
- (b) that aeroplane was on the register of the developing nation shown for that aeroplane in the Schedule to these rules in that twelve month reference period and continues to be used either directly or under any form of lease agreement by a natural or legal person established in that nation.

(2) Sub-rule (1) shall not apply in relation to an aeroplane listed in the Schedule to these Rules where that aeroplane is leased to a natural or legal person who is not established in the developing nation shown for that aeroplane in the said Schedule.

Noise certificate requirements: further provisions

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14.(1) Subject to sub-rule (3), this rule applies to any civil subsonic jet aeroplane with a maximum take-off mass of 34,000 kilograms or more or with a certified maximum internal accommodation for the aeroplane type in question of more than 19 passenger seats, excluding any seats for crew only.

(2) Subject to rules 22 and 25, an aeroplane to which this rule applies shall not be operated at Gibraltar Airport on or after the 1st April 2002 unless there is in force in respect of that aeroplane a noise certificate granted, in the case of an aeroplane registered in Gibraltar by the Minister, and, in the case of an aeroplane registered in the United Kingdom or elsewhere, by the competent authority of the United Kingdom or of the State of registry, certifying that the aeroplane complies with requirements which meet the standards specified in Part II, Chapter 3, Volume 1 of Annex 16/1988.

(3) This rule shall not apply to any aeroplane on the register of a member State or a territory of the EEA other than the United Kingdom or Gibraltar, in respect of which there is in force an exemption granted by that State pursuant to article 5.2 of the 1992 Directive.

Content of noise certificates.

15. The noise certificate referred to in rules 4 and 5 and 7 to 9 shall provide at least the following information—

- (a) the State of registry and registration mark of the aeroplane;
- (b) the manufacturer's serial number;
- (c) the manufacturer's type and model designation;
- (d) a statement of any additional modifications incorporated for the purpose of compliance with the applicable noise certification standards;
- (e) the maximum mass at which compliance with the applicable noise certification standards has been demonstrated; and
- (f) for aeroplanes for which application for certification is submitted on or after the 6th October 1977: the noise level or levels and their 90% confidence limits at the reference point or points for which compliance with the applicable noise certification standards has been demonstrated.

Grant of noise certificates by the Minister

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16.(1) The Minister shall grant a noise certificate in respect of any aeroplane registered in Gibraltar to which these Rules apply if he is satisfied on the basis of satisfactory evidence that the aeroplane complies with the standard specified for that aeroplane in these Rules.

(2) For the purposes of determining the standard applicable to an aeroplane to which rule 4 or 5 applies where the interval between—

- (a) the application to the competent authority for Gibraltar for a certificate of airworthiness for a prototype aeroplane and the first issue of a noise certificate by the Minister for an aeroplane of that type; or
- (b) the application to the competent authority for Gibraltar to modify a certificate of airworthiness for a prototype aeroplane and the first issue of a noise certificate by the Minister for an aeroplane of that type as modified,

exceeds 5 years, the date on which the application was made shall be deemed to be 5 years before the date of the first issue of the certificate.

(3) The Minister shall grant every noise certificate subject to a condition as to the maximum total weights at which the aeroplane may land or take-off and may grant such a certificate subject to such other conditions relating to standards as to noise as he thinks fit.

(4) Subject to sub-rule (5) and rules 17 and 26, a noise certificate granted by the Minister under these Rules shall remain in force without limit of time.

(5) A noise certificate granted by the Minister under these Rules shall cease to be sufficient—

- (a) at such time as the aeroplane or any part of it is modified, in any way which affects the ability of the aeroplane to comply with the noise standard required by these Rules, otherwise than in a manner and with material of a type approved by the Minister either generally or in relation to a class of aeroplane or to a particular aeroplane, and
- (b) until the completion of any inspection or test of the aeroplane required by the Minister to be made, which shows that the aeroplane complies with the noise standard required by these Rules.

Suspension and revocation of noise certificates by the Minister

17.(1) The Minister may, if he thinks fit, provisionally suspend or vary any noise certificate or provisionally suspend any exemption granted by him under these Rules pending inquiry into or consideration of the case. Subject to rule 26, the Minister may, after sufficient ground being shown to his satisfaction after due inquiry, revoke or vary any such certificate or exemption.

(2) The holder or any person having the possession or custody of any noise certificate or exemption which has been revoked by the Minister under these Rules shall surrender it to the Minister within a reasonable time after being required to do so by him.

(3) The breach of any condition subject to which any noise certificate or exemption has been granted by the Minister under these Rules shall render the certificate invalid during the continuance of the breach.

Carriage and production of noise certificate

18.(1) An aeroplane to which rule 4, 5, 8, 9 or 10 applies shall not be used in the territories of member States or EEA States unless the noise certificate required by these Rules to be in force in respect of that aeroplane is carried on board the aeroplane.

(2) An aeroplane to which rule 7, 11, 12 or 14 applies shall not take off from or land in Gibraltar unless the noise certificate required by these Rules to be in force in respect of that aeroplane is carried on board the aeroplane.

(3) The commander of an aeroplane shall, within a reasonable time after being requested to do so by the Minister, cause to be produced to the Minister the noise certificate in force in respect of that aeroplane.

Recognition of noise certificates issued by member States or EEA States

19. A noise certificate granted by the competent authority of a member State or EEA State attesting noise certification in respect of an aeroplane registered in the territory of that State to the effect that the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapters 2, 3, 5 or 6 of Volume I of Annex 16/1981 shall be recognised as valid in law.

Exemption for jet aeroplanes subject to conversion

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20. The Minister shall grant an exemption from the requirements of sub-rule (2) of rule 12 in relation to any aeroplane which does not meet the standards of Chapter 3 of Annex 16/1988 but which can be altered to meet those standards provided that—

- (a) suitable conversion equipment exists and is actually available for the aeroplane type in question;
- (b) aeroplanes fitted with such equipment meet the standards of Chapter 3 of Annex 16/1988;
- (c) the equipment was ordered by the 1st April 1994, and
- (d) the earliest delivery date for such alterations was accepted.

Exemption where jet aeroplanes accidentally destroyed

21.(1) The Minister may grant an exemption from the requirements of sub-rule (2) of rule 10 in relation to an aeroplane which replaces one which has been accidentally destroyed provided that the requirements contained in sub-rule (2) are satisfied.

- (2) The requirements referred to in sub-rule (1) are that—
 - (a) the operator is unable to replace the aeroplane accidentally destroyed with a comparable aeroplane—
 - (i) which is available on the market, and
 - (ii) in respect of which there is in force a noise certificate certifying that the aeroplane meets the standards referred to in sub-rule (2) of rule 10, and
 - (b) the registration of the replacement aeroplane in Gibraltar is carried out within one year of the date on which the replaced aeroplane was accidentally destroyed.

Exemption for jet aeroplanes of historical interest

22. The Minister may grant an exemption from the requirements of sub-rule (2) of rule 10, sub-rule (2) of rule 12 or sub-rule (2) of rule 14, in relation to any aeroplane of historical interest.

Exemption where air carrier's operations adversely affected to an unreasonable extent

23. The Minister may grant an exemption from the 25 year period specified in rule 12(2)(b) for not more than three years in total in relation to any aeroplane in respect of which an air carrier demonstrates that the pursuit of its operations would otherwise be adversely affected to an unreasonable extent.

Exemption to permit phasing of deletions from register

24. Subject to the approval of the Minister, nothing in sub-rule (2) of rule 12 shall require the deletion from the Gibraltar register of aeroplanes which do not meet the standards of Chapter 3 of Volume I of Annex 16/1988 at an annual rate equivalent to more than 10% of the total civil subsonic jet fleet of a Community air carrier.

Temporary exemption for jet aeroplanes

25.(1) The Minister may grant an exemption from the requirements of sub-rule (2) of rule 8 to permit, in exceptional individual cases, temporary use in Gibraltar or in the United Kingdom of aeroplanes which could not otherwise lawfully be operated on the basis of that rule.

(2) Subject to sub-rule (3), the Minister may grant an exemption from the requirements of sub-rule (2) of rule 12 or sub-rule (2) of rule 14 to permit the temporary use at Gibraltar Airport of any aeroplane which could not otherwise lawfully be operated on the basis of rules 12, 14 or 22 to 24.

(3) The Minister shall not grant such an exemption under sub-rule (2) unless—

- (a) the operations of the aeroplane are of such an exceptional nature that it would be unreasonable to withhold such an exemption; or
- (b) the aeroplane is being operated on a non-revenue flight for the purposes of alterations, repair or maintenance.

Review of decisions of Minister

26.(1) A decision by the Minister to—

- (a) refuse to grant a noise certificate or exemption;
- (b) revoke or vary a noise certificate; or
- (c) revoke an exemption,

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may be made on behalf of the Minister, only by an employee or agent of the Minister. Where the Minister makes a decision with respect to any of the matters referred to in this sub-rule, he shall serve on the applicant for a noise certificate or exemption or the holder or any person having the possession or custody of the noise certificate or exemption, as the case may be, a notice stating the reasons for the decision and the applicant or holder may, within 14 days after the date of service of that notice, serve on the Minister a request that the case be reviewed by the Minister.

(2) The function of deciding a case where such a request has been duly served on the Minister may not be performed on behalf of the Minister by any other person. The Minister shall sit with such technical assessors to advise him as the Minister may appoint but the Minister shall not appoint as an assessor any person who participated in the decision which is the subject of the Minister's review. Where such a request has been duly served the Minister shall, before making a decision, consider any representations which may have been served on him by the person concerned within 21 days after the date of service of the notice given by the Minister pursuant to sub-rule (1). Where the Minister makes a decision pursuant to this sub-rule, it shall be the duty of the Minister to serve a statement of his reasons for the decision on the person concerned.

(3) Anything required to be served on any person under this rule shall be set out in a notice in writing which may be served by—

- (a) delivering it to that person,
- (b) leaving it at his proper address,
- (c) sending it by post to that address, or
- (d) sending it to him at that address by telex or other similar means which produce a document containing the text of the communication, in which event the document shall be regarded as served when it is received,

and where the person is a body corporate the document may be served on the secretary of that body.

(4) For the purpose of this rule, the proper address of any person shall, in the case of a body corporate, be the registered or principal office of that body and in any other case be the last known address of the person to be served.

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(5) In this rule, “vary a noise certificate” means the addition, omission or variation of any conditions subject to which a noise certificate may be granted.

Minister’s duty in relation to exemptions

27.(1) Before the Minister grants any exemption under rule 6(2) or 7(3), he shall first inform the European Commission of his proposal to do so.

(2) If the Minister grants an exemption under rule 22 relating to the requirements in sub-rule (2) of Rule 10 or suspends or revokes such an exemption, the Minister shall inform the competent authorities of the United Kingdom and of the other member States and EEA States of that fact.

(3) If the Minister grants an exemption under any provision in rule 20, 22 (insofar as that rule relates to the requirements in sub-rule (2) of rule 12 or sub-rule (2) of rule 14), 23, or 24 or suspends or revokes such an exemption he shall inform the competent authorities of the other member States and the Commission of that fact and of the grounds for his decision.

Power to prevent aeroplanes flying

28. Where the Minister has reason to believe that an aeroplane is intended to be operated by any person without the noise certificate required to be in force in respect of that aeroplane, the Minister may—

- (a) give to the person appearing to the Minister to be in command of the aeroplane a direction that he shall not permit the aeroplane to take off until the Minister has informed him that the direction is cancelled,
- (b) whether or not the Minister has given such a direction, detain the aeroplane until the Minister is satisfied that the aeroplane will not be so operated,

and a person, who, without reasonable excuse, fails to comply with a direction given to him in pursuance of this rule shall be guilty of an offence.

Right of access to Gibraltar Airport and other places

29.(1) Subject to sub-rule (2), for the purposes of ascertaining whether the provisions of these Rules are being complied with, the Minister, upon production (if required) of his credentials, shall have the right of access at all reasonable times to Gibraltar Airport or any other place in Gibraltar where an aeroplane has landed, for the purpose of inspecting that aeroplane

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or any noise certificate required to be in force in respect of that aeroplane, or for the purpose of detaining that aeroplane under rule 28.

(2) Any person who intentionally obstructs or impedes any person acting in the exercise of his powers or the performance of his duties under this rule shall be guilty of an offence.

Circumvention

30.(1) This rule shall apply to any civil subsonic aeroplanes not registered in any member State or EEA State which has a maximum take-off mass of more than 34,000 kilograms and a capacity of more than 19 seats, powered by engines having a by-pass ration of less than 2 and for which there is not in force a noise certificate certifying that the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 3, Volume I of Annex 16/1988.

(2) An aeroplane to which this rule applies shall not be operated in Gibraltar if its operation would have the effect of circumventing rule 10(2).

(3) Any person who agrees any form of leasing agreement which has the effect referred to in sub-rule (2) shall be guilty of an offence.

Penalties

31.(1) If any provision of these Rules is contravened in relation to an aeroplane the operator of that aeroplane and the commander thereof shall (without prejudice to the liability of any other person under these Rules for that contravention) be deemed for the purposes of the following provisions of this rule to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of these Rules was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) If any person contravenes rule 19 he shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(4) If any person contravenes any other provision of these rules, he shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

Liability of persons other than principal offender

32.(1) Where an offence under these Rules has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members, sub-rule (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

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SCHEDULE

Rule 13

LIST OF AEROPLANES EXEMPTED IN ACCORDANCE WITH
RULE 13

ALGERIA

Aeroplane Type	Serial No.	Registration	Operator
B-727-2D6	20955	7T-VEH	AIR ALGERIE
B-727-2D6	21053	7T-VEI	AIR ALGERIE

Aeroplane Type	Serial No.	Registration	Operator
B-727-2D6	21210	7T-VEM	AIR ALGERIE
B-727-2D6	21284	7T-VEP	AIR ALGERIE
B-737-2D6	20884	7T-VEG	AIR ALGERIE
B-737-2D6	21063	7T-VEJ	AIR ALGERIE
B-737-2D6	21064	7T-VEK	AIR ALGERIE
B-737-2D6	21065	7T-VEL	AIR ALGERIE
B-737-2D6	21211	7T-VEN	AIR ALGERIE
B-737-2D6	20650	7T-VED	AIR ALGERIE
B-737-2D6	21285	7T-VEQ	AIR ALGERIE

DOMINICAN
REPUBLIC

Aeroplane Type	Serial No.	Registration	Operator
B-707-399C	19767	HI-442CT	DOMINICANA DE AVIACION

DEMOCRATIC
REPUBLIC OF
CONGO

Aeroplane Type	Serial No.	Registration	Operator
B707-329C	20200	9Q-CBW	SCRIBE AIRLIFT

EGYPT

Aeroplane Type	Serial No.	Registration	Operator
B-707-328C	19916	SU-PBB	AIR MEMPHIS
B-707-336C	19843	SU-PBA	AIR MEMPHIS

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B-737-266	21194	SU-AYL	EGYPT AIR
B-737-266	21195	SU-AYK	EGYPT AIR
B-737-266	21227	SU-AYO	EGYPT AIR

IRAQ

Aeroplane Type	Serial No.	Registration No.	Operator
B-707-370C	20889	YI-AGE	IRAQI AIRWAYS
B-737-270C	20892	YI-AGH	IRAQI AIRWAYS
B-737-270C	20893	YI-AGI	IRAQI AIRWAYS

LEBANON

Aeroplane Type	Serial No.	Registration	Operator
B707-3B4C	20259	OD-AFD	MEA
B707-3B4C	20260	OD-AFE	MEA
B707-347C	19967	OD-AGV	MEA
B707-323C	19589	OD-AHC	MEA
B707-323C	19515	OD-AHD	MEA
B707-323B	20170	OD-AHF	MEA
B707-323C	19516	OD-AHE	MEA
B707-327C	19104	OD-AGX	MEA
B707-327C	19105	OD-AGY	MEA
B707-323C	18939	OD-AGD	MEA
B707-331C	19214	OD-AGS	MEA
B707-321C	19269	OD-AGO	MEA
B707-321C	19274	OD-AGP	MEA

LIBERIA

Aeroplane Type	Serial No.	Registration	Operator
DC8F-55	45683	EL-AJO	LIBERIA WORLD AIRLINES
DC8F-55	45686	EL-AJQ	LIBERIA WORLD AIRLINES

LIBYA

Aeroplane Type	Serial No.	Registration	Operator
B727-224	20245	5A-DAI	LIBYAN ARAB AIRLINES
B727-2L5	21051	5A-DIB	LIBYAN ARAB

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B727-2L5	21052	5A-DIC	AIRLINES LIBYAN ARAB AIRLINES
B727-2L5	21229	5A-DID	LIBYAN ARAB AIRLINES
B727-2L5	21230	5A-DIE	LIBYAN ARAB AIRLINES

MAURETANIA

Aeroplane Type	Serial No.	Registration	Operator
F28-4000	11093	5T-CLG	AIR MAURITANIE

MOROCCO

Aeroplane Type	Serial No	Registration	Operator
B727-2B6	20471	CN-CCG	ROYAL AIR MAROC
B737-2B6	21214	CN-RMI	ROYAL AIR MAROC
B737-2B6	21215	CN-RMJ	ROYAL AIR MAROC
B737-2B6	21216	CN-RMK	ROYAL AIR MAROC

NIGERIA

Aeroplane Type	Serial No.	Registration	Operator
B707-338C	18809	5N-ARQ	DAS AIR CARGO
B707-355C	19664	5N-VRG	AIR TOURS

PAKISTAN

Aeroplane Type	Serial No.	Registration	Operator
B707-340C	20488	AP-AXG	PIA

**SAUDI
ARABIA**

Aeroplane Type	Serial No.	Registration	Operator
B707-268C	20574	HZ-AGA	SAUDIA
B707-268C	20575	HZ-AGB	SAUDIA
B707-268	20576	HZ-AGC	SAUDIA
B707-268	20577	HZ-AGD	SAUDIA
B707-268	20578	HZ-AGE	SAUDIA
B707-268	20882	HZ-AGF	SAUDIA
B707-268	20883	HZ-AGG	SAUDIA

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SWAZILAND

Aeroplane Type	Serial No.	Registration	Operator
DC-8F-54	46012	3D-ADV	AFRICAN INTERNATIONAL AIRWAYS (PTY) Ltd
DC-8F-54	45802	3D-AFR	AFRICAN INTERNATIONAL AIRWAYS (PTY) Ltd

TUNISIA

Aeroplane Type	Serial No.	Registration	Operator
B-727-2H3	21235	TS-JHT	TUNIS AIR
B-727-2H3	21179	TS-JHR	TUNIS AIR
B-727-2H3	20948	TS-JHQ	TUNIS AIR
B-727-2H3	20545	TS-JHN	TUNIS AIR

UGANDA

Aeroplane Type	Serial No.	Registration	Operator
B-707-379C	19821	5X-JEF	DAIRO AIR SERVICE

ZIMBABWE

Aeroplane Type	Serial No.	Registration	Operator
B-707-330B	18930	Z-WKU	AIR ZIMBABWE
DC8F-55	45821	Z-WMJ	AFFRETAIR

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