

L.N. 537 of 2010

**AIRCRAFT REGISTRATION ACT  
(CAP. 503)**

**Aircraft Registration (International Registrant) Regulations,  
2010**

IN exercise of the powers conferred by article 56 of the Aircraft Registration Act, the Minister for Infrastructure, Transport and Communications has, in consultation with the Authority for Transport in Malta, made the following regulations:–

**1.** The title of these regulations is the Aircraft Registration (International Registrant) Regulations, 2010. Citation.

**2.** In these regulations, unless the context otherwise requires: Interpretation.

“the Act” means the Aircraft Registration Act;

“approved jurisdiction” has the same meaning given to it in the Act;

“EEA State” means —

- (a) a Member State of the European Union;
- (b) Norway, Iceland or Liechtenstein;

“undertaking” has the same meaning assigned to it in the Companies Act. Cap. 386.

**3.** (1) For the purposes of article 6(1) of the Act, in addition to the case referred to in article 19 of the Act, the following persons shall also be qualified to register an aircraft that is in construction or one which is not used to provide air services, in the National Aircraft Register, and Part II of the Act shall apply *mutatis mutandis* to - Other persons eligible to register aircraft.

(a) a citizen of Malta, or a citizen of any other EEA State or Switzerland but not having a place of residence or business in Malta or in any other EEA State; or

(b) an undertaking formed and existing in accordance with the laws of Malta, but with less than fifty per cent of its

ownership held by citizens of Malta or of any other EEA State or Switzerland, and its effective control is carried out in Malta or in any other EEA State or Switzerland, provided however, that each of the shareholders and directors of the undertaking are a citizen of, or an undertaking established in, an approved jurisdiction; or

(c) a trustee where the beneficiaries are persons mentioned in paragraphs (a) or (b).

(2) Where an undertaking formed and existing in accordance with the laws of Malta, or a trustee is a corporate trustee and has among its directors or administrators, one natural person who satisfies the requirements of sub-article (1) of article 20 of the Act, then such person shall be designated to be the resident agent for the purpose of Part III of the Act in accordance with the formalities stipulated in the Schedule to these regulations.

(3) Where there are more than one person who are qualified to act as resident agent in accordance with sub-article (1) of article 20 of the Act, the undertaking shall designate one of those persons to act as resident agent.

SCHEDULE

Regulation 3(2)

**DECLARATION OF APPOINTMENT OF RESIDENT AGENT**

1.

Name and Surname of International Registrant if individual, or full undertaking name if body corporate.	
Nationality and place of habitual residence of International Registrant, if individual, or registered office address if body corporate.	

(hereinafter referred to as the “International Registrant”), HEREBY APPOINTS .....of .....(hereinafter referred to as the “Resident Agent”), as its resident agent for the purposes of article 19 of the Aircraft Registration Act, 2010 (hereinafter referred to as “the Act”).

2. It is understood and accepted that it shall be the function of .....as resident agent to:

- (a) act as a channel of communication between the International Registrant and the Maltese government departments and authorities;
- (b) sign and file with the Maltese government departments and authorities, on behalf of the International Registrant, declarations and forms required in terms of Maltese Law;
- (c) act as a judicial representative of the international registrant for judicial proceedings in Malta, and for the purpose of the Aircraft Registration Act, any official notice sent to the resident agent at his last registered address shall be deemed to have been duly received by and notified to the international registrant.

3. ....is hereby empowered to:

- (a) sign and file on behalf of the International Registrant, applications, declarations, notices, returns and any other document required in terms of Maltese Law;
- (b) apply, on behalf of the International Registrant, for the registration of an aircraft under the Act and for the closure of register of an aircraft, and to perform any ancillary act in relation thereto;
- (c) pay, on behalf of the International Registrant, all relative fees and taxes payable in terms of Maltese law;

- (d) do, on behalf of the International Registrant, all other things as may be considered conducive or ancillary for the registration of aircraft under the Act or for the maintenance of such registration;
  - (e) do, on behalf of the International Registrant, all other things as may be considered conducive or ancillary for the cancellation of the registration of aircraft under the Act;
  - (f) authenticate documents issued by the International Registrant;
  - (g) receive formal notification on behalf of the International Registrant when notifications are required in relation to an aircraft or any mortgage thereon, under the provisions of the Act or any agreement.
4. The Resident Agent may appoint in writing any other person to act on his behalf provided that in doing so, the Resident Agent shall not be relinquishing the functions, powers and responsibilities duly conferred on him.
5. The International Registrant is aware of the provisions of Maltese law that, *inter alia*, an international registrant in whose name an aircraft is, or has been registered under the Act, or in whose name a certificate of registration of aircraft has been issued, shall be deemed to have submitted to the jurisdiction of the Maltese courts in terms of article 742(1)(g) of the Code of Organisation and Civil Procedure for any action in connection with the aircraft while it is or was so registered.

The undersigned declares that he is empowered to sign this declaration in the name of the International Registrant.

Signed this .....day of .....of the year ..... by ..... in the presence of .....

\_\_\_\_\_  
Signature of Declarant

