

**CIVIL AVIATION (SUBORDINATE LEGISLATION) (APPLICATION)
ORDER 2006**

LEGISLATION AS APPLIED BY THE ORDER

This text of the United Kingdom legislation applied to the Isle of Man by the Order, incorporating the exceptions, adaptations and modifications specified in the Order, is prepared as required by section 11(5) of the Airports and Civil Aviation Act 1987.

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SI 1948 No 1411

Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948
as amended by SI 1972/323 and as applied to the Isle of Man

1. Citation and commencement

These Regulations may be cited as the Civil Aviation (Births, Deaths and Missing Persons) Regulations 1948, ...

2. Interpretation

In these Regulations:

- (1) 'Aircraft' includes all balloons, whether captive or free, gliders, airships and flying machines;
- (1A) 'the Department' means the Department of Transport;**
- (2) 'Journey' is deemed to commence when a traveller enters an aircraft registered in **the Isle of Man** for the purpose of the journey and to continue until that traveller alights therefrom on completion of the journey, notwithstanding any intermediate stop or break in the journey;
- (4) 'Missing Persons' mean persons with respect to whom there are reasonable grounds for believing that they have died in consequence of an accident to an aircraft registered in **the Isle of Man**;
- (5) 'Person in command' of an aircraft means, in a case where a person other than the pilot is in command of the aircraft, that person, and in any other case, the pilot;
- (6) 'Traveller' in relation to an aircraft includes a member of the crew.

Amended by SI 1972/323

3. Application of Interpretation Act 1889

The Interpretation Act 1889, shall apply to the interpretation of these Regulations in like manner as it applies to the interpretation of an Act of Parliament.

4. Returns relating to births and deaths by owners of aircraft

(1) The owner of an [aircraft registered in the **Isle of Man**] shall as soon as practicable but not later than six months after the occurrence in any part of the world of a birth or death in the aircraft, or of a death outside the **Isle of Man** of a traveller on the aircraft who is killed on the journey in consequence of an accident, transmit to the **Department** a return of such birth or death in the form, in accordance with the instructions, and containing the particulars prescribed in Appendix A to these Regulations (in the case of a birth) or Appendix B to these Regulations (in the case of a death):

Provided that if such particulars are not known to the owner of the aircraft, he shall transmit as aforesaid so many of such particulars as he is reasonably able to ascertain having regard to the circumstances of the birth or death.

Amended by SI 1972/323

(2) To facilitate the rendering of returns in accordance with this Regulation the person in command of an [aircraft registered in the **Isle of Man**] shall forthwith on the occurrence in any part of the world of a birth or death in the aircraft, or of the death outside the **Isle of Man** of a traveller in the aircraft who is killed on the journey in consequence of an accident. record in the journey log book, or other appropriate document relating to that aircraft, the particulars of the birth or death mentioned in paragraph (1) of this Regulation and shall make such record available to the owner as soon as practicable:

Provided that if all such particulars are not known to the person in command of an aircraft and cannot be readily ascertained by him he shall record and make available as aforesaid so many of such particulars as are readily ascertainable.

Amended by SI 1972/323

(3) Where any aircraft has been bona fide demised, let, or hired out for a period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator, or operative member of the crew of the aircraft is in the employment of the owner, the provisions of this Regulation shall have effect as though for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.

5. Records to be kept in the Department

The **Department** shall keep:

- (1) a separate record of births in the form in Appendix C to these Regulations in which shall be recorded the particulars transmitted to [it] of births occurring in any part of the world in [aircraft registered in the **Isle of Man**];
- (2) a separate record of deaths in the form in Appendix D to these Regulations in which shall be recorded the particulars transmitted to [it] of deaths occurring in any part of the world in aircraft registered as aforesaid, and of deaths outside the **Isle of Man** of travellers on such aircraft killed on the journey in consequence of an accident; and
- (3) a separate record in the form in Appendix E to these Regulations of persons reported to [it] as missing persons.

Amended by SI 1972/323

6. Transmission of copies of entries to Registrar-General

The **Department** shall within seven days of the completion of an entry in any record kept pursuant to these Regulations cause a certified copy of such entry to be transmitted to the appropriate Registrar-General.

Amended by SI 1972/323

7. Rules for ascertaining appropriate Registrar-General

For the purpose of these Regulations, the appropriate Registrar-General shall be ascertained as follows:

- (a) where it appears to the **Department** that an entry in the record of births relates to the birth of a child the father of whom, or, if the child is illegitimate, the mother of whom, was at the time of the birth usually resident in **England and Wales**, Scotland or Northern Ireland, a certified copy of the entry shall be sent

to the **Registrar-General for England and Wales**, the Registrar-General of Births, Deaths and Marriages in Scotland, or the Registrar-General for Northern Ireland. as the case may require:

- (b) where it appears to the **Department** that an entry in the record of deaths or missing persons relates to a person who, at the time of his death, or (in the case of a missing person) at the time when he was reported missing, was usually resident in **England and Wales**, Scotland or Northern Ireland, a certified copy of the entry shall be sent to **the Registrar-General for England and Wales**, the Registrar-General of Births, Deaths and Marriages in Scotland, or the Registrar-General for Northern Ireland, as the case may require:
- (c) in every other case a certified copy of an entry in the record of births, deaths, or missing persons, shall be sent to the **Chief Registrar**.

Amended by SI 1972/323

8. *Saving for father of illegitimate child*

In the case of the birth of an illegitimate child, the name of any person as father of such child shall not be entered in any return or record of particulars of the birth of such child unless the mother of the child and the person acknowledging himself to be the father of the child shall have signed a completed form of return as informants.

9. *Rectification of entries of births, deaths and missing persons*

(1) If the **Department** is satisfied that there is an error or omission in any entry made in the record of births, deaths, or missing persons kept [pursuant to these Regulations] [it] may, in accordance with evidence of the facts relating to the entry, rectify it in such manner as may appear to [it] appropriate.

Amended by SI 1972/323

(2) Within seven days after the correction of any entry in [its] records in accordance with this Regulation, the **Department** shall cause a certified copy of such corrected entry to be transmitted to the appropriate Registrar-General.

Amended by SI 1972/323

APPENDIX A

Birth

Return for the purposes of **section 83 of the Civil Aviation Act 1982**

1. Registration marking of aircraft
2. Date of Birth (a)
- 3.. Place of Birth (b)
4. Name (c)
5. Sex
6. Name, surname, usual residence and nationality of father (e)
7. Name, surname, maiden surname, usual residence and nationality of mother (f)
8. Date and place of marriage of parents
9. Profession or occupation of father, and rank or title (if any) (e)
- 10 Name, description and home address of informant (if any) (g)
11. Signature of informant(s)

Signature and rank of person completing the return

Date (a)

Notes:

- (a) Day and month in words. year in figures.
- (b) Approximate position. e.g. '40 miles west of Lisbon', 'over Dieppe', 'over Northern France'.
- (c) Full Christian names of child.
- (d) 'Boy' or 'girl' as the case may be.
- (e) Christian names in full and followed by surname; surname to be written in block letters. If child is illegitimate (see (8) above) the particulars relating to the father must not be recorded in the return unless at the joint request of the mother and of the person acknowledging himself to be the father of the child, in which case such person shall, as well as the mother. sign a completed form of return as informant.
- (f) Christian names in full and married surname followed by the word 'formerly' and the maiden surname.
- (g) The informant's full names, relationship (if any) to the child, and full postal address should be stated.

Except in the circumstances mentioned at (e) above only one person (usually the mother or father) should act as informant.

Amended by SI 1972/323

APPENDIX B

Death

Return for the purposes of **section 83 of the Civil Aviation Act 1982**

1. Registration marking of aircraft
2. Date of Death (a)
3. Place of Death (b)
4. Name and surname (c)
5. Usual residence at time of death (d)
6. Sex (e)
7. Age (j)
8. Profession or occupation, rank or title (if any) and nationality (g)
9. Cause of death
10. Name, description and home address of informant (if any) (h)
11. Signature of informant

Signature and rank of person completing the return

Date (a)

Notes:

- (a) Day and month in words. year in figures.
- (b) Actual position. if known. Otherwise approximate position. e.g. '40 miles west of Lisbon', 'over Northern France'.
- (c) Christian names in full, followed by surname. Surname to be written in block letters.
- (d) The full postal address should be stated.
- (e) 'Male' or 'Female'.
- (f) To be recorded in complete years, or in months or days.
- (g) Women and children

In the case of a married woman or a widow. the words 'wife of' or 'widow of' shall be entered, followed by the name. profession or occupation, rank and title, and nationality of the husband.

In the case of an unmarried woman. there shall be inserted (i) the word 'spinster'. followed by her profession or occupation (if any), rank or title (if any), and her nationality. and (ii) the words 'daughter of' followed by the name. profession. etc. of her father.

In the case of children under the age of 16 years. the words 'son of' or 'daughter of' shall be followed by the name, profession. etc. of the father.

- (h) The informant's full names, relationship (if any) to deceased and full postal address should be stated.

Amended by SI 1972/323

APPENDIX C

BIRTHS IN AIRCRAFT REGISTERED IN THE ISLE OF MAN

No	Registration marking of aircraft (1)	Date and place of birth (2)	Name (3)	Sex (4)	Name, surname, usual residence and nationality of father (5)	Name, surname, maiden surname, usual residence and nationality of mother (6)	Profession or occupation of father and rank or title (if any) (7)	Name, description and home address of informant (8)	When registered (9)	Signature of registrar (10)	Baptismal or given name if added after registration of birth (11)

**APPENDIX D
DEATHS IN AIRCRAFT REGISTERED IN THE ISLE OF MAN**

No	Registration marking of aircraft (1)	Date and place of death (2)	Name, surname and usual residence at time of death (3)	Sex (4)	Age (5)	Profession or occupation, rank or title (if any), and nationality (6)	Cause of death (7)	Name, description and home address of informant (8)	When registered (9)	Signature of registrar (10)

APPENDIX E

PERSONS MISSING AND BELIEVED TO HAVE DIED IN CONSEQUENCE OF ACCIDENTS TO AIRCRAFT REGISTERED IN **THE ISLE OF MAN**

No	Registration marking of aircraft (1)	Name, surname and usual residence of missing person (2)	Sex (3)	Age (4)	Profession or occupation, rank or title (if any) and nationality (5)	Date and place of accident and grounds for presumption of death (6)	When registered (7)	Signature of registrar (8)

SI 1972 No 323

**Civil Aviation (Births, Deaths and Missing Persons) (Amendment)
Regulations 1972
as applied to the Isle of Man**

[The Regulations amend, and are incorporated in the text of, SI 1948/1411 above.]

SI 1972 No 1268

Mortgaging of Aircraft Order 1972
as amended by SI 1981/611 and as applied to the Isle of Man

1. Citation and Commencement

This Order may be cited as the Mortgaging of Aircraft Order 1972.

2. Interpretation

(1) The Interpretation Act 1889 applies for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

(2) In this Order:

"appropriate charge" means the charge payable under **section 11 of the Civil Aviation Act 1982**;

"the Department" means the Department of Transport;

"the Isle of Man register" means the register of aircraft maintained by the Department in pursuance of an Air Navigation Order;

"mortgage of an aircraft" includes a mortgage which extends to any store of spare parts for that aircraft but does not otherwise include a mortgage created as a floating charge;

"owner" means the person shown as the owner of a mortgaged aircraft on the form of application for registration of that aircraft in the **Isle of Man register**;

"the Register" means Register of Aircraft Mortgages referred to in article 4 below;

3. Mortgage of Aircraft

An aircraft registered in the **Isle of Man register** or such an aircraft together with any store of spare parts for that aircraft may be made security for a loan or other valuable consideration.

4. Registration of Aircraft Mortgages

(1) Any mortgage of an aircraft registered in the **Isle of Man register** may be entered in the Register of Aircraft Mortgages kept by the **Department**.

(2) Applications to enter a mortgage in the Register shall be made to the **Department** by or on behalf of the mortgagee in the form set out in Part I of Schedule 1 hereto, and shall be accompanied by a copy of the mortgage, which the applicant shall certify to be a true copy, and the appropriate charge.

5. (1) A notice of intention to make an application to enter a contemplated mortgage of an aircraft in the Register (hereinafter referred to as "a priority notice") may also be entered in the Register.

(2) Applications to enter a priority notice in the Register shall be made to the **Department** by or on behalf of the prospective mortgagee in the form set out in Part II of Schedule 1 hereto, and shall be accompanied by the appropriate charge.

6. (1) Where two or more aircraft are the subject of one mortgage or where the same aircraft is the subject of two or more mortgages, separate applications shall be made in respect of each aircraft or of each mortgage, as the case may be.

(2) Where a mortgage is in a language other than English, the application to enter that mortgage in the Register shall be accompanied not only by a copy of that mortgage but also by a translation thereof, which the applicant shall certify as being, to the best of his knowledge and belief, a true translation.

7. (1) When an application to enter a mortgage or priority notice in the Register is duly made, the **Department** shall enter the mortgage or the priority notice, as the case may be, in the Register by placing the application form therein and by noting on it the date and the time of the entry.

(2) Applications duly made shall be entered in the Register in order of their receipt by the **Department**.

(4) The **Department** shall notify the applicant of the date and time of the entry of the mortgage or the priority notice, as the case may be, in the Register and of the register number of the entry and shall send a copy of the notification to the mortgagor and the owner.

8. *Amendment of entries in the Register*

(1) Any change in the person appearing in the Register as mortgagee or as mortgagor or in the name or address of such person or in the description of the mortgaged property shall be notified to the **Department** by or on behalf of the mortgagee, in the form set out in Part III of Schedule 1 hereto.

(2) On receipt of the said form, duly completed and signed by or on behalf of the mortgagor and the mortgagee and on payment of the appropriate charge, the **Department** shall enter the notification in the Register and shall notify the mortgagor, the mortgagee and the owner that it has done so.

9. *Discharge of Mortgages*

[On receipt of the form set out in Part IV of Schedule 1 hereto duly completed and signed by or on behalf of the mortgagee and of a copy of the document of discharge or receipt for the mortgage money, or of any other document which shows, to the satisfaction of the **Department**, that the mortgage has been discharged and on payment of the appropriate charge, the **Department** shall enter the said form in the Register and mark the relevant entries in the Register "Discharged" and shall notify the mortgagee, mortgagor and the owner that it has done so.]

Substituted by SI 1981/611

10. *Rectification of the Register*

The High Court of Justice of the Isle of Man may order such amendments to be made to the Register as may appear to the court to be necessary or expedient for correcting any error therein. On being served with the order the **Department** shall make the necessary amendment to the Register.

11. *Inspection of Register and copies of entries*

(1) Any person may, on application to the **Department** and on payment to it of the appropriate charge inspect any entry in the Register specified in the application.

(2) The **Department** shall, on the application of any person and on payment by him of the appropriate charge, supply to the applicant a copy, certified as a true copy, of the entries in the Register specified in the application.

(3) The **Department** shall, on the application of any person and on payment by him of the appropriate charge, notify the applicant whether or not there are any entries in the register relating to any aircraft specified in the application by reference to its nationality and registration marks.

(4) A document purporting to be a copy of an entry in the Register shall be admissible as evidence of that entry if it purports to be certified as a true copy by the **Department**.

(5) Nothing done in pursuance of paragraph (2) or (3) of this Article shall affect the priority of any mortgage.

12. Removal of aircraft from the Isle of Man register

The removal of an aircraft from the **Isle of Man register** shall not affect the rights of any mortgagee under any registered mortgage and entries shall continue to be made in the Register in relation to the mortgage as if the aircraft had not been removed from the **Isle of Man register**.

13. Register as notice of facts appearing in it

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

14. Priority of Mortgages

(1) Subject to the following provisions of this article, a mortgage of an aircraft entered in the Register shall have priority over any other mortgage of or charge on that aircraft, other than another mortgage entered in the Register:

Provided that mortgages made before **1st May 2007**, whether entered in the Register or not, shall up to and including **31st July 2007** have the same priority as they would have had if this Order had not been made.

(2) Subject to the following provisions of this article, where two or more mortgages of an aircraft are entered in the Register, those mortgages shall as between themselves have priority according to the times at which they were respectively entered in the Register:

Provided that:

- (i) mortgages of an aircraft made before **1st May 2007** which are entered in the Register before **31st July 2007** shall have priority over any mortgages of that aircraft made on or after **1st May 2007** and shall as between themselves have the same priority as they would have had if this Order had not been made;
- (ii) without prejudice to proviso (i), where a priority notice has been entered in the Register and the contemplated mortgage referred to therein is made and entered in the Register within 14 days thereafter that mortgage shall be deemed to have priority from the time when the priority notice was registered.

(3) In reckoning the period of 14 days under the preceding paragraph of this article, there shall be excluded **Saturdays, Sundays, Christmas Day, Good Friday and bank holidays**.

(4) The priorities provided for by the preceding provisions of this article shall have effect notwithstanding any express, implied or constructive notice affecting the mortgagee.

(5) Nothing in this article shall be construed as giving a registered mortgage any priority over any possessory lien in respect of work done on the aircraft (whether before or after the creation of registration of the mortgage) on the express or implied authority of any persons lawfully entitled to possession of the aircraft or over any right to detain the aircraft under any Act of Parliament or **Act of Tynwald**.

15. Mortgage not affected by bankruptcy

A registered mortgage of an aircraft shall not be affected by any act of bankruptcy committed by the mortgagor after the date on which the mortgage is registered, notwithstanding that at the commencement of his bankruptcy the mortgagor had the aircraft in his possession, order or disposition, or was reputed owner thereof, and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankrupt or any trustee or assignee on their behalf.¹

17. False Statement and Forgery

(1) If, in furnishing any information for the purpose of this Order, any person makes any statement which he knows to be false in a material particular, or recklessly makes any statement which is false in a material particular, he shall be guilty of an offence.

(2) Any person guilty of an offence under paragraph (1) of this article shall:—

- (a) on summary conviction be liable to a fine not exceeding **£5,000**;
- (b) on conviction on **information** be liable to a fine of such amount as the court thinks fit or to **custody** for a term not exceeding 2 years or to both such a fine and such **custody**.

(3) **The Forgery Act 1952 (an Act of Tynwald)** shall apply in relation to documents forwarded to the **Department** in pursuance of this Order as if such documents were included in the list of documents in section 3(3) of that Act.

18. Indemnity

(1) Subject to paragraph (2) of this article, any person who suffers loss by reason of any error or omission in the Register or of any inaccuracy in a copy of an entry in the Register supplied pursuant to Article 11(2) of this Order or in a notification made pursuant to Article 11(3) of this Order shall be indemnified by the **Department**.

(2) No indemnity shall be payable under this article:

¹ Art.15 omitted in UK by SI 1986/2001

- (a) where the person who has suffered loss has himself caused or substantially contributed to the loss by his fraud or had derived title from a person so committing fraud;
- (b) on account of costs or expenses incurred in taking or defending any legal proceedings without the consent of the **Department**.

SCHEDULE 1

FORMS

PART I

REGISTER OF AIRCRAFT MORTGAGES

art. 4 (2)

Entry of Aircraft Mortgage

To be completed by Applicant:-

I hereby apply for the mortgage, particulars of which are given below, to be entered in the Register of Aircraft Mortgages.

<p>1. Date of mortgage.</p> <p>2. Description of the mortgaged aircraft (including its type, nationality and registration marks and aircraft serial number) and of any store of spare parts for that aircraft to which the mortgage extends.</p> <p>(The description of the store of spare parts must include an indication of their character and approximate number and the place or places where they are stored must be given *1).</p> <p>3. The sum secured by the mortgage *2.</p> <p>4. Does the mortgage require the mortgagee to make further advances? If so, of what amount?</p> <p>5. Name and address and, where applicable, company registration number of the mortgagor.</p> <p>6. Register number of priority notice, if any.</p>	
	<p>Signed.</p> <p>Name in block capitals.</p> <p>On behalf of *3</p> <p>(insert name and, where applicable, company registration number of mortgagee)</p> <p>of</p> <p>(insert address of mortgagee)</p>
<p>*1 The description of the mortgaged property may, if necessary, be continued on a separate sheet, which shall be signed by the applicant.</p> <p>*2 Where the sum secured is of a fluctuating amount this should be stated and the upper and lower limits, if any, should be set out.</p> <p>*3 Delete where inapplicable.</p>	

PART II

REGISTER OF AIRCRAFT MORTGAGES

art. 5 (2)

Entry of Priority Notice

To be completed by Applicant:-

I hereby give notice that I am contemplating entering into a mortgage, particulars of which are given below, and that if i do enter into the said mortgage I shall apply for it to be entered in the Register of Aircraft Mortgages. I hereby apply for this notice to be entered in the said Register.

<p>1. Description of the aircraft which is the subject of the contemplated mortgage (including its type, nationality and registration marks and aircraft serial number) and of any store of spare parts for that aircraft to which it is contemplated that the mortgage will extend *1.</p> <p>2. The sum to be secured by the contemplated mortgage *2.</p> <p>3. Is it contemplated that the mortgage will require the mortgagee to make further advances? If so, of what amount?</p> <p>4. Name and address and, where applicable, company registration number of the prospective mortgagor</p>	
	<p>Signed</p> <p>Name in block capitals.</p> <p>on behalf of * 3</p> <p>(insert name and, where applicable company registration number of mortgagee)</p> <p>of</p> <p>(insert address of mortgagee)</p>
<p>*1 The description of the property which is the subject of the contemplated mortgage may, if necessary, be continued on a separate sheet which shall be signed by the applicant.</p> <p>*2 Where the sum to be secured is of a fluctuating amount, this should be stated and the upper and lower limits, if any, should be set out.</p> <p>*3 Delete where inapplicable.</p>	

PART III

REGISTER OF AIRCRAFT MORTGAGES

art. 8 (1)

Change in Particulars

We hereby give notice that the particulars shown on the Register of Aircraft Mortgages under Register numbershould be amended as follows:

	<p>(a) Signed on behalf of *1..... (insert name of mortgagee)</p> <p>(b) Signed..... Name in block capitals..... on behalf of * 1..... (insert name of person shown in the Register as the mortgagee)*2</p> <p>(c) Signed Name in block capitals..... on behalf of *1..... (insert name of mortgagor)</p>
<p>*1 Delete where inapplicable</p> <p>*2 Applicable only where the change in particulars is a change in the person appearing in the Register as mortgagee.</p>	

[PART IV

REGISTER OF AIRCRAFT MORTGAGES

art. 9 (1)

Discharge of registered mortgage

I hereby confirm that the mortgage entered in the Register of Aircraft Mortgages under Register number has been discharged.

	Signed on behalf of * (insert name of mortgagee) * Delete where inapplicable]
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Amended by SI 1981/611

SI 1981 No 611

**Mortgaging of Aircraft (Amendment) Order 1972
as applied to the Isle of Man**

[The Order amends, and is incorporated in the text of, SI 1972/1268 above.]

SI 1991 No 1672

Civil Aviation (Procedure) Regulations 1991

(re-named: originally Civil Aviation Authority Regulations 1991)

PART I

GENERAL

1. Citation and commencement

These Regulations may be cited as the Civil Aviation (**Procedure**) Regulations 1991.

3. Interpretation

(1) In these Regulations unless the context otherwise requires—

"the Act" means the Civil Aviation Act 1982;

"the Department" means the Department of Transport;

"hearing" or "preliminary hearing" means a hearing or preliminary hearing at which oral evidence or argument may be heard and "to hear" shall be construed accordingly;

"ordinary aerodrome licence" means an aerodrome licence granted under an Air Navigation Order which does not include a public use condition;

"the person concerned" means, in relation to the registration of aircraft, the applicant for registration or the person in whose name the aircraft is registered, as the case may be, and in relation to a certificate, licence, approval, authorisation, validation or rating, the holder or former holder of or applicant for the certificate, licence, approval, authorisation, validation or rating, as the case may be;

"personnel licence" means a licence, authorising a person to act as a member of a flight crew, an aircraft maintenance engineer, an air traffic controller or an aerodrome flight information service officer;

"public use aerodrome licence" means an aerodrome licence granted under an Air Navigation Order which includes a public use condition;

"public use condition" means a condition included in an aerodrome licence granted under an Air Navigation Order that the aerodrome shall at all times when it is available for the take off or landing of aircraft be so available to all persons on equal terms and conditions;

"rating" means a rating on a personnel licence;

"reportable occurrence" means an occurrence to which article 57 of the Air Navigation (Isle of Man) Order 2007 applies;

"to substitute an ordinary aerodrome licence for a public use aerodrome licence" means to vary a public use aerodrome licence by removing the public use condition and "to substitute a public use aerodrome licence for an ordinary aerodrome licence" means to vary an ordinary aerodrome licence by adding a public use condition.

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

(3) Any period of time specified in these Regulations by reference to days, working days or months—

(a) where such period is expressed to begin after a particular date, shall begin on the first day after that date, and shall be inclusive of the last day unless that day falls on a Saturday, Sunday, Christmas Day, Good Friday or **bank holiday**, in which case the period shall run to the immediately following working day; and

(b) where such period is expressed to run to or expire before a particular date or event, the period shall be calculated to expire on the last working day before the particular date or the date of that event.

(4) In computing any period of time specified in these Regulations by reference to hours or working days the whole of any Saturday, Sunday, Christmas Day, Good Friday or bank holiday shall be disregarded,

4. Service of documents

(1) Anything required to be served on any person under these Regulations or under section 84(1) of the Act shall be set out in a notice in writing which may be served either:

(a) by delivering it to that person;

(b) by leaving it at his proper address;

(c) by sending it by post to that address; or

(d) by sending it to him at that address by telex or other similar means which produce a document containing a 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 upon the secretary of that body.

(2) For the purposes of this regulation 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.

PART II

FUNCTIONS CONFERRED ON THE DEPARTMENT BY OR UNDER AIR NAVIGATION ORDERS

6. Regulation of the conduct of the Department

(1) **This regulation applies to the functions** conferred on the **Department** by or under Air Navigation Orders with respect to:

(a) registration of aircraft;

(b) certification of operators of aircraft;

(c) certification of airworthiness of aircraft;

(d) noise certification;

- (e) certification of compliance with the requirements for the emission by aircraft engines of unburned hydrocarbons;
- (f) personnel licensing;
- (g) licensing of aerodromes;
- (h) validation of any **approval, certificate, licence, rating or qualification;**
- (i) approval of equipment and approval or authorisation of persons;
- (k) receiving reports of reportable occurrences;
- (3) Subject to paragraphs **(8) and (9)** of this regulation, where —
 - (a) it is decided that it would be inexpedient in the public interest for an aircraft to be registered in the **Isle of Man**; or
 - (b) an application for the grant, validation or variation of a certificate, licence, approval, authorisation or rating has been refused or granted in terms other than those requested by the applicant;

the **Department** shall serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by the **Department**.

- (4) Subject to paragraphs **(8) and (9)** of this regulation, where it is proposed to—
 - (a) cancel the registration of an aircraft on the grounds that it would be inexpedient in the public interest for it to continue to be registered in the **Isle of Man**; or
 - (b) revoke, suspend or vary a certificate, licence, approval, authorisation, validation or rating otherwise than on the application of the holder;

the **Department** shall serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days after the date of service of that notice, serve on the **Department** a request that **the Department consider his representations with respect to the proposal**.

(5) Any person who has failed any test or examination which he is required to pass before he is granted or may exercise the privileges of a personnel licence may within 14 days after being notified of his failure request that the **Department** determine whether the test or examination was properly conducted.

(5A) Where a person makes a request under paragraph (3), (4) or (5) of this regulation, the Department shall, before making a decision —

- (a) **consider any representations made by him in writing within 14 days after the date of service of the Department's notice under that paragraph; and**
- (b) **where, in those representations, he has requested the opportunity to make oral representations, afford him an opportunity of being heard by a person appointed by the Department, and consider the report of that person.**

(6) A person appointed under paragraph (5A)(b) shall sit with such technical assessors as the Department may appoint.

(7) No person who participated in the original decision or proposal or in giving or assessing the test or examination which is to be the subject of the Department's decision shall —

- (a) be appointed under paragraph (5A)(b) or (6), or
 - (b) participate in the decision of the Department.
- (8) Nothing in this regulation shall—
- (a) prevent the **Department** from provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, authorisation, validation or rating granted or having effect under an Air Navigation Order, pending inquiry into or consideration of the case;
 - (b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness;
- (9) Nothing in paragraphs (3) or (4) of this regulation shall apply—
- (a) in respect of a medical certificate or certificate of test or experience relating to a personnel licence;

7. *Reasons for decisions*

Where the **Department** makes a decision pursuant to regulation 6(5A) it shall be the duty of the **Department** to serve a statement of its reasons for the decision **and a copy of the report of the appointed person (if any)** on the person concerned.

8. *Inspection of aircraft register*

The **Department** shall, at all reasonable times and upon payment to it of any applicable charge under section 11 of the Act for inspecting the register, make the register of aircraft available for inspection by any person.

9. *Dissemination of reports of reportable occurrences*

The **Department** shall make available, upon payment to it of any applicable charge under section 11 of the Act, reports of reportable occurrences or a summary of such reports, to any person who is:

- (a) the operator or member of the flight crew of any aircraft;
- (b) engaged in the design, manufacture, repair, maintenance or overhaul of aircraft, or of parts or equipment therefor;
- (c) the aeronautical authority of a country other than the **Isle of Man**, or the representative in the **Isle of Man** of such an authority;
- (d) engaged in writing about civil aviation for publication in any newspaper, periodical, book or pamphlet;
- (e) engaged in preparing a programme about civil aviation for television or radio;
- (f) engaged in the study of civil aviation for any academic purpose; or

- (g) any other person whose functions include the furthering of the safety of civil aviation:

Provided that the **Department** shall not be required to make available any report or summary thereof to any person if it is satisfied that to do so will not further the safety of civil aviation.

1996 No. 1393

Rules of the Air Regulations 1996

as amended by SI 1999/1323, 2000/1994, 2001/917, 2003/64 and 2005/1110 and as applied to the Isle of Man

1. These Regulations may be cited as the Rules of the Air Regulations 1996.
2. The Rules of the Air set out in the First Schedule hereto shall have effect and may be cited as the Rules of the Air 1996.

Regulation 2

FIRST SCHEDULE
THE RULES OF THE AIR
SECTION I
INTERPRETATION

1. Interpretation

(1) In these Rules, unless the context otherwise requires:

"air traffic control clearance" means authorisation by an air traffic control unit for an aircraft to proceed under conditions specified by that unit;

"anti-collision light" means:

(a) in relation to rotorcraft a flashing red light;

(b) in relation to any other aircraft a flashing red or flashing white light;

and in either case showing in all directions for the purpose of enabling the aircraft to be more readily detected by the pilots of distant aircraft;

"ground visibility" means the horizontal visibility at ground level;

"IFR flight" means a flight conducted in accordance with the Instrument Flight Rules in Section VI of these Rules;

"the Order" means the **Air Navigation (Isle of Man) Order 2007**;

"runway" means an area, whether or not paved, which is provided for the take-off or landing run of aircraft;

"special VFR flight" means a flight made at any time in a control zone which is Class A airspace, or in any other control zone in Instrument Meteorological Conditions or at night, in respect of which the appropriate air traffic control unit has given permission for the flight to be made in accordance with special instructions given by that unit instead of in accordance with the Instrument Flight Rules and in the course of which flight the aircraft complies with any instructions given by that unit and remains clear of cloud and in sight of the surface;

"VFR flight" means a flight conducted in accordance with the Visual Flight Rules in Section V of these Rules.

- (2) In these Rules, unless the context otherwise requires, any reference to:
 - (a) a numbered rule is a reference to the rule in these Rules so numbered;
 - (b) a numbered paragraph or sub-paragraph is a reference to the paragraph or sub-paragraph so numbered in the rule or paragraph, as the case may be, in which that reference appears.

(3) Subject to the provisions of paragraph (1) expressions used in these Rules shall, unless the context otherwise requires, have the same respective meanings as in the Order.

SECTION II

GENERAL

2. *Application of Rules to aircraft*

These Rules, in so far as they are applicable in relation to aircraft, shall, subject to the provisions of rule 33, apply in relation to:

- (a) all aircraft within the **Isle of Man** and, for the purposes of rule 5, in the neighbourhood of an offshore installation; and
- (b) all aircraft registered in the **Isle of Man**, wherever they may be.

3. *Misuse of signals and markings*

(1) A signal or marking to which a meaning is given by these Rules, or which is required by these Rules to be used in circumstances, or for a purpose therein specified, shall not be used except with that meaning, or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not make any signal which may be confused with a signal specified in these Rules, and, except with lawful authority, shall not make any signal which he knows or ought reasonably to know to be a signal in use for signalling to or from any of Her Majesty's naval, military or air force aircraft.

4. *Reporting hazardous conditions*

The commander of an aircraft shall, on meeting with hazardous conditions in the course of a flight, or as soon as possible thereafter, send to the appropriate air traffic control unit by the quickest means available information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

[5. *Low flying*

- (1) The prohibitions to be observed are -
 - (a) an aircraft shall comply with the low flying prohibitions set out in paragraph (2) subject to the low flying exemptions set out in paragraph (3).
 - (b) where an aircraft is flying in circumstances such that more than one of the low flying prohibitions apply it must fly at the greatest height required by any of the applicable prohibitions.
- (2) The low flying prohibitions
 - (a) *Failure of power unit*

An aircraft shall not be flown below such height as would enable it, in the event of a power unit failure, to make an emergency landing without causing danger to persons or property on the surface.

(b) *The 500 feet rule*

Except with the permission in writing of the **Department**, an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.

(c) *The 1,000 feet rule*

Except with the permission in writing of the **Department**, an aircraft flying over a congested area of a city town or settlement shall not fly below a height of 1,000 feet above the highest fixed obstacle within a horizontal radius of 600 metres of the aircraft.

(d) *The land clear rule*

An aircraft flying over a congested area of a city town or settlement shall not fly below such height as will permit, in the event of a power unit failure, the aircraft to land clear of the congested area.

(e) *Flying over open air assemblies*

Except with the permission in writing of the **Department**, an aircraft shall not fly over an organised open-air assembly of more than 1,000 persons below -

- (i) a height of 1,000 feet, or
- (ii) such height as will permit, in the event of a power unit failure, the aircraft to alight clear of the assembly,

whichever is the higher.

(f) *Landing and taking off near open air assemblies*

An aircraft shall not land or take-off within 1,000 metres of an organised open-air assembly of more than 1,000 persons, except -

- (i) at an aerodrome, in accordance with procedures notified by the **CAA on behalf of the Department**, or
- (ii) at a landing site other than an aerodrome, in accordance with procedures notified by the **CAA on behalf of the Department** and with the written permission of the organiser of the assembly.

(3) Exemptions from the low flying prohibitions

(a) *Landing and taking off*

- (i) Any aircraft shall be exempt from any low flying prohibition in so far as it is flying in accordance with normal aviation practice for the purpose of taking off from, landing at or practising approaches to landing at or checking navigational aids or procedures at a licensed aerodrome.

- (ii) Any aircraft shall be exempt from the 500 feet rule when landing and taking-off in accordance with normal aviation practice.
- (b) *Captive balloons and kites*
None of the low flying prohibitions shall apply to any captive balloon or kite.
- (c) *Special VFR flight and notified routes*
Any aircraft shall be exempt from the 1,000 feet rule when flying on a special VFR flight, or when operating in accordance with the procedures notified for the route being flown; provided that when flying in accordance with this exemption landings may not be made other than at a licensed aerodrome, unless the permission of the **Department** has been obtained.
- (d) *Balloons and helicopters over congested areas*
 - (i) A balloon shall be exempt from the 1,000 feet rule when landing because it is becalmed.
 - (ii) Any helicopter flying over a congested area shall be exempt from the land clear rule.
- (f) *Flying displays etc*
An aircraft taking part in a flying display, air race or contest shall be exempt from the 500 feet rule when within a horizontal distance of 1,000 metres of the gathering of persons assembled to witness the event.
- (g) *Glider hill soaring*
A glider when hill-soaring shall be exempt from the 500 feet rule.
- (h) *Picking up and dropping at an aerodrome*
Any aircraft picking up or dropping tow ropes, banners or similar articles at an aerodrome shall be exempt from the 500 feet rule.
- (i) *Manoeuvring helicopters*
A helicopter shall be exempt from the 500 feet rule when conducting manoeuvres in accordance with normal aviation practice, within the boundaries of a licensed aerodrome, or at other sites with the permission of the **Department**: provided that when flying in accordance with this exemption the helicopter must not be operated closer than 60 metres to persons, vessels vehicles or structures located outside the aerodrome or site.
- (j) *Dropping articles with **Department** permission*
 - (i) Any aircraft shall be exempt from the 500 feet rule when flying in accordance with **article 66(3)(f) of the Air Navigation Order 2005**, and
 - (ii) Any aircraft shall be exempt from the 500 feet rule when flying in accordance with an aerial application certificate issued by

the **Department** under **article 68 of the Air Navigation Order 2005.**]

Substituted by SI 2005/1110

6. *Simulated instrument flight*

(1) An aircraft shall not be flown in simulated instrument flight conditions unless:

- (a) the aircraft is fitted with dual controls which are functioning properly;
- (b) an additional pilot (in this rule called a "safety pilot") is carried in a second control seat of the aircraft for the purpose of rendering such assistance as may be necessary to the pilot flying the aircraft; and
- (c) if the safety pilot's field of vision is not adequate both forward and to each side of the aircraft, a third person, being a competent observer, occupies a position in the aircraft which from his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

(2) For the purposes of this rule the expression "simulated instrument flight" means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft.

7. *Practice instrument approaches*

(1) Within the **Isle of Man** an aircraft shall not carry out instrument approach practice when flying in Visual Meteorological Conditions unless:

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice; and
- (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

(2) For the purposes of this rule the expression "simulated instrument flight" shall have the same meaning as in rule 6.

SECTION III

LIGHTS AND OTHER SIGNALS TO BE SHOWN OR MADE BY AIRCRAFT

8. *General*

(1) For the purposes of this section of these Rules the horizontal plane of a light shown in an aircraft means the plane which would be the horizontal plane passing through the source of that light, if the aircraft were in level flight.

(2) Where by reason of the physical construction of an aircraft it is necessary to fit more than one lamp in order to show a light required by this section of these Rules, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside the aircraft.

(3) Where in these Rules a light is required to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but, so far as is reasonably practicable, through no greater angle, either in the horizontal plane or the vertical plane.

(4) Where in these Rules a light is required to show in all directions, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

9. *Display of lights by aircraft*

(1) (a) By night an aircraft shall display such of the lights specified in these Rules as may be appropriate to the circumstances of the case, and shall not display any other lights which might obscure or otherwise impair the visibility of, or be mistaken for, such lights.

(b) By day an aircraft fitted with an anti-collision light shall display such a light in flight.

(2) A flying machine on a **Isle of Man** aerodrome shall:

(a) display by night either the lights which it would be required to display when flying or the lights specified in rule 11(2)(c) unless it is stationary on the apron or part of the aerodrome provided for the maintenance of aircraft;

(b) subject to paragraph (3), display when stationary on the apron by day or night with engines running a red anti-collision light, if fitted.

(4) Notwithstanding the provisions of this section of these Rules the commander of an aircraft may switch off or reduce the intensity of any flashing light fitted to the aircraft if such a light does or is likely to:

(a) adversely affect the performance of the duties of any member of the flight crew; or

(b) subject an outside observer to unreasonable dazzle.

10. *Failure of navigation and anti-collision lights*

(1) In the **Isle of Man**, in the event of the failure of any light which is required by these Rules to be displayed at night, if the light cannot be immediately repaired or replaced the aircraft shall not depart from the aerodrome and, if in flight, shall land as soon as in the opinion of the commander of the aircraft it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

(2) In the **Isle of Man**, in the event of a failure of an anti-collision light when flying by day, an aircraft may continue to fly by day provided that the light is repaired at the earliest practicable opportunity.

11. *Flying machines*

(1) A flying machine when flying at night shall display lights as follows:

(a) in the case of a flying machine registered in the **Isle of Man** having a maximum total weight authorised of more than 5700 kg or any other

flying machine registered in the **Isle of Man** which conforms to a type first issued with a type certificate on or after 1st April 1988 the system of lights in paragraph (2)(b);

- (b) in the case of a flying machine registered in the **Isle of Man** which conforms to a type first issued with a type certificate before 1st April 1988 having a maximum total weight authorised of 5700 kg or less, any one of the following systems of lights:
 - (i) that specified in paragraph (2)(a), or that specified in paragraph (2)(b); or
 - (ii) that specified in paragraph (2)(d), excluding sub-paragraph (ii);
- (c) in the case of any other flying machine one of the systems of lights specified in paragraph (2).
- (2) The systems of lights referred to in paragraph (1) are as follows:
 - (a)
 - (i) a steady green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
 - (ii) a steady red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane; and
 - (iii) a steady white light of at least three candela showing through angles of 70° from dead astern to each side in the horizontal plane;
 - (b)
 - (i) the lights specified in sub-paragraph (a); and
 - (ii) an anti-collision light;
 - (c) the lights specified in sub-paragraph (a), but all being flashing lights flashing together;
 - (d) the lights specified in sub-paragraph (a), but all being flashing lights flashing together in alternation with one or both of the following:
 - (i) a flashing white light of at least twenty candela showing in all directions;
 - (ii) a flashing red light of at least twenty candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(3) If the lamp showing either the red or the green light specified in paragraph (2)(a) is fitted more than 2 metres from the wing tip, a lamp may, notwithstanding the provisions of rule 9(1), be fitted at the wing tip to indicate its position showing a steady light of the same colour through the same angle.

12. Gliders

A glider while flying at night shall display either a steady red light of at least five candela, showing in all directions, or lights in accordance with rule 11(2) and (3).

13. Free balloons

A free balloon while flying at night shall display a steady red light of at least five candela showing in all directions, suspended not less than 5 metres and not more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon.

14. Captive balloons and kites

(1) A captive balloon or kite while flying at night at a height exceeding 60 metres above the surface shall display lights as follows:

- (a) a group of two steady lights consisting of a white light placed 4 metres above a red light, both being of at least five candela and showing in all directions, the white light being placed not less than 5 metres or more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon or kite;
- (b) on the mooring cable, at intervals of not more than 300 metres measured from the group of lights referred to in sub-paragraph (a), groups of two lights of the colour and power and in the relative positions specified in that sub-paragraph, and, if the lowest group of lights is obscured by cloud, an additional group below the cloud base; and
- (c) on the surface, a group of three flashing lights arranged in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measures at least 25 metres; one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights; the third light shall be a green light so placed that the triangle encloses the object on the surface to which the balloon or kite is moored.

(2) A captive balloon while flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable at intervals of not more than 200 metres measured from the basket, or, if there is no basket, from the lowest part of the balloon, tubular streamers not less than 40 centimetres in diameter and 2 metres in length, and marked with alternate bands of red and white 50 centimetres wide.

(3) A kite flown in the circumstances referred to in paragraph (2) shall have attached to its mooring cable either:

- (a) tubular streamers as specified in paragraph (2), or
- (b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers not less than 80 centimetres long and 30 centimetres wide at their widest point and marked with alternate bands of red and white 10 centimetres wide.

15. Airships

(1) Except as provided in paragraph (2), an airship while flying at night shall display the following lights:

- (a) a steady white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane;

- (b) a steady green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane;
- (c) a steady red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane;
- (d) a steady white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane; and
- (e) an anti-collision light.

(2) (a) Subject to sub-paragraph (b), an airship while flying at night shall display, if it is not under command, or has voluntarily stopped its engines, or is being towed, the following steady lights:

- (i) the white lights referred to in paragraph (1)(a) and (d);
- (ii) two red lights, each of at least five candela and showing in all directions suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car; and
- (iii) if the airship is making way but not otherwise, the green and red lights referred to in paragraph (1)(b) and (c).

(b) An airship while picking up its moorings, notwithstanding that it is not under command, shall display only the lights specified in paragraph (1).

(3) An airship, while moored within the **Isle of Man** by night, shall display the following steady lights:

- (a) when moored to a mooring mast, at or near the rear a white light of at least five candela showing in all directions;
- (b) when moored otherwise than to a mooring mast:
 - (i) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane; and
 - (ii) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(4) An airship while flying by day, if it is not under command, or has voluntarily stopped its engines, or is being towed, shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(5) For the purposes of this rule:

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by or under these Rules;
- (b) an airship shall be deemed to be making way when it is not moored and is in motion relative to the air.

SECTION IV

GENERAL FLIGHT RULES

16. *Weather reports and forecasts*

(1) Immediately before an aircraft flies the commander of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, being reports and forecasts which it is reasonably practicable for him to obtain, in order to determine whether Instrument Meteorological Conditions prevail or are likely to prevail during any part of the flight.

(2) An aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to an aerodrome within a control zone if the information which it is reasonably practicable for the commander of the aircraft to obtain indicates that it will arrive at that aerodrome when the ground visibility is less than 10 km or the cloud ceiling is less than 1500 feet, unless the commander of the aircraft has obtained from an air traffic control unit at that aerodrome permission to enter the aerodrome traffic zone.

17. Rules for avoiding aerial collisions

(1) *General*

- (a) Notwithstanding that the flight is being made with air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.
- (b) An aircraft shall not be flown in such proximity to other aircraft as to create a danger of collision.
- (c) Subject to sub-paragraph (g), aircraft shall not fly in formation unless the commanders of the aircraft have agreed to do so.
- (d) An aircraft which is obliged by these Rules to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it.
- (e) Subject to sub-paragraph (g), an aircraft which has the right-of-way under this rule shall maintain its course and speed.
- (f) For the purposes of this rule a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the commander of the towing flying machine.

(2) *Converging*

- (a) Subject to the provisions of paragraphs (3) and (4), an aircraft in the air shall give way to other converging aircraft as follows:
 - (i) flying machines shall give way to airships, gliders and balloons;
 - (ii) airships shall give way to gliders and balloons;
 - (iii) gliders shall give way to balloons.
- (b)
 - (i) Subject to the provisions of sub-paragraphs (a) and (b)(ii), when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way.

- (ii) Mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

(3) *Approaching head-on*

When two aircraft are approaching head-on or approximately so in the air and there is danger of collision, each shall alter its course to the right.

(4) *Overtaking*

- (a) Subject to sub-paragraph (b), an aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right, and shall not cease to keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft.
- (b) A glider overtaking another glider in the **Isle of Man** may alter its course to the right or to the left.

(5) *Flight in the vicinity of an aerodrome*

Without prejudice to the provisions of rule 39, a flying machine, glider or airship while flying in the vicinity of what the commander of the aircraft knows or ought reasonably to know to be an aerodrome, or moving on an aerodrome, shall, unless in the case of an aerodrome having an air traffic control unit that unit otherwise authorises:

- (a) conform to the pattern of traffic formed by other aircraft intending to land at that aerodrome, or keep clear of the airspace in which the pattern is formed; and
- (b) make all turns to the left unless ground signals otherwise indicate.

(6) *Order of landing*

- (a) An aircraft while landing or on final approach to land shall have the right-of-way over other aircraft in flight or on the ground or water.
- (b)
 - (i) Subject to sub-paragraph (ii), in the case of two or more flying machines, gliders or airships approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way, but it shall not cut in front of another aircraft which is on final approach to land or overtake that aircraft.
 - (ii)
 - (aa) When an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order.
 - (bb) When the commander of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft, and at night, notwithstanding that he may have received permission

to land, shall not attempt to land until he has received further permission so to do.

- (7) *Landing and take-off*
- (a) A flying machine, glider or airship shall take off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.
 - (b) A flying machine or glider shall not land on a runway at an aerodrome if the runway is not clear of other aircraft unless, in the case of an aerodrome having an air traffic control unit, that unit otherwise authorises.
 - (c) Where take-offs and landings are not confined to a runway:
 - (i) a flying machine or glider when landing shall leave clear on its left any aircraft which has landed or is already landing or about to take off; if such a flying machine or glider is about to turn it shall turn to the left after the commander of the aircraft has satisfied himself that such action will not interfere with other traffic movements; and
 - (ii) a flying machine about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken off or is about to take off.
 - (d) A flying machine after landing shall move clear of the landing area as soon as it is possible to do so unless, in the case of an aerodrome having an air traffic control unit, that unit otherwise authorises.

18. *Aerobatic manoeuvres*

An aircraft shall not carry out any aerobatic manoeuvre:

- (a) over the congested area of any city, town or settlement; or
- (b) within controlled airspace except with the consent of the appropriate air traffic control unit.

19. *Right-hand traffic rule*

(1) Subject to paragraph (2), an aircraft which is flying within the **Isle of Man** in sight of the ground and following a road, railway, canal or coastline, or any other line of landmarks, shall keep such line of landmarks on its left.

(2) Paragraph (1) shall not apply to an aircraft flying within controlled airspace in accordance with instructions given by the appropriate air traffic control unit.

20. *Notification of arrival and departure*

(1) The commander of an aircraft who has caused notice of its intended arrival at any aerodrome to be given to the air traffic control unit or other authority at that aerodrome shall ensure that the air traffic control unit or other authority at that aerodrome is informed as quickly as possible of any change of intended destination and any estimated delay in arrival of 45 minutes or more.

(2) The commander of an aircraft arriving at or departing from an aerodrome in the **Isle of Man** shall take all reasonable steps to ensure upon landing or prior to departure, as the case may be, that notice of that event is given to the person in charge of the aerodrome, or to the air traffic control unit or aerodrome [flight information service unit] at the aerodrome.

Amended by SI 1999/1323

(3) Without prejudice to the provisions of rules 27 and 31, before taking off on any flight from an aerodrome in the **Isle of Man**, being a flight whose intended destination is more than 40 km from the aerodrome of departure, the commander of an aircraft of which the maximum total weight authorised exceeds 5700 kg shall cause a flight plan containing such particulars of the intended flight as may be necessary for search and rescue purposes to be communicated to the air traffic control unit notified for the purpose of this rule.

(4) Without prejudice to the provisions of rules 20(3), 27 and 31, the commander of an aircraft who intends to fly or who flies across any boundary of airspace notified as either the London or Scottish Flight Information Region other than the boundary common to each, shall before so flying, cause a flight plan, containing such particulars of the intended flight as may be necessary for search and rescue purposes, to be communicated to the appropriate air traffic control unit within the London or Scottish Flight Information Region.

21. *Flight in Class A airspace*

(1) Subject to paragraph (2), in relation to flights in Visual Meteorological Conditions in Class A airspace, the commander of an aircraft shall comply with rules 31 and 32 as if the flights were IFR flights but shall not elect to continue the flight in compliance with the Visual Flight Rules for the purposes of rule 31(3).

(2) Paragraph (1) shall not apply to the commander of a glider which is flying in Class A airspace which is notified for the purpose of this paragraph if the glider is flown in accordance with conditions such as may also be notified for the purpose of this paragraph in respect of that airspace.

22. *Choice of VFR or IFR*

(1) Subject to paragraph (2) and to the provisions of rule 21 an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules.

(2) In the **Isle of Man** an aircraft flying at night:

- (a) outside a control zone shall be flown in accordance with the Instrument Flight Rules;
- (b) in a control zone shall be flown in accordance with the Instrument Flight Rules unless it is flying on a special VFR flight.

23. *Speed limitation*

(1) Subject to paragraph (3), an aircraft shall not fly below flight level 100 at a speed which according to its air speed indicator is more than 250 knots unless it is flying in accordance with the terms of a written permission of the **Department**.

(2) The **Department** may grant a permission for the purpose of this rule subject to such conditions as it thinks fit and either generally or in respect of any aircraft or class of aircraft.

- (3) Paragraph (1) shall not apply to:
- (a) flight in Class A airspace;
 - (b) VFR flight or IFR flight in Class B airspace;
 - (c) IFR flight in Class C airspace;
 - (d) VFR flight in Class C airspace or VFR flight or IFR flight in Class D airspace when authorised by the appropriate air traffic control unit;
 - (e) the flight of an aircraft taking part in a **flying display** for which a permission under **article 80 of the Air Navigation Order 2005** is required, if the flight is made in accordance with the terms of a permission granted to the organiser of **the flying display** under **the said article 80**, and in accordance with the conditions of a display authorisation granted to the pilot under **the said article 80**; or
 - (f) the flight of an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in Schedule 2 to the Order.

SECTION V

VISUAL FLIGHT RULES

24. *Visual flight and reported visibility*

(1) In relation to flights within controlled airspace rules 25 and 27 shall be the Visual Flight Rules.

(2) In relation to flights outside controlled airspace rule 26 shall be the Visual Flight Rules.

(3) For the purposes of an aeroplane taking off from or approaching to land at an aerodrome within Class B, C, or D airspace, the visibility, if any, communicated to the commander of an aeroplane by the appropriate air traffic control unit shall be taken to be the flight visibility for the time being.

25. *Flight within controlled airspace*

- (1) Within Class B airspace:
- (a) an aircraft flying within Class B airspace at or above flight level 100 shall remain clear of cloud and in a flight visibility of at least 8 km;
 - (b) an aircraft flying within Class B airspace below flight level 100 shall remain clear of cloud and in a flight visibility of at least 5 km.
- (2) Within Class C, Class D or Class E airspace:
- (a) an aircraft flying within Class C, Class D or Class E airspace at or above flight level 100 shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 8 km;

- (b) subject to sub-paragraph (c), an aircraft flying within Class C, Class D or Class E airspace below flight level 100 shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 km;
- (c) sub-paragraph (b) shall be deemed to be complied with if:
 - (i) the aircraft is not a helicopter and is flying at or below 3000 feet above mean sea level at a speed which, according to its airspeed indicator, is 140 knots or less and it remains clear of cloud, in sight of the surface and in a flight visibility of at least 5 km; or
 - (ii) the aircraft is a helicopter flying at or below 3000 feet above mean sea level and it remains clear of cloud and in sight of the surface.

26. *Flight outside controlled airspace*

(1) An aircraft flying outside controlled airspace at or above flight level 100 shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 8 km.

(2)

- (a) Subject to sub-paragraph (b), an aircraft flying outside controlled airspace below flight level 100 shall remain at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 km.
- (b) Sub-paragraph (a) shall be deemed to be complied with if:
 - (i) the aircraft is flying at or below 3000 feet above mean sea level and remains clear of cloud and in sight of the surface and in a flight visibility of at least 5 km;
 - (ii) the aircraft, other than a helicopter, is flying at or below 3000 feet above mean sea level at a speed which according to its air speed indicator is 140 knots or less and remains clear of cloud and in sight of the surface and in a flight visibility of at least 1500 metres; or
 - (iii) in the case of a helicopter the helicopter is flying at or below 3000 feet above mean sea level flying at a speed, which having regard to the visibility is reasonable, and remains clear of cloud and in sight of the surface.

27. *VFR flight plan and air traffic control clearance*

(1) Unless otherwise authorised by the appropriate air traffic control unit before an aircraft flies within Class B, Class C or Class D airspace during the notified hours of watch of the appropriate air traffic control unit, the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance to fly within the said airspace.

(2) The flight plan shall contain such particulars of the flight as may be necessary to enable the air traffic control unit to issue a clearance and for search and rescue purposes.

[(2A) Any flight plan for a flight within United Kingdom reduced vertical separation minimum airspace shall also state whether or not the aircraft is equipped with height keeping systems as required by **article 31 of the Order or article 58 of the Air Navigation Order 2005.**]

Inserted by SI 2000/1994

(3) Whilst flying within the said airspace during the notified hours of watch of the appropriate air traffic control unit the commander of the aircraft shall:

- (a) cause a continuous watch to be maintained on the notified radio frequency appropriate to the circumstances; and
 - (b) comply with any instructions which the appropriate air traffic control unit may give in a particular case.
- (4) Paragraphs (1), (2) and (3) shall not apply in respect of:
- (a) any glider flying or intending to fly in Class B airspace notified for the purpose of this sub-paragraph;
 - (b) any glider flying during the day in controlled airspace notified for the purpose of this sub-paragraph which remains at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 8 km; or
 - (c) any mechanically driven aircraft without radio equipment flying during the day in controlled airspace notified for the purpose of this sub-paragraph which remains at least 1500 metres horizontally and 1000 feet vertically away from cloud and in a flight visibility of at least 5 km the commander of which has previously obtained the permission of the appropriate air traffic control unit to fly within the said airspace.

SECTION VI

INSTRUMENT FLIGHT RULES

28. Instrument Flight Rules

(1) In relation to flights within controlled airspace rules 29, 31 and 32 shall be the Instrument Flight Rules.

(2) In relation to flights outside controlled airspace rules 29 and 30 shall be the Instrument Flight Rules.

29. Minimum height

Without prejudice to the provisions of rule 5, in order to comply with the Instrument Flight Rules an aircraft shall not fly at a height of less than 1000 feet above the highest obstacle within a distance of 5 nautical miles of the aircraft unless:

- (a) it is necessary for the aircraft to do so in order to take off or land;
 - (b) the aircraft is flying on a route notified for the purposes of this rule;
 - (c) the aircraft has been otherwise authorised by the competent authority;
- or

- (d) the aircraft is flying at an altitude not exceeding 3000 feet above mean sea level and remains clear of cloud and in sight of the surface.

30. *Quadrantal rule and semi-circular rule*

(1) Subject to paragraph (2), in order to comply with the Instrument Flight Rules, an aircraft when in level flight above 3000 feet above mean sea level or above the appropriate transition altitude, whichever is the higher, shall be flown at a level appropriate to its magnetic track, in accordance with the appropriate Table set forth in this rule. The level of flight shall be measured by an altimeter set:

- (a) in the case of a flight over the **Isle of Man**, to a pressure setting of 1013.2 hectopascals; or
- (b) in the case of any other flight, according to the system published by the competent authority in relation to the area over which the aircraft is flying.

(2) An aircraft may be flown at a level other than the level required by paragraph (1) if it is flying in conformity with instructions given by an air traffic control unit or in accordance with notified en-route holding patterns or in accordance with holding procedures notified in relation to an aerodrome.

(3) For the purposes of this rule "transition altitude" means the altitude so notified in relation to flight over such area or areas as may be notified.

TABLE I — Flights at levels below 24,500 feet

<i>Magnetic Track</i>	<i>Cruising Level</i>
Less than 90°	Odd thousands of feet.
90° but less than 180°	Odd thousands of feet + 500 feet.
180° but less than 270°	Even thousands of feet.
270° but less than 360°	Even thousands of feet + 500 feet.

[TABLE II — Flights at levels above 24,500 feet

<i>Magnetic Track</i>	<i>Cruising Level</i>
Less than 180°	25,000 ft;
	27,000 ft;
	29,000 ft;
	31,000 ft;
	33,000 ft;
	35,000 ft;
	37,000 ft;
	39,000 ft;
	41,000 ft or higher levels at intervals of 4,000 ft.
	180° but less than 360°
	28,000 ft;

30,000 ft;
32,000 ft;
34,000 ft;
36,000 ft;
38,000 ft;
40,000 ft;
43,000 ft or higher levels at intervals of
4,000 ft.]

Substituted by SI 2003/64

31. Flight plan and air traffic control clearance

(1) In order to comply with the Instrument Flight Rules, before an aircraft either takes off from a point within any controlled airspace or otherwise flies within any controlled airspace the commander of the aircraft shall cause a flight plan to be communicated to the appropriate air traffic control unit and shall obtain an air traffic control clearance based on such flight plan.

(2) The flight plan shall contain such particulars of the intended flight as may be necessary to enable the air traffic control unit to issue an air traffic control clearance, and for search and rescue purposes.

[(2A) Any flight plan for a flight within United Kingdom reduced vertical separation minimum airspace shall also state whether or not the aircraft is equipped with height keeping systems as required by **article 31 of the Order or article 58 of the Air Navigation Order 2005.**]

Inserted by SI 2000/1994

[(3)

- (a) subject to sub-paragraph (b), the commander of the aircraft shall fly in conformity with:
- (i) the air traffic control clearance issued for the flight, as amended by any further instructions given by an air traffic control unit; and
 - (ii)
 - (aa) the instrument departure procedures notified in relation to the aerodrome of departure, unless he is otherwise authorised by the appropriate air traffic control unit; and
 - (bb) the holding and instrument approach procedures notified in relation to the aerodrome of destination, unless he is otherwise authorised by the appropriate air traffic control unit.]

Substituted by SI 2001/917

- (b) The commander of the aircraft shall not be required to comply with sub-paragraph (a) if:

- (i) he is able to fly in uninterrupted Visual Meteorological Conditions for so long as he remains in controlled airspace; and
- (ii) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan.

(4) If for the purpose of avoiding immediate danger any departure is made from the provisions of paragraph (3) (as is permitted by **article 55(3)** of the Order) the commander of the aircraft shall, in addition to causing particulars to be given in accordance with **article 55(4)** of the Order, as soon as possible inform the appropriate air traffic control unit of the deviation.

(5) The commander of the aircraft after it has flown in controlled airspace shall, unless he has requested the appropriate air traffic control unit to cancel his flight plan, forthwith inform that unit when the aircraft lands within or leaves the controlled airspace.

32. Position reports

In order to comply with the Instrument Flight Rules the commander of an aircraft in IFR flight who flies in or is intending to enter controlled airspace shall report to the appropriate air traffic control unit the time, position and level of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

SECTION VII

AERODROME TRAFFIC RULES

33. Application of aerodrome traffic rules

The rules in this section of these Rules which are expressed to apply to flying machines shall also be observed, so far as is practicable, in relation to all other aircraft.

34. Visual signals

(1) Subject to paragraph (2), the commander of a flying machine on, or in the pattern of traffic at, an aerodrome shall observe such visual signals as may be displayed at, or directed to him from the aerodrome by the authority of the person in charge of the aerodrome and shall obey any instructions which may be given to him by means of such signals.

(2) The commander of such a flying machine shall not be required to obey the signals referred to in rule 47 (Marshalling Signals) if in his opinion it is inadvisable to do so in the interests of safety.

35. Movement of aircraft on aerodromes

An aircraft shall not taxi on the apron or the manoeuvring area of an aerodrome without the permission of the person in charge of the aerodrome or, where the aerodrome has an air traffic control unit [or an aerodrome flight information service unit] for the time being notified as being on watch, without the permission of that unit.

Amended by SI 1999/1323

36. Access to and movement of persons and vehicles on the aerodrome

(1) A person or vehicle shall not go onto any part of an aerodrome (not being a part of the aerodrome which is a public right of way) without the permission of the person in charge of that part of the aerodrome, and except in accordance with any conditions subject to which that permission may have been granted.

(2) A vehicle or person shall not go or move on the manoeuvring area of an aerodrome having an air traffic control unit [or an aerodrome flight information service unit] without the permission of that unit, and except in accordance with any conditions subject to which that permission may have been granted.

Amended by SI 1999/1323

(3) Any permission granted for the purposes of this rule may be granted whether in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of person or vehicle.

37. Right of way on the ground

(1) This rule shall apply to flying machines and vehicles on any part of a land aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the commander of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft or with any vehicle.

(3)

(a) Flying machines and vehicles shall give way to aircraft which are taking off or landing.

(b) Vehicles, and flying machines which are not taking off or landing, shall give way to vehicles towing aircraft.

(c) Vehicles which are not towing aircraft shall give way to aircraft.

(4) Subject to the provisions of paragraph (3) and of rule 17(7)(c), in case of danger of collision between two flying machines:

(a) when the two flying machines are approaching head-on or approximately so, each shall alter its course to the right;

(b) when the two flying machines are on converging courses, the one which has the other on its right shall give way to the other and shall avoid crossing ahead of the other unless passing well clear of it;

(c) a flying machine which is being overtaken shall have the right-of-way, and the overtaking flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(5) Subject to the provisions of paragraph (3)(b) a vehicle shall:

(a) overtake another vehicle so that the other vehicle is on the left of the overtaking vehicle;

- (b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

38. Launching, picking up and dropping of tow ropes, etc.

(1) Tow ropes, banners or similar articles towed by aircraft shall not be launched at an aerodrome except in accordance with arrangements made with the air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome.

(2) Tow ropes, banners or similar articles towed by aircraft shall not be picked up by or dropped from aircraft at an aerodrome except:

- (a) in accordance with arrangements with the air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome; or
- (b) in the area designated by the marking described in rule 44(7), and the ropes, banners or similar articles shall be picked up and dropped when the aircraft is flying in the direction appropriate for landing.

39. Flight within aerodrome traffic zones

(1) Paragraphs (2) and (3) shall apply only in relation to such of the aerodromes described in Column 1 of the following Table as are notified for the purposes of this rule and at such times as are specified in Column 2 thereof.

TABLE

Column 1	Column 2
(b) An aerodrome having an air traffic control unit or an [aerodrome flight information service unit]	During the notified hours of watch of the air traffic control unit or the [aerodrome flight information service unit]
(c) A licensed aerodrome having a means of two-way radio communication with aircraft	During the notified hours of watch of the air/ground radio station

Amended by SI 1993/1323

(2) An aircraft shall not fly, take off or land within the aerodrome traffic zone of an aerodrome to which this paragraph applies unless the commander of the aircraft has obtained the permission of the air traffic control unit at the aerodrome or, where there is no air traffic control unit, has obtained from the [aerodrome flight information service unit] at that aerodrome information to enable the flight within the zone to be conducted with safety or, where there is no air traffic control unit nor [aerodrome flight information service unit], has obtained information from the air/ground radio station at that aerodrome to enable the flight to be conducted with safety.

Amended by SI 1993/1323

(3) The commander of an aircraft flying within the aerodrome traffic zone of an aerodrome to which this paragraph applies shall:

- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for communications at the aerodrome or, if this is

not possible, cause a watch to be kept for such instructions as may be issued by visual means;

- (b) where the aircraft is fitted with means of communication by radio with the ground, communicate his position and height to the air traffic control unit, the [aerodrome flight information service unit] or the air/ground radio station at the aerodrome (as the case may be), on entering the zone and immediately prior to leaving it.

Amended by SI 1993/1323

SECTION VIII SPECIAL RULES

40. Use of radio navigation aids

(1) Subject to paragraph (2), the commander of an aircraft shall not make use of any radio navigation aid without complying with such restrictions and appropriate procedures as may be notified in relation to that aid unless authorised by an air traffic control unit.

(2) The commander of an aircraft shall not be required to comply with this rule if he is required to comply with rule 31.

SECTION IX

AERODROME SIGNALS AND MARKINGS—VISUAL AND AURAL SIGNALS

41. General

(1) Whenever any signal specified in this section of these Rules is given or displayed, or whenever any marking so specified is displayed, by any person in an aircraft, or at an aerodrome, or at any other place which is being used by aircraft for landing or take-off, it shall, when given or displayed in the **Isle of Man**, have the meaning assigned to it in this section.

(2) All dimensions other than those in rule 45(6), of signals or markings specified in this section of these Rules (but not distances at which markings must be placed) shall be subject to a tolerance of 10 per cent, plus or minus.

42. Signals in the signal area

(1) When any signal specified in the following paragraphs of this rule is displayed it shall be placed in a signals area, which shall be a square visible from all directions bordered by a white strip 30 centimetres wide the internal sides measuring 12 metres.

- (2) A white landing T, as illustrated in this paragraph,

[Fig.1]

signifies that aeroplanes and gliders taking off or landing shall do so in a direction parallel with the shaft of the T and towards the cross arm, unless otherwise authorised by the appropriate air traffic control unit.

(3) A white disc 60 centimetres in diameter displayed alongside the cross arm of the T and in line with the shaft of the T, as illustrated in this paragraph,

[Fig.2]

signifies that the direction of landing and take off do not necessarily coincide.

- (4) A white dumb-bell, as illustrated in this paragraph,

[Fig.3]

signifies that movements of aeroplanes and gliders on the ground shall be confined to paved, metallated or similar hard surfaces.

- (5) A white dumb-bell as described in (4) above but with a black strip 60 centimetres wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in this paragraph,

[Fig.4]

signifies that aeroplanes and gliders taking off or landing shall do so on a runway but that movement on the ground is not confined to paved, metallated or similar hard surfaces.

- (6) A red and yellow striped arrow, as illustrated in this paragraph,

[Fig.5]

the shaft of which is one metre wide placed along the whole or a total of 11 metres of two adjacent sides of the signals area and pointing in a clockwise direction signifies that a right-hand circuit is in force.

- (7) A red panel 3 metres square with a yellow strip along one diagonal 50 centimetres wide, as illustrated in this paragraph,

[Fig.6]

signifies that the state of the manoeuvring area is poor and pilots must exercise special care when landing.

- (8) A red panel 3 metres square with a yellow strip, 50 centimetres wide, along each diagonal, as illustrated in this paragraph,

[Fig.7]

signifies that the aerodrome is unsafe for the movement of aircraft and that landing on the aerodrome is prohibited.

- (9) A white letter H, as illustrated in this paragraph,

[Fig.8]

signifies that helicopters shall take off and land only within the area designated by the marking specified in rule 44(5).

- (10) A red letter L displayed on the dumb-bell specified in paragraphs (4) and (5), as illustrated in this paragraph,

[Fig.9]

signifies that light aircraft are permitted to take off and land either on a runway or on the area designated by the marking specified in rule 44(6).

- (11) A white double cross, as illustrated in this paragraph,

[Fig.10]

signifies that glider flying is in progress.

43. Markings for paved runways and taxiways

- (1) Two or more white crosses, as illustrated in this paragraph,

[Fig.11]

displayed on a runway or taxiway, with each arm of each cross at an angle of 45° to the centre line of the runway, at intervals of not more than 300 metres signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

- (2)

- (a) Two yellow broken lines and two continuous lines, as illustrated in this paragraph,

[Fig.12a]

signify the holding position closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit. Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the markings signify the position closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway when the flying machine or vehicle is required by virtue of rule 37(3)(a) of these Rules to give way to aircraft which are taking off from or landing on that runway.

- (b) A yellow marking, as illustrated in this paragraph,

[Fig.12b]

signifies a holding position other than that closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit. Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the marking may be disregarded.

- (3) Orange and white markers, as illustrated in this paragraph,

[Fig.13]

spaced no more than 15 metres apart, signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.

44. Markings on unpaved manoeuvring areas

- (1) Markers with orange and white stripes of an equal width of 50 centimetres, with an orange stripe at each end, as illustrated in this paragraph,

[Fig.14]

alternating with flags 60 centimetres square showing equal orange and white triangular areas, indicate the boundary of an area unfit for the movement of aircraft and one or more white crosses as specified in rule 43(1) indicate the said area. The distance between any two successive orange and white flags shall not exceed 90 metres.

(2) Striped markers, as specified in paragraph (1), spaced not more than 45 metres apart, indicate the boundary of an aerodrome.

(3) On structures, markers with orange and white vertical stripes, of an equal width of 50 centimetres, with an orange stripe at each end, as illustrated in this paragraph,

[Fig.15]

spaced not more than 45 metres apart, indicate the boundary of an aerodrome. The pattern of the marker shall be visible from inside and outside the aerodrome and the marker shall be affixed not more than 15 centimetres from the top of the structure.

(4) White flat rectangular markers 3 metres long and 1 metre wide at intervals not exceeding 90 metres, flush with the surface of the unpaved runway or stopway, as the case may be, indicate the boundary of an unpaved runway or of a stopway.

(5) A white letter H, as illustrated in this paragraph,

[Fig.16]

indicates an area which shall be used only for the taking off and landing of helicopters.

(6) A white letter L, as illustrated in this paragraph,

[Fig.17]

indicates a part of the manoeuvring area which shall be used only for the taking off and landing of light aircraft.

(7) A yellow cross with two arms each 6 metres long by 1 metre wide at right angles, indicates that tow ropes, banners and similar articles towed by aircraft shall only be picked up and dropped in the area in which the cross is placed.

(8) A white double cross, as illustrated in this paragraph,

[Fig.18]

indicates an area which shall be used only for the taking off and landing of gliders.

(9) A white landing T as specified in rule 42(2) placed at the left-hand side of the runway when viewed from the direction of landing indicates the runway to be used, and at an aerodrome with no runway it indicates the direction for take off and landing.

45. Signals visible from the ground

(1) A black ball 60 centimetres in diameter suspended from a mast signifies that the directions of take off and landing are not necessarily the same.

(2) A checkered flag or board, 1.2 metres by 90 centimetres containing twelve equal squares, 4 horizontally and 3 vertically, coloured red and yellow alternately, signifies that aircraft may move on the manoeuvring area and apron only in accordance with the permission of the air traffic control unit at the aerodrome.

(3) Two red balls 60 centimetres in diameter, disposed vertically one above the other, 60 centimetres apart and suspended from a mast, signify that glider flying is in progress at the aerodrome.

(4) Black arabic numerals in two-figure groups and, where parallel runways are provided the letter or letters L (left), LC (left centre), C (centre), RC (right centre) and R (right), placed against a yellow background, indicate the direction for take off or the runway in use.

(5) A black letter C against a yellow background, as illustrated in this paragraph,

[Fig.19]

indicates the position at which a pilot can report to the air traffic control unit or to the person in charge of the aerodrome.

(6) A rectangular green flag of not less than 60 centimetres square and not more than 66 centimetres square flown from a mast indicates that a right-hand circuit is in force.

46. Lights and pyrotechnic signals for control of aerodrome traffic

Each signal described in the first column of Table A, when directed from an aerodrome to an aircraft or to a vehicle, or from an aircraft, shall have the meanings respectively appearing in the second, third and fourth columns of that Table opposite the description of the signal.

Table A — Meaning of Lights and Pyrotechnic Signals

<i>Characteristic and colour of light beam or pyrotechnic</i>	<i>From an aerodrome</i>		<i>From an aircraft in flight to an aerodrome</i>
	<i>to an aircraft in flight</i>	<i>to an aircraft or vehicle on the aerodrome</i>	
(a) Continuous red light.	Give way to other aircraft and continue circling.	Stop.	—
(b) Red pyrotechnic light, or red flare.	Do not land; wait for permission.	—	Immediate assistance is requested.
(c) Red flashes.	Do not land; aerodrome not available for landing.	Move clear of landing area.	—
(d) Green flashes.	Return to aerodrome; wait for permission to land.	To an aircraft: you may move on the manoeuvring area and apron.	
		To a vehicle: you may move on the manoeuvring area.	—
(e) Continuous green light.	You may land.	You may take off (not applicable to a vehicle).	—
(f) Continuous	—	—	By night: may I

green light, or green flashes, or green pyrotechnic light.			land? By day: may I land in direction different from that indicated by landing T?
(g) White flashes.	Land at this aerodrome after receiving continuous green light, and then, after receiving green flashes, proceed to the apron.	Return to starting point on the aerodrome.	I am compelled to land.
(h) White pyrotechnic lights. Switching on and off the navigation lights. Switching on and off the landing lights.	—	—	I am compelled to land.

47. Marshalling signals (from a marshaller to an aircraft)

Each of the signals for the guidance of aircraft manoeuvring on or off the ground, described in the first column of Table B, paragraphs (a) to (x) shall, in the **Isle of Man**, have the meanings set forth in the second column of that Table opposite the description of the signal. By day any such signals shall be given by hand or by circular bats and by night by torches or illuminated wands (save that the signals described at paragraphs (v) and (w) shall not be given at night).

Table B — Meaning of marshalling signals (rule 47)

<i>Description of signal</i>	<i>Meaning of signal</i>	<i>In daylight</i>	<i>By night</i>
(a) Right or left arm down, the other arm moved across body and extended to indicate position of the other marshaller.	Proceed under guidance of another marshaller.	[Illustration]	[Illustration]
(b) Arms repeatedly moved upward and backward, beckoning onward.	Move ahead.	[Illustration]	[Illustration]
(c) Right arm down, left arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up starboard engine or turn to port.	[Illustration]	[Illustration]

(d) Left arm down, the right arm repeatedly moved upward and backward. The speed of arm movement indicates the rate of turn.	Open up port engine or turn to starboard.	<i>[Illustration]</i>	<i>[Illustration]</i>
(e) Arms repeatedly crossed above the head. The speed of arm movement indicates the urgency of the stop.	Stop.	<i>[Illustration]</i>	<i>[Illustration]</i>
(f) A circular motion of the right hand at head level, with the left arm pointing to the appropriate engine.	Start engine.	<i>[Illustration]</i>	<i>[Illustration]</i>
(g) Arms extended, the palms facing inwards, then swung from the extended position inwards.	Chocks inserted.	<i>[Illustration]</i>	<i>[Illustration]</i>
(h) Arms down, the palms facing outwards, then swung outwards.	Chocks away.	<i>[Illustration]</i>	<i>[Illustration]</i>
(j) Either arm and hand placed level with the chest, then moved laterally with the palm downwards.	Cut engines.	<i>[Illustration]</i>	<i>[Illustration]</i>
(k) Arms placed down, with the palms towards the ground, then moved up and down several times.	Slow down.	<i>[Illustration]</i>	<i>[Illustration]</i>
(l) Arms placed down, with the palms towards the ground, then either the right or left arm moved up and down indicating that the motors on the left or right side, as the case may be, should be slowed down.	Slow down engines on indicated side.	<i>[Illustration]</i>	<i>[Illustration]</i>
(m) Arms placed above the head in a vertical position.	This bay.	<i>[Illustration]</i>	<i>[Illustration]</i>
(n) The right arm raised at the elbow, with the arm facing forward.	All clear: marshalling finished.	<i>[Illustration]</i>	<i>[Illustration]</i>
(o) Arms placed horizontally sideways.	Hover.	<i>[Illustration]</i>	<i>[Illustration]</i>
(p) Arms placed down and crossed in front of the body.	Land.	<i>[Illustration]</i>	<i>[Illustration]</i>

(q) Arms placed horizontally sideways with the palms up beckoning upwards. The speed of arm movement indicates the rate of ascent.	Move upwards.	[Illustration]	[Illustration]
(r) Arms placed horizontally sideways with the palms towards the ground beckoning downwards. The speed of arm movement indicates the rate of descent.	Move downwards.	[Illustration]	[Illustration]
(s) Either arm placed horizontally sideways, then the other arm moved in front of the body to that side, in the direction of the movement, indicating that the helicopter should move horizontally to the left or right side, as the case may be; repeated several times.	Move horizontally.	[Illustration]	[Illustration]
(t) Arms placed down, the palms facing forward, then repeatedly swept up and down to shoulder level.	Move back.	[Illustration]	[Illustration]
(u) Left arm extended horizontally forward, then right arm making a horizontal slicing movement below left arm.	Release load.	[Illustration]	[Illustration]
(v) Raise arm, with first clenched, horizontally in front of body, then extend fingers.	Release brakes.	[Illustration]	Shall not be given at night.
Raise arm and hand, with fingers extended, horizontally in front of body, then clench fist.	Engage brakes.	[Illustration]	Shall not be given at night.
(w) Left hand overhead with the number of fingers extended, to indicate the number of the engine to be started, and circular motion of right hand at head level.	Start engine(s).	[Illustration]	Shall not be given at night.
(x) Point left arm down, move right arm down from overhead, vertical position to horizontal forward position, repeating right arm movement.	Back aircraft's tail to starboard.	[Illustration]	[Illustration]

Point right arm down, move left arm down from overhead, vertical position to horizontal forward position, repeating left arm movement.	Back aircraft's tail to port.	[Illustration]	[Illustration]
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48. Marshalling signals (from a pilot of an aircraft to a marshaller)

The following signals made by a pilot in an aircraft to a marshaller on the ground shall respectively have the following meanings:

<i>Description of Signal</i>	<i>Meaning of Signal</i>
Raise arm and hand with fingers extended horizontally in front of face, then clench fist.	Brakes engaged.
Raise arm with fist clenched horizontally in front of face, then extend fingers.	Brakes released.
Arms extended palms facing outwards, move hands inwards to cross in front of face.	Insert chocks.
Hands crossed in front of face, palms facing outwards, move arms outwards.	Remove chocks.
Raise the number of fingers on one hand indicating the number of the engine to be started. For this purpose the aircraft engines shall be numbered in relation to the marshaller facing the aircraft, from his right to his left, for example, No. 1 engine shall be the port outer engine, No. 2 engine shall be the port inner engine, No. 3 engine shall be the starboard inner engine and No. 4 engine shall be the starboard outer engine.	Ready to start engines.

49. Distress, urgency and safety signals

(1) The following signals, given either together or separately before the sending of a message, signify that an aircraft is threatened by grave and imminent danger and requests immediate assistance:

- (a) by radiotelephony:
 - the spoken word "MAYDAY";
- (b) by visual signalling:
 - (i) the signal SOS (. . . - - - . . .);
 - (ii) a succession of pyrotechnic lights fired at short intervals each showing a single red light;
 - (iii) a parachute flare showing a red light;
- (c) by sound signalling other than radiotelephony:
 - (i) the signal SOS (. . . - - - . . .);
 - (ii) a continuous sounding with any sound apparatus.

(2) The following signals, given either together or separately, before the sending of a message, signify that the commander of the aircraft wishes to give notice of difficulties which compel it to land but that he does not require immediate assistance:

- (a) a succession of white pyrotechnic lights;
- (b) the repeated switching on and off of the aircraft landing lights;
- (c) the repeated switching on and off of its navigation lights, in such a manner as to be clearly distinguishable from the flashing navigation lights described in rule 11.

(3) The following signals, given either together or separately, indicate that the commander of the aircraft has an urgent message to transmit concerning the safety of a ship, aircraft, vehicle or other property or of a person on board or within sight of the aircraft from which the signal is given:

- (a) by radiotelephony:
 - the repeated spoken word, "PAN PAN";
- (b) by visual signalling:
 - the signal XXX (- - -);
- (c) by sound signalling other than radiotelephony:
 - the signal XXX (- - -).

SI 1996 No 2798

**Civil Aviation (Investigation of Air Accidents and Incidents)
Regulations 1996**

as amended by SI 2004/1256 and as applied to the Isle of Man

1. Citation, commencement, interpretation and application

These Regulations may be cited as the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996.

2. (1) In these Regulations, unless the context otherwise requires—

"accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, in which—

(a) a person suffers a fatal or serious injury as a result of—

- being in or upon the aircraft,
- direct contact with any part of the aircraft, including parts which have become detached from the aircraft, or
- direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew, or

(b) the aircraft sustains damage or structural failure which—

- adversely affects the structural strength, performance or flight characteristics of the aircraft, and
- would normally require major repair or replacement of the affected component,

except for engine failure or damage, when the damage is limited to the engine, its cowlings or accessories; or for damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents or puncture holes in the aircraft skin; or

(c) the aircraft is missing or is completely inaccessible;

"aerodrome authority" means, in relation to any aerodrome, the person by whom the aerodrome is managed;

"the Annex" means Annex 13 to the Chicago Convention as amended on 23 March 1994;

"Chief Inspector" means the Chief Inspector of Air Accidents appointed under regulation 8 below;

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

"Contracting State" means any State (including the United Kingdom) which is party to the Chicago Convention;

"crew" includes every person employed or engaged in an aircraft in flight on the business of the aircraft;

"the Department" means the Department of Transport;

"the Directive" means Council Directive 94/56/EC of 21 November 1994 establishing the fundamental principles governing the investigation of civil aviation accidents and incidents;

"fatal injury" means an injury which is sustained by a person in an accident and which results in his death within 30 days of the date of the accident;

"incident" means an occurrence, other than an accident, associated with the operation of an aircraft which affects or would affect the safety of operation;

"Inspector" means a person appointed as an Inspector of Air Accidents under regulation 8 below;

"investigating Inspector" means an Inspector carrying out an investigation pursuant to these Regulations;

"owner" means, where an aircraft is registered, the registered owner;

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

"police officer" means **a constable as defined by the Interpretation Act 1976 (an Act of Tynwald);**

"serious incident" means an incident involving circumstances indicating that an accident nearly occurred;

"serious injury" means an injury which is sustained by a person in an accident and which—

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received;
- (b) results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or harmful radiation;

and "seriously injured" shall be construed accordingly;

"causes", "investigation", "flight recorder", "undertaking" and "safety recommendation" have the meanings given by Article 3 of the Directive; and

"established" shall have the same meaning as in the Directive.

(2) Any notice or other document required or authorised by any provision of these Regulations to be served on or given to any person may be served or given—

- (a) by delivering it to that person;
- (b) by leaving it at his usual or last-known residence or place of business, whether in the **Isle of Man** or elsewhere;
- (c) by sending it to him by post at that address; or
- (d) by sending it to him at that address by telex, by facsimile transmission or other similar means which produce a document containing a text of the communication, in which event the document shall be regarded as served when it is received.

3. (1) These Regulations apply only to civil aviation accidents and incidents.

(2) **These Regulations apply to civil aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to other civil aircraft registered in the Isle of Man.**

Comment [K F W1]: See SI 1959/1309 art.4

4. *Purpose of the investigation of accidents and incidents*

The sole objective of the investigation of an accident or incident under these Regulations shall be the prevention of accidents and incidents. It shall not be the purpose of such an investigation to apportion blame or liability.

5. *Duty to furnish information relating to accidents and incidents*

(1) Where an accident or a serious incident occurs in respect of which, by virtue of regulation 8(3) below the Chief Inspector is required to carry out, or to cause an Inspector to carry out, an investigation, the relevant person and, in the case of an accident or a serious incident occurring on or adjacent to an aerodrome, the aerodrome authority shall forthwith give notice thereof to the Chief Inspector by the quickest means of communication available and, in the case of an accident occurring in or over the **Isle of Man**, shall also notify forthwith a police officer for the area where the accident occurred of the accident and of the place where it occurred.

(2) In this regulation the expression "relevant person" means—

- (a) in the case of an accident or serious incident occurring in or over the **Isle of Man** or occurring elsewhere to an aircraft registered in the **Isle of Man**, the commander of the aircraft involved at the time of the accident or serious incident or, if he be killed or incapacitated, the operator of the aircraft; and
- (b) in the case of a serious incident occurring in or over any country or territory other than a member State or a Contracting State to an aircraft registered elsewhere than in the **Isle of Man** but operated by an undertaking established in the **Isle of Man**, that undertaking.

(3) The notice to the Chief Inspector referred to in paragraph (1) above shall contain as much of the following information as is available—

- (a) in the case of an accident, the identifying abbreviation "ACCID" or, in the case of a serious incident, the identifying abbreviation "INCID";
- (b) the type, model and the nationality and registration marks of the aircraft;

- (c) the name of the owner, operator and hirer (if any) of the aircraft;
- (d) the name of the commander of the aircraft;
- (e) the date and Co-ordinated Universal Time of the accident or serious incident;
- (f) the last point of departure and the next point of intended landing of the aircraft;
- (g) the position of the aircraft by reference to some easily defined geographical point and latitude and longitude;
- (h) the number of—
 - (i) crew on board the aircraft at the time of the accident or serious incident and, in the case of an accident, the number of them killed or seriously injured as a result of the accident;
 - (ii) passengers on board the aircraft at the time of the accident or serious incident and, in the case of an accident, the number of them killed or seriously injured as a result of the accident;
 - (iii) in the case of an accident, other persons killed or seriously injured as a result of the accident;
- (i) the nature of the accident or serious incident and the extent of the damage to the aircraft as far as is known.
- (4) Where an incident, other than a serious incident, takes place—
 - (a) in or over the **Isle of Man**; or
 - (b) otherwise than in or over the **Isle of Man** to an aircraft registered in the **Isle of Man**; the owner, operator, commander or hirer of the aircraft shall, if so required by notice given to him by the Chief Inspector, send to the Chief Inspector such information as is in his possession or control with respect to the incident in such form and at such times as may be specified in the notice.

6. Subject to the provisions of regulations 11(4)(b) and 18 below, the Chief Inspector may at any time publish, or cause to be published, information relating to an accident or incident whether or not such accident or incident is the subject of an investigation by an Inspector.

7. Removal of damaged aircraft

(1) Subject to paragraph (2) and regulation 9 below, where an accident, or a serious incident which results in the withdrawal from service of an aircraft, occurs in or over the **Isle of Man** no person other than an authorised person shall have access to the aircraft involved and neither the aircraft nor its contents shall, except under the authority of the **Department**, be removed or otherwise interfered with.

(2) Subject to the provisions of **section 14(4), (4A) and (5) of the Customs and Excise Management Act 1986 (an Act of Tynwald)** —

- (a) the aircraft may be removed or interfered with so far as may be necessary for the purpose of—
 - (i) extricating persons or animals;

- (ii) removing any mail, valuables or dangerous goods carried by the aircraft;
 - (iii) preventing destruction by fire or other cause;
 - (iv) preventing any danger or obstruction to the public, air navigation or other transport;
 - (v) removing any other property from the aircraft under the supervision of an Inspector or with the agreement of an Inspector or of a constable;
- (b) if an aircraft is wrecked on water, the aircraft or any of its contents may be removed to such extent as may be necessary for bringing it or them to a place of safety.
- (3) In this regulation the expression "authorised person" means—
- (a) any person authorised by the ~~Secretary of State~~ **Department** either generally or specially to have access to any aircraft involved in an accident or serious incident;
 - (b) any constable;
 - (c) any officer of Customs and Excise.

8. *Inspectors of Air Accidents*

(1) For the purpose of carrying out investigations into accidents and incidents to which these Regulations apply, the **Department** shall appoint persons as Inspectors of Air Accidents, one of whom shall be appointed by the **Department** as Chief Inspector of Air Accidents.

(3) Subject to paragraphs (5) and (6) below, the Chief Inspector shall carry out, or cause an Inspector to carry out, an investigation into—

- (a) accidents and serious incidents which occur in or over the **Isle of Man**;
- (b) accidents and serious incidents which occur in or over any country or territory which is neither a member State nor a Contracting State to aircraft registered in the **Isle of Man** when such an investigation is not carried out by another State;
- (c) serious incidents which occur in or over any country or territory which is neither a member State nor a Contracting State to aircraft which are registered elsewhere than in the **Isle of Man** but which are operated by an undertaking established in the **Isle of Man** when such an investigation is not carried out by another State; and
- (d) accidents and serious incidents to aircraft registered in the **Isle of Man** in the circumstances described in paragraph 5.3 of the Annex.

(4) Subject to paragraphs (5) and (6) below, the Chief Inspector may, when he expects to draw air safety lessons from it, carry out, or cause an Inspector to carry out, an investigation into an incident, other than a serious incident, which occurs—

- (a) in or over the **Isle of Man**; or

(b) otherwise than in or over the **Isle of Man** to an aircraft registered in the **Isle of Man**.

(5) The Chief Inspector may delegate the task of carrying out an investigation into an accident or an incident to a member State [or Switzerland] or, in accordance with paragraphs 5.1, 5.1.1 or 5.3 of the Annex, to another Contracting State.

Comment [K F W2]: See SI 2004/1256 reg.7

Amended by SI 2004/1256

(6) Where the Chief Inspector delegates the task of carrying out an investigation pursuant to paragraph (5) above, he shall so far as he is able facilitate inquiries by the investigator appointed by the relevant State.

(7) The Chief Inspector may carry out, or cause an Inspector to carry out, an investigation into an accident or incident where the task of carrying out the investigation has been delegated to the **Isle of Man** by a member State [or Switzerland] or, in accordance with paragraphs 5.1, 5.1.1 or 5.3 of the Annex, by another Contracting State.

Amended by SI 2004/1256

(8) Without prejudice to the power of an Inspector to seek such advice or assistance as he may deem necessary in making an investigation, the **Department** may at the request of the Chief Inspector appoint persons to assist an Inspector in a particular investigation and such persons shall for the purpose of so doing have such of the powers of an Inspector under these Regulations as may be specified in their appointment.

(9) The Chief Inspector may arrange for any of his powers and obligations under these regulations to be performed on his behalf by an Inspector designated by him to be his deputy.

(10) In any case where the Chief Inspector causes more than one Inspector to carry out an investigation he shall nominate one of them to be in overall charge of the investigation.

9. Powers of Inspectors

(1) For the purpose of enabling him to carry out an investigation into an accident or incident in the most efficient way and within the shortest time, an investigating Inspector is hereby authorised, where appropriate in cooperation with the authorities responsible for the judicial inquiry, to—

- (a) have free access to the site of the accident or incident as well as to the aircraft, its contents or its wreckage;
- (b) ensure an immediate listing of evidence and controlled removal of debris, or components for examination or analysis purposes;
- (c) have immediate access to and use of the contents of the flight recorders and any other recordings;
- (d) have access to the results of examination of the bodies of victims or of tests made on samples taken from the bodies of victims;
- (e) have immediate access to the results of examinations of the people involved in the operation of the aircraft or of tests made on samples taken from such people;

- (f) examine witnesses; and
 - (g) have free access to any relevant information or records held by the owner, the operator or the manufacturer of the aircraft and by the authorities responsible for civil aviation or airport operation.
- (2) For the purpose of paragraph (1) above an investigating Inspector shall have power—
- (a) by summons under his hand to call before him and examine all such persons as he thinks fit, to require such persons to answer any question or furnish any information or produce any books, papers, documents and articles which the investigating Inspector may consider relevant and to retain any such books, papers, documents and articles until the completion of the investigation;
 - (b) to take statements from all such persons as he thinks fit and to require any such person to make and sign a declaration of the truth of the statement made by him;
 - (c) on production if required of his credentials, to enter and inspect any place, building or aircraft the entry or inspection whereof appears to the investigating Inspector to be requisite for the purposes of the investigation;
 - (d) on production if required of his credentials, to remove, test, take measures for the preservation of or otherwise deal with any aircraft other than an aircraft involved in the accident or incident where it appears to the investigating Inspector requisite for the purposes of the investigation, and
 - (e) to take such measures for the preservation of evidence as he considers appropriate.
- (3) Every person summoned by an investigating Inspector under paragraph (2)(a) above shall be allowed such expenses as the **Department** may determine.
- (4) When requested to do so by the investigating body or entity of a member State [or Switzerland] the Chief Inspector may provide assistance to that body or entity by supplying—
- (a) installations, facilities and equipment for—
 - the technical investigation of wreckage and aircraft equipment and other objects relevant to the investigation,
 - the evaluation of information from flight recorders, and
 - the computer storage and evaluation of air accident data, and
 - (b) accident investigation experts to undertake specific tasks but only when an investigation is opened following a major accident.
- (5) In this regulation "operator" shall have the meaning given by Article 3 of the Directive and "in cooperation with the authorities responsible for the judicial inquiry" shall have the same meaning as in the Directive.

Amended by SI 2004/1256

10. Form and conduct of investigations

The extent of investigations and the procedure to be followed in carrying out investigations required or authorised under these Regulations shall be determined by the Chief Inspector taking account of the purpose described in regulation 4 above, the principles and objectives of the Directive and the lessons he expects to draw from the accident or incident for the improvement of safety.

11. *Inspector's report*

(1) On completion of an investigation into an accident or incident, the investigating Inspector shall prepare a report of the investigation in a form appropriate to the type and seriousness of the accident or incident.

(2) If it appears to the investigating Inspector that the investigation of any accident or incident—

- (a) involving a collision between a civil aircraft and a military aircraft, or
- (b) occurring while a civil aircraft was on, or in the course of taking off from or landing on, an aerodrome controlled by any of Her Majesty's naval, military or air forces or by the naval, military or air forces of any country

has been completed but for the investigation of matters affecting the discipline or internal administration of any of those forces which are more appropriate for the investigation by some other person or body, the investigation may be treated for the purposes of paragraph (1) above as if it had been completed without such matters being investigated under these Regulations. In such a case the report of the investigation into the accident or incident shall state those matters to which the investigation has not extended by reason of this paragraph.

(3) The report of an investigation into an accident shall state the sole objective of the investigation as described in regulation 4 above and, where appropriate, contain safety recommendations.

(4) The report of an investigation into an incident shall—

- (a) where appropriate, contain relevant safety recommendations;
- (b) protect the anonymity of the persons involved in the incident; and
- (c) be circulated by the investigating Inspector to the parties likely to benefit from its findings with regard to safety.

(5) A safety recommendation shall in no case create a presumption of blame or liability for an accident or incident.

(6) The Chief Inspector shall submit a copy of every report prepared pursuant to paragraph (1) above to the **Department** without delay.

(7) In this regulation the expression "investigating Inspector" in a case where more than one Inspector is carrying out the task of investigation means the Inspector nominated under regulation 8(10) above.

12. *Notice of Inspector's report and representations thereon*

(1) No report which is required by regulation 13 to be published shall be so published if, in the investigating Inspector's opinion, it is likely to affect adversely the reputation of any person, until the investigating Inspector has—

- (a) where it appears to him to be practicable so to do, served a notice under this regulation upon that person, or if that person is a deceased individual, upon the person who appears to him, at the time he proposes to serve notice pursuant to this paragraph, to represent best the interest of the deceased in the matter; and
- (b) made such changes to the report as he thinks fit following his consideration of any representations which may be made to him in accordance with paragraph (3) below by or on behalf of the person served with such notice.

(2) The notice referred to in sub-paragraph (a) of paragraph (1) above shall include particulars of any proposed analysis of facts and conclusions as to the cause or causes of the accident or incident which may affect the person on whom or in respect of whom the notice is served.

(3) Any representations made pursuant to sub-paragraph (b) of paragraph (1) above shall be in writing and shall, subject to paragraph (6) below, be served on the investigating Inspector within 28 days of service of the notice referred to in sub-paragraph (a) of paragraph (1) above.

(4) A copy of the report submitted to the **Department** under regulation 11(6) above shall be served by the investigating Inspector on any person who has been served with a notice pursuant to paragraph (1) above.

(5) No person shall disclose or permit to be disclosed any information contained in an notice or report served on him pursuant to paragraphs (1) or (4) above to any other person without the prior consent in writing of the Chief Inspector.

(6) The Chief Inspector shall have power to extend the period of 28 days prescribed in paragraph (3) above and this power shall be exercisable notwithstanding that that period has expired.

(7) In this regulation the expression "investigating Inspector" in a case where more than one Inspector is carrying out the task of investigation means the Inspector nominated under regulation 8(10) above.

13. Publication of Reports

Subject to regulation 12(1) above, the Chief Inspector shall cause the report of an investigation into an accident or incident, other than an incident the investigation of which has been delegated to the **Isle of Man** by a member State [or Switzerland] to be made public in the shortest time possible (and, if possible, within 12 months of the date of the accident or serious incident) and in such manner as he thinks fit.

Amended by SI 2004/1256

14. Safety recommendations

(1) The Chief Inspector shall cause the reports referred to in regulation 13 above, including those not required to be published and including the safety recommendations contained therein, to be communicated to the undertakings or national aviation authorities concerned and copies thereof to be forwarded to the Commission.

(2) Any undertaking or authority to which a safety recommendation is communicated pursuant to paragraph (1) above shall, without delay—

- (a) take that recommendation into consideration and, where appropriate, act upon it;
- (b) send to the **Department** —
 - (i) full details of the measures, if any, it has taken or proposes to take to implement the recommendation and, in a case where it proposes to implement measures, the timetable for securing that implementation; or
 - (ii) a full explanation as to why the recommendation is not to be the subject of measures to be taken to implement it;
- (c) give notice to the **Department** if at any time any information provided to the **Department** in pursuance of sub-paragraph (b)(i) above concerning the measures it proposes to take or the timetable for securing their implementation is rendered inaccurate by any change of circumstances.

15. Reopening of investigation

- (1) The Chief Inspector may cause the investigation of any accident or incident to be reopened and shall do so—
 - (a) if, after the completion of the investigation, evidence has been disclosed which is in his opinion both new and important; or
 - (b) if for any other reason there is in his opinion ground for suspecting that the reputation of any person has been unfairly and adversely affected.
- (2) Any investigation reopened shall be subject to and conducted in accordance with the provisions of these Regulations.

16. Accredited representatives

- (1) Where an investigation of an accident or serious incident is being carried out by an investigating Inspector pursuant to regulation 8 above, an accredited representative appointed by—
 - (a) the State of Registry;
 - (b) the State of Design;
 - (c) the State of Manufacture;
 - (d) the State of the Operator;
 - (e) a Contracting State which has, on request, furnished information, facilities or experts to the investigating Inspector in connection with the accident or serious incident;

may take part in the investigation, that is to say, he shall be permitted to visit the scene of the accident, examine the wreckage, question witnesses, receive copies of all pertinent documents (saving all such just exceptions as may be determined by the investigating Inspector), have access to all relevant evidence and make submissions; and he may be accompanied by such technical and other advisers as may be considered necessary by the authorities of the country or territory by which he is appointed.

(2) In this regulation the expressions "accredited representative", "State of Registry", "State of Design", "State of Manufacture" and "State of the Operator" have the meanings given to them by Chapter 1 of the Annex and the expression "investigating Inspector" in a case where more than one Inspector is carrying out the task of investigation means the Inspector nominated under regulation 8(10) above.

17. Obstruction of investigation

(1) No person shall obstruct or impede an Inspector or any person acting under the authority of the **Department** in the exercise of any powers or duties under these Regulations.

(2) No person shall without reasonable excuse fail, after having had the expenses (if any) to which he is entitled under these Regulations tendered to him, to comply with any summons of an Inspector holding an investigation.

18. Disclosure of relevant records

(1) Subject to paragraphs (2) and (4) to (6) below no relevant record shall be made available by the **Department** to any person for purposes other than accident or incident investigation.

(2) Nothing in paragraph (1) above shall preclude the **Department** making a relevant record available to any person where—

- (a) in a case where that person is a party to or otherwise entitled to appear at judicial proceedings, the relevant court has ordered that the relevant record shall be made available to him for the purpose of those proceedings, or
- (b) in any other circumstances, the relevant court has ordered that the relevant record shall be made available to him for the purpose of those circumstances.

(3) In this regulation—

"Department" includes any officer of the Department.

"judicial proceedings" includes any proceedings before any court, tribunal or person having by law power to hear, receive and examine evidence on oath,

"relevant court" means the High Court of Justice of the Isle of Man,

"relevant record" means any item in the possession, custody or power of the **Department** which is of a kind referred to in sub-paragraphs (a) to (e) of paragraph 5.12 of the Annex; and

(4) Subject to paragraph (6) below no order shall be made under paragraph (2) above unless the relevant court is satisfied that the interests of justice in the judicial proceedings or circumstances in question outweigh any adverse domestic and international impact which disclosure may have on the investigation into the accident or incident to which the record relates or any future accident or incident investigation undertaken in the **Isle of Man**.

(5) A relevant record or part thereof shall not be treated as having been made available contrary to paragraph (1) above in any case where that record or part is included in the final report (or the appendices to the final report) of the accident or incident.

(6) The provisions of this regulation shall be without prejudice to any rule of law which authorises or requires the withholding of any relevant record or part thereof on the ground that the disclosure of it would be injurious to the public interest.

19. Revocation

(1) **The Civil Aviation (Investigation of Air Accidents) (Isle of Man) Regulations 1974 are hereby revoked.**

(2) **Any investigation commenced under those Regulations or these Regulations before 1st May 2007 which —**

(a) **in the case of a field investigation has not been completed, or**

(b) **in the case of a formal investigation has not been the subject of a report submitted to the Secretary of State,**

shall continue as if those Regulations, or these Regulations as they had effect in the Isle of Man before that date, as the case may be, had continued in force.

SI 1999 No 1323

**Rules of the Air (Amendment) Regulations 1999
as applied to the Isle of Man**

[The Regulations amend, and are incorporated in the text of, SI 1996/1393 above.]

1999 No 1452

Aeroplane Noise Regulations 1999

as amended by SI 1999/2253 and 2004/1256 and as applied to the Isle of Man

1. Citation and commencement

These Regulations may be cited as the Aeroplane Noise Regulations 1999

3. Interpretation

In these Regulations -

"accepted" in relation to a certificate of airworthiness means an application made to the **Department** for such a certificate or for the modification of such a certificate which the **Department** 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;

"authorised person" means any constable and any person authorised by the **Department** (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

"the CAA" means the Civil Aviation Authority;

"certificate of airworthiness" has the same meaning as in **article 155(1) of the Air Navigation Order 2005**;

"Community air carrier" means an air carrier with a valid operating licence granted by a member State or EEA State [or Switzerland] in accordance with Council Regulation (EEC) No. 2407/92 of 23 July 1992 on licensing air carriers, as that Regulation has effect in accordance with the EEA Agreement, [as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994, and in accordance with the Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological co-operation, of 4th April 2002 on the conclusion of seven Agreements with the Swiss Confederation, in so far as it applies to the Agreement between the European Community and the Swiss Confederation on Air Transport];

amended by SI 2004/1256

"the Convention" means the Convention on International Civil Aviation signed on behalf of the United Kingdom at Chicago on 7th December 1944;

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

"the 1992 Council Directive" means Council Directive 92/14/EEC of 2 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 30 March 1998;

"the Department" means the Department of Transport;

"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 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

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

"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 Council 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 1 of Annex 16/1981" means the first edition - 1981 of Volume 1 of Annex 16 to the Convention;

"Volume 1 of Annex 16/1988" means the second edition - 1988 of Annex 16 to the Convention.

4. *Noise certificate requirements for Isle of Man registered propeller driven aeroplanes*

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

(2) Subject to regulation 6, an aeroplane to which this regulation applies shall not be used in **the Isle of Man** or the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the **Department** certifying that -

(a) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane to which subparagraphs (e), (f) or (g) applies, which in the opinion of the **Department** —

(i)

(a) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom** accepted an application for a certificate of airworthiness before 6 October 1977, or

- (b) conforms to a derived version of such a prototype aeroplane, and
- (ii) was first issued with a certificate of airworthiness on or after 26 November 1981,

the aeroplane meets the standards specified in Part II, Chapter 2 of Volume I of Annex 16/1988, less sections 2.1 and 2.4.2 of that Chapter;

- (b) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane described in section 6.1.1 of Part II of Volume 1 of Annex 16/1988 and other than an aeroplane to which sub-paragraph (h) applies, which in the opinion of the **Department** -
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 1 January 1985 and before 17 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 Volume I of Annex 16/1988;
- (c) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 9,000 kilograms which in the opinion of the **Department** -
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 17 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 Volume I of Annex 16/1988;
- (d) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane to which sub-paragraphs (f), (g) or (h) applies, which in the opinion of the **Department** -
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 6 October 1977 and before 1 January 1985, or
 - (ii) conforms to a derived version of such a prototype aeroplane, the aeroplane meets the standards specified in Part II, Chapter 5 of Volume I of Annex 16/1988;
- (e) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the **Department** -

- (i)
- (a) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness before 1 January 1975, or
- (b) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the **CAA in the United Kingdom accepted** an application to modify the certificate of airworthiness for the prototype before 17 November 1988, and
- (ii) was either first issued with a certificate of airworthiness on or after 1 January 1980 or first registered in the United Kingdom on or after that date,

the aeroplane meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;

- (f) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the **Department** -
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, or
 - (ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the **CAA in the United Kingdom accepted** an application to modify the certificate of airworthiness for the prototype on or after 1 January 1975 and before 17 November 1988,

the aeroplane meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988,

- (g) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the **Department** -
 - (i) conforms to a derived version of a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, and
 - (ii) in respect of which the **CAA in the United Kingdom accepted** an application to modify the certificate of airworthiness for the prototype on or after 17 November 1988,

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

- (h) subject to sub-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 **Department** -
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 17 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;
- (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 **Department** -
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 17 November 1998 and before 17 November 1993, or
 - (ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the **CAA in the United Kingdom accepted** an application to modify the certificate of airworthiness for the prototype on or after 17 November 1988 and before 17 November 1993, the aeroplane, if it is unable to meet the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988, meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;
- (j) 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.

Amended by SI 2004/1256

5. (1) Subject to paragraph (3), this regulation shall apply to any civil propeller-driven aeroplane with a maximum certificated take-off mass not exceeding 5,700 kilograms **registered in the Isle of Man** and not falling within one of the categories set out in Volume 1 of Annex 16/1981.

(2) Subject to regulation 6, an aeroplane to which this regulation applies shall not be used in **the Isle of Man** or the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the **Department** certifying -

- (a) in the case of an aeroplane which in the opinion of the **Department** -
 - (i) conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, or
 - (ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the **CAA in the**

United Kingdom accepted an application to modify the certificate of airworthiness for the prototype on or after 1 January 1975 and before 17 November 1988,

that the aeroplane meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;

- (b) in the case of an aeroplane which in the opinion of the **Department** -
 - (i) conforms to a derived version of a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, and
 - (ii) in respect of which the **CAA in the United Kingdom accepted** an application to modify the certificate of airworthiness for the prototype on or after 17 November 1988,

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

- (c) in the case of an aeroplane which in the opinion of the **Department** conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 17 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;
- (d) in the case of an aeroplane which in the opinion of the **Department** conforms to a prototype aeroplane being a prototype in respect of which the **CAA in the United Kingdom accepted** an application for a certificate of airworthiness on or after 17 November 1988 and before 17 November 1993 or conforms to a derived version of such a prototype aeroplane, the aeroplane, if it is unable to meet the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988, meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;
- (e) 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, Chapter 6 of Volume 1 of Annex 16/1981.

Amended by SI 2004/1256

- (3) This regulation 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 the **Isle of Man**, or
- (b) any aeroplane which has been used before 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.

6. Exemptions for Isle of Man registered propeller driven aeroplanes

(1) After consultation with the Secretary of State the **Department** may grant an exemption from the requirements of paragraph (2) of regulation 4 or paragraph (2) of regulation 5 to permit, in exceptional individual cases, temporary use in the **Isle of Man** of aeroplanes which could not otherwise lawfully be operated on the basis of those regulations or paragraph (2).

7. Noise certificate requirements for foreign registered propeller driven aeroplanes

(1) Subject to paragraphs (2) and (3) no civil propeller driven aeroplane registered otherwise than in the **Isle of Man**, Gibraltar or a member State or EEA State shall land or take-off in the **Isle of Man** 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 the **Isle of Man**, would be required to meet by virtue of regulation 4 or 5.

(2) After consultation with the Secretary of State the **Department** may grant an exception from the requirements of paragraph (1) to permit, in exceptional cases, temporary use in the **Isle of Man** of aeroplanes which could not otherwise lawfully be operated on the basis of that paragraph or paragraph (3).

8. Noise certificate requirements for civil subsonic jet aeroplanes

(1) Subject to paragraph (3), this regulation shall apply to any civil subsonic jet aeroplane registered in the **Isle of Man** and falling within one of the categories set out in Volume 1 of Annex 16/1981.

(2) Subject to regulation 25, an aeroplane to which this regulation applies shall not be used in **the Isle of Man**, the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the **Department** 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.

Amended by SI 2004/1256

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

9. (1) Subject to paragraph (3), this regulation shall apply to any civil subsonic jet aeroplane registered in the **Isle of Man**.

(2) Subject to regulation 25, an aeroplane to which this regulation applies shall not be used in **the Isle of Man**, the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the **Department** 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.

Amended by SI 2004/1256

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

10. (1) Subject to paragraph (3), this regulation shall apply to any civil subsonic jet aeroplane, **registered in the Isle of Man**, 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 regulations 21 and 22, an aeroplane to which this regulation applies shall not be operated in **the Isle of Man**, the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the **Department** 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.

Amended by SI 2004/1256

(3) This regulation shall not apply -

- (a) to any aeroplane entered on the register of a member State or EEA State [or Switzerland] on 1st November 1990,
- (b) to any aeroplane used only in the territories of the overseas departments,
- (c) to any aeroplane to which regulation 14 applies.

Amended by SI 2004/1256

11. (1) Subject to paragraph (2) no civil subsonic jet aeroplane which is registered otherwise than in **the Isle of Man**, the United Kingdom, Gibraltar or another member State or EEA State [or Switzerland] shall land or take-off in the **Isle of Man** 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.

Amended by SI 2004/1256

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

regulations if that aeroplane would otherwise fall within the description set out in paragraph (1).

12. (1) Subject to paragraph (3) and to regulation 13, this regulation 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 regulations 20 and 22 to 25 an aeroplane to which this regulation applies shall not be operated at any airport in the **Isle of Man** unless there is in force in respect of that aeroplane a noise certificate granted, **in the case of an aircraft registered in the Isle of Man by the Department**, in the case of an aeroplane registered in the United Kingdom by the CAA, in the case of an aeroplane registered in Gibraltar by the competent authority for Gibraltar and in the case of an aeroplane registered elsewhere by the competent authority of the State of registry, certifying that the aeroplane meets either —

- (a) the standards specified in Part II, Chapter 3, Volume 1 of Annex 16/1988, or
 - (b) 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 1 April 1995.
- (3) This regulation shall not apply —
- (a) to any aeroplane on the register of [Switzerland or] a member State or EEA State 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) to any aeroplane on a register kept for Gibraltar in respect of which there is in force an exemption granted by Gibraltar pursuant to articles 4 to 7 of the 1992 Directive,
 - (d) to any aeroplane to which regulation 14 applies.

Amended by SI 2004/1256

13. (1) Subject to paragraph (2), regulation 12 shall not apply in relation to any aeroplane listed in the Schedule to these Regulations 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 [or Switzerland] 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 Regulations 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.

Amended by SI 2004/1256

(2) Paragraph (1) shall not apply in relation to an aeroplane listed in the Schedule to these Regulations 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.

14. (1) Subject to paragraph (3), this regulation 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 regulations 22 and 25, an aeroplane to which this regulation applies shall not be operated at any airport in the **Isle of Man** unless there is in force in respect of that aeroplane a noise certificate granted, **in the case of an aircraft registered in the Isle of Man by the Department**, in the case of an aeroplane registered in the United Kingdom by the CAA, in the case of an aeroplane registered in Gibraltar by the competent authority for Gibraltar and in the case of an aeroplane registered elsewhere by the competent authority 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 regulation shall not apply -

- (a) to any aeroplane on the register of [Switzerland or] a member State or EEA State in respect of which there is in force an exemption granted by that State pursuant to article 5.2 of the 1992 Directive,
- (b) to any aeroplane on a register kept for Gibraltar in respect of which there is in force an exemption granted by Gibraltar pursuant to article 5.2 of the 1992 Directive.

Amended by SI 2004/1256

15. Content of noise certificates

The noise certificate referred to in regulations 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 or certification is submitted on or after 6 October 1977: the noise level or levels and their 90 per cent confidence limits at the reference point or points for which compliance with the applicable noise certification standards has been demonstrated.

16. Grant of noise certificates by the Department

(1) The **Department** shall grant a noise certificate in respect of any aeroplane registered in the **Isle of Man** to which these Regulations apply if it is

satisfied on the basis of satisfactory evidence that the aeroplane complies with the standard specified for that aeroplane in these Regulations.

- (2) For the purposes of determining the standard applicable to an aeroplane to which regulation 4 or 5 applies where the interval between -
- (a) the application for a certificate of airworthiness for a prototype aeroplane and the first issue of a certificate for an aeroplane of that type; or
 - (b) the application to modify a certificate of airworthiness for a prototype aeroplane and the first issue of a certificate 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 **Department** 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 it thinks fit.

(4) Subject to paragraph (5) and regulations 17 and 26 a noise certificate granted by the **Department** under these Regulations shall remain in force without limit of time.

(5) A noise certificate granted by the **Department** under these Regulations 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 Regulations, otherwise than in a manner and with material of a type approved by the **Department** 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 **Department** to be made, which shows that the aeroplane complies with the noise standard required by these Regulations.

17. Suspension and revocation of noise certificates and exemptions by the Department

(1) The **Department** may, if it thinks fit, provisionally suspend or vary any noise certificate or provisionally suspend any exemption granted by it under these Regulations pending inquiry into or consideration of the case. Subject to regulation 26, the **Department** may, after sufficient ground being shown to its satisfaction after due inquiry, revoke or vary any such certificate or revoke any such exemption.

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

(3) The breach of any condition subject to which any noise certificate has been granted by the **Department** under these Regulations shall render the certificate invalid during the continuance of the breach.

18. Carriage and production of noise certificate

(1) An aeroplane to which regulation 4, 5, 8, 9 or 10 applies shall not be used in **the Isle of Man** or the territories of member States or EEA States [or Switzerland] unless the noise certificate required by these Regulations to be in force in respect of that aeroplane is carried on board the aeroplane.

Amended by SI 2004/1256

(2) An aeroplane to which regulation 7, 11, 12 or 14 applies shall not take off from or land in the **Isle of Man** unless the noise certificate required by these Regulations 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 **Department** or an authorised person, cause to be produced to the **Department** or that person the noise certificate in force in respect of that aeroplane.

19. Recognition of noise certificates and exemptions issued by other member States or EEA States

(1) A noise certificate granted by the competent authority of [Switzerland or] a member State or EEA State ~~other than the United Kingdom~~ 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.

Amended by SI 2004/1256

(2) Exemptions granted by [Switzerland or] a member State or EEA State pursuant to article 4 or 5 of the 1989 Council Directive shall be recognised as valid.

Amended by SI 2004/1256

20. Exemption for jet aeroplanes subject to conversion

The **Department** shall grant an exemption from the requirements of paragraph (2) of regulation 12 in relation to any aeroplane which does not meet the standards of Chapter 3 of Volume 1 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 Volume 1 of Annex 16/1988,
- (c) the equipment was ordered by 1st April 1994, and
- (d) the earliest delivery date for such alterations was accepted.

21. Exemption where jet aeroplanes accidentally destroyed

(1) After consultation with the Secretary of State, the **Department** may grant an exemption from the requirements of paragraph (2) of regulation 10 in relation to an aeroplane which replaces one which has been accidentally destroyed provided that the requirements contained in paragraph (2) are satisfied.

- (2) The requirements referred to in paragraph (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 paragraph (2) of regulation 10, and
- (b) the registration of the replacement aeroplane in the **Isle of Man** is carried out within one year of the date on which the replaced aeroplane was accidentally destroyed.

22. Exemption for jet aeroplanes of historical interest

After consultation with the Secretary of State, the **Department** may grant an exemption from the requirements of paragraph (2) of regulation 10, paragraph (2) of regulation 12 or paragraph (2) of regulation 14 in relation to any aeroplane of historical interest.

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

After consultation with the Secretary of State, the **Department** may grant an exemption from the 25 year period specified in regulation 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.

25. Temporary exemption for jet aeroplanes

(1) After consultation with the Secretary of State, the **Department** may grant an exemption from the requirements of paragraph (2) of regulation 8 or paragraph (2) of regulation 9 to permit, in exceptional individual cases, temporary use in the **Isle of Man** of aeroplanes which could not otherwise lawfully be operated on the basis of that regulation.

(2) Subject to paragraph (3), after consultation with the Secretary of State, the **Department** may grant an exemption from the requirements of paragraph (2) of regulation 12 or paragraph (2) of regulation 14 to permit the temporary use at any airport situated in the **Isle of Man** of any aeroplane which could not otherwise lawfully be operated on the basis of regulations 12, 14 or 22 to 24.

(3) The **Department** shall not grant such an exemption under paragraph (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.

27. Department's duty in relation to exemptions

(2) If the **Department** grants an exemption under regulation 21 or under regulation 22 relating to the requirements in paragraph (2) of regulation 10 or suspends or revokes such an exemption the **Department** shall **notify the CAA so that the CAA may inform** the Commission and the competent authorities of the member States and EEA States [and Switzerland] of that fact.

Amended by SI 2004/1256

(3) If the **Department** grants an exemption under any provision in regulation 20, 22 (insofar as that regulation relates to the requirements in paragraph (2) of regulation 12 or paragraph (2) of regulation 14), 23 or 24 or suspends or revokes such an exemption it shall **notify the CAA so that the CAA may inform** the Commission and the competent authorities of the member States and EEA States [and Switzerland] of that fact and of the grounds for its decision.

Amended by SI 2004/1256

28. Power to prevent aeroplanes flying

Where the **Department** or an authorised person 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 **Department** or the authorised person may -

- (a) give to the person appearing to the **Department** or the authorised person to be in command of the aeroplane a direction that he shall not permit the aeroplane to take off until the **Department** or the authorised person has informed him that the direction is cancelled,
- (b) whether or not the **Department** or the authorised person has given such a direction, detain the aeroplane until the **Department** or the authorised person 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 regulation shall be guilty of an offence.

29. Right of access to airports and other places

(1) Subject to paragraph (2), for the purposes of ascertaining whether the provisions of these Regulations are being complied with, the **Department** and any authorised person, upon production (if required) of his credentials, shall have the right of access at all reasonable times to any airport or any other place in the **Isle of Man** where an aeroplane has landed for the purpose of inspecting that aeroplane or any noise certificate required to be in force in respect of that aeroplane or for the purpose of detaining that aeroplane under regulation 28.

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

30. Circumvention

(1) This regulation shall apply to any civil subsonic jet aeroplane not registered in **the Isle of Man or** any member State or EEA State [or Switzerland] 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 ratio 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 1 of Annex 16/1988.

Amended by SI 2004/1256

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

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

31. Penalties

(1) If any provision of these Regulations 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 Regulations for that contravention) be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(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 Regulations was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) If any person contravenes regulation 18 he shall be liable on summary conviction to a fine not exceeding **£1,000**

(4) If any person contravenes any other provision of these Regulations, he shall be liable on summary conviction to a fine not exceeding **£2,500**.

32. Liability of persons other than principal offender

(1) Where an offence under these Regulations 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, paragraph (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.

Article 13

SCHEDULE

LIST OF AEROPLANES FROM DEVELOPING NATIONS

[Omitted — Amended by SI 1999/2253]

SI 1999 No 2253

Aeroplane Noise (Amendment) Regulations 1999
as applied to the Isle of Man

[The Regulations amend, and are incorporated in the text of, SI 1999/1452 above.]

SI 2000 No 1994

Rules of the Air (Amendment) Regulations 2000
as applied to the Isle of Man

[The Regulations amend, and are incorporated in the text of, SI 1996/1393 above.]

SI 2001 No 917

Rules of the Air (Amendment) Regulations 2001
as applied to the Isle of Man

[The Regulations amend, and are incorporated in the text of, SI 1996/1393 above.]

SI 2002 No. 798

Air Navigation (Environmental Standards) Order 2002
as applied to the Isle of Man

PART I

Preliminary

1. Citation and commencement

This Order may be cited as the Air Navigation (Environmental Standards) Order 2002.

3. Interpretation

(1) In this Order -

"adversely" means, for the purpose of the definition of "derived version" an increase by more than 0.3dB to any one of the noise certification levels;

"aircraft type certificate" means a certificate indicating that the type of aircraft to which the certificate refers is acceptable for airworthiness certification;

"authorised person" means any constable and any person authorised by the **Department** (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

"the Department" means the Department of Transport;

"derived version" means an aircraft which, from the point of view of airworthiness, is similar to the aircraft in respect of which a noise type certificate has been granted but incorporates changes in type design which may affect its noise characteristics adversely;

"jet aeroplane" means an aeroplane powered by turbo jet engines or turbo fan engines;

"noise certificate" means a certificate issued by the **Department** in accordance with article 5 or a certificate or other document issued or validated in accordance with article 4;

"noise type certificate" means a certificate indicating that the type of aircraft to which the certificate refers is acceptable for noise certification;

"prescribed" means prescribed by regulations made by the **Department** under this Order;

"rated output" has the meaning specified in Part I, Chapter 1 of Volume II of Annex 16;

"smoke" means the carbonaceous materials in exhaust emissions which obscure the transmission of light;

"subsonic aeroplane" means an aeroplane which is incapable of sustaining level flight at a speed in excess of flight mach 1.0;

"supersonic aeroplane" means an aeroplane which is capable of sustaining level flight at a speed in excess of flight mach 1.0;

Volume I of Annex 16 means the third edition - July 1993 of Volume I of Annex 16 to the Chicago Convention as amended by Amendment 6 dated 4th November 1999;

Volume II of Annex 16 means the second edition - July 1993 of Volume II of Annex 16 to the Chicago Convention as amended by Amendment 3 dated 20th March 1997, Amendment 4 dated 4th November 1999, Supplement dated 31st December 1994 and Amendment to Supplement dated 25th March 1999.

(2) Other expressions used in this Order and in the Air Navigation Order ~~2000~~ **2005** shall have the same meaning in this Order as they have in that Order.

PART II

Noise Certification

4. Requirement for noise certificate

(1) This article shall apply to every aircraft of a description specified in column 1 of the Table in Schedule 2.

(2) An aircraft to which this article applies shall not land or take off in the **Isle of Man** unless:

- (a) there is in force in respect of that aircraft a noise certificate:
 - (i) issued by the **Department** in accordance with article 5; or
 - (iii) issued or validated by the competent authority of the Contracting State in which the aircraft is registered in accordance with the Chicago Convention; and
- (b) any conditions subject to which the certificate was issued or validated are complied with.
- (3) The foregoing prohibition shall not apply to:
 - (a) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in **Schedule 2 to the Air Navigation (Isle of Man) Order 2007**; or
 - (b) an aircraft landing or taking-off at a prescribed place.

5. Issue of noise certificate by the Department and validity of noise certificate

(1)

- (a) The **Department** shall issue a noise certificate in respect of any aircraft registered in the **Isle of Man** described in Column 1 of the Table in Schedule 2 if it is satisfied that the aircraft complies with the applicable standards specified or referred to in Column 2 of that Table in relation to the noise made by the aircraft.
- (b) For the purposes of sub-paragraph (a) the applicant for a certificate shall furnish such evidence and submit the aircraft to such flying trials and other tests as the **Department** may require.

(2) The **Department** shall issue every noise certificate subject to a condition as to the maximum total weights at which the aircraft may land or take-off and may issue such a certificate subject to such other conditions relating to standards as to noise as it thinks fit.

(3) Subject to paragraph (4) and article 16, a noise certificate issued under this article shall remain in force without limit of time.

(4) A noise certificate issued under this article shall cease to be valid for the purposes of article 4:

- (a) if the aircraft or any part of it is modified in any way which affects the ability of the aircraft to comply with the noise standards required by this Order, except if such modification is in a manner and with material of a type approved by the **Department** for the purposes of this Part of this Order either generally or in relation to a class of aircraft or to a particular aircraft;
- (b) until the satisfactory completion of any inspection or test of the aircraft required by the **Department** to be made for the purpose of ascertaining whether the aircraft continues to comply with the noise standards required by this Order.

(5) For the purposes of determining the noise standard applicable to an aircraft where the interval between:

- (a) the application for a type certificate and the first issue of a certificate of airworthiness for an aircraft of that type, or
- (b) the application for a change of type design and the first issue of a certificate of airworthiness for an aircraft of that type as modified,

exceeds 5 years, the date on which the application for a type certificate or a change of type design was made shall, unless the **Department** in a particular case otherwise directs, be deemed to be 5 years before the date of the first issue of the certificate of airworthiness.

6. Information to be included in flight manual

- (a) This article shall apply to any aircraft **registered in the Isle of Man** in respect of which by virtue of this Order a noise certificate is required to be carried.
- (b) An aircraft to which this article applies shall not fly unless the flight manual in respect of that aircraft includes the information specified in Part II, Chapter 1 of Volume I of Annex 16.

7. Exemptions in respect of Part II of this Order

The **Department**, after consultation with the Secretary of State, may exempt from any of the provisions of this Part of this Order any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

PART III

Emissions Certification

8. Fuel venting requirements

- (1) This article shall apply to -
 - (a) every jet aircraft in respect of which a certificate of airworthiness was first issued on or after 18th February 1982; and
 - (b) every aircraft to which paragraph (1)(a) does not apply but which is powered by one or more than one turbojet engine or turbofan engine

where the date of manufacture of any such engine was on or after 18th February 1982.

(2) Subject to article 12, an aircraft to which this article applies shall not land or take-off in the **Isle of Man** unless it individually or is of a type which has been certified in accordance with article 11 as complying with the requirements relating to fuel venting specified in paragraph (3) and it is fitted with the engines specified in the emissions certification issued under article 11.

(3) The requirements referred to in paragraph (2) are that the aircraft is individually or is of a type which, when fitted with the type of engine specified in the emissions certification designed and constructed to prevent the intentional discharge into the atmosphere of liquid fuel from the fuel nozzle manifolds resulting from the process of engine shutdown following normal flight or ground operations.

9. *Smoke emission requirements*

(1) This article shall apply to -

- (a) every subsonic aeroplane powered by one or more than one turbojet engine or turbofan engine where the date of manufacture of any such engine was on or after 1st January 1983; and
- (b) every supersonic aeroplane powered by one or more than one turbojet engine or turbofan engine where the date of manufacture of any such engine was on or after 18th February 1982.

(2) Subject to article 12, an aeroplane to which this article applies shall not land or take-off in the **Isle of Man** unless every engine of the description contained in paragraph (1) which is fitted to the aeroplane is of a type which has been certified in accordance with article 11 as complying with requirements relating to smoke emission specified in paragraph (3).

(3) The requirements referred to in paragraph (2) are -

- (a) for turbojet engines or turbofan engines fitted to subsonic aeroplanes those specified in Part III, Chapter 2 of Volume II of Annex 16; and
- (b) for turbojet engines or turbofan engines fitted to supersonic aeroplanes those specified in Part III, Chapter 3 of Volume II of Annex 16.

10. *Unburned hydrocarbons, carbon monoxide and oxides of nitrogen emission requirements*

(1) Subject to paragraph (4) this article shall apply to -

- (a) every turbojet engine and every turbofan engine intended for the propulsion of aeroplanes only at subsonic speeds the rated output of which is greater than 26.7 kilonewtons and the date of manufacture of which was on or after 1st January 1986;
- (b) every turbojet engine and every turbofan engine intended for the propulsion of aeroplanes at supersonic speeds, the date of manufacture of which was on or after 18th February 1982; and
- (c) every aeroplane which is powered by one or more than one turbojet engine or turbofan engine described in sub-paragraphs (a) or (b).

(2) Subject to paragraph (4) and article 12, an aeroplane to which this article applies shall not land or take-off in the **Isle of Man** unless every engine of the description contained in paragraph (1)(a) or paragraph (1)(b) which is fitted to the aeroplane is of a type which has been certified in accordance with article 11 as complying with the requirements specified in paragraph (3) relating to the emission of unburned hydrocarbons, carbon monoxide and oxides of nitrogen.

(3) The requirements referred to in paragraph (2) are -

- (a) for turbojet engines or turbofan engines intended for propulsion of aeroplanes only at subsonic speeds, the requirements specified in Part III, Chapter 2 of Volume II of Annex 16;
- (b) for turbojet engines or turbofan engines intended for propulsion of aeroplanes at supersonic speeds, the requirements specified in Part III, Chapter 3 of Volume II of Annex 16.

(4)

- (a) The **Department** may grant an exemption from the requirements referred to in paragraph (2) in respect of any engine manufactured after 31st December 1999 and in respect of which the **Department** is satisfied that not more than 50 engines of that type will be manufactured after that date;
- (b) An exemption granted in accordance with sub-paragraph (a) shall cease to be valid immediately upon a manufacturer producing more than 50 engines of the type in question after 31st December 1999.

11. Emissions certification

(1) Certification required by this Part of this Order shall be issued -

- (a) in the case of an aircraft registered in the **Isle of Man** by the **Department** in accordance with paragraph (2); or
- (b) in the case of any other aircraft by the competent authority of a Contracting State in which the aircraft is registered in accordance with the Chicago Convention.

(2) The **Department** shall certify a type of aircraft, turbojet engine, or turbofan engine if it is of the opinion that the type in question complies with the requirements specified in article 8(3), 9(3) or 10(3) as the case may be.

(3) The applicant for certification to be issued by the **Department** pursuant to paragraph (1)(a) shall furnish such evidence and subject aircraft or engines of a type in respect of which the application has been made to such tests as the CAA may require.

12. Exceptions to requirement to be certified

The requirement to be certified in accordance with this Part of this Order shall not apply to -

- (a) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in **Schedule 2 to the Air Navigation (Isle of Man) Order 2007**; or
- (b) an aircraft landing or taking off at a prescribed place.

13. Exemptions in respect of Part III of this Order

The **Department**, after consultation with the Secretary of State, may exempt from any of the provisions of this Part of this Order any aircraft or engine or persons or classes of aircraft or engine or persons, either absolutely or subject to such conditions as it thinks fit.

PART IV

Carriage, Production and Revocation of Noise Certificate

14. Noise certificate to be carried

(1) An aircraft shall not land or take-off in the **Isle of Man** unless it carries every noise certificate which it is required to carry under the law of the country in which it is registered other than any certificate which is required to be carried under regulation 18(1) or (2) of the Aeroplane Noise Regulations 1999.

(2)

(a) Subject to sub-paragraph (b), an aircraft registered in the **Isle of Man** shall, when in flight, carry every noise certificate which is required by this Order to be in force in respect of that aircraft.

(b) If the flight is intended to begin and end at the same aerodrome in the **Isle of Man**, the certificate may be kept at that aerodrome instead of being carried in the aircraft.

15. Production of noise certificate

(1) Within a reasonable time after being requested to do so by the **Department** or an authorised person, the commander of an aircraft shall cause to be produced to the **Department** or that person every noise certificate in force in respect of that aircraft other than any certificate which may be required to be produced under regulation 18(3) of the Aeroplane Noise Regulations 1999.

(2) Within a reasonable time after being requested to do so by the **Department** or an authorised person, the operator of an aircraft shall cause to be produced to the **Department** or that person every noise certificate in force in respect of that aircraft other than any certificate which may be required to be produced under regulation 18(3) of the Aeroplane Noise Regulations 1999.

16. Revocation, suspension and variation of noise certificate

(1) The **Department** may, if it thinks fit, provisionally suspend any noise certificate, exemption or other document issued under this Order pending inquiry into or consideration of the case.

(2) The **Department** may, after sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, exemption or other document.

(3) The holder or any person having the possession or custody of any noise certificate, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the **Department** within a reasonable time after being required to do so by it.

(4) The breach of any condition subject to which any noise certificate, exemption or other document has been issued under this Order shall render the document invalid during the continuance of the breach.

PART V

Offences, Penalties and General

17. Offences in relation to noise certificates and emissions certification

- (1) A person shall not with intent to deceive -
- (a) use any noise certificate issued under this Order which has been revoked or suspended, or to which he is not entitled; or
 - (b) lend any such certificate to, or cause or permit it to be used by, any other person; or
 - (c) make any false representation for the purpose of procuring for himself or any other person the issue, renewal or variation of any such certificate or of emissions certification issued in accordance with article 11 of this Order.

(2) A person shall not purport to issue any noise certificate or emissions certification under this Order unless he has been authorised to do so by the **Department**.

18. Power to prevent aircraft flying

(1) If it appears to the **Department** or an authorised person that any aircraft is intended or likely to be flown in such circumstances that articles 4(2), 8(2), 9(2) or 10(2) would be contravened, the **Department** or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the **Department** or by an authorised person, and, if the aircraft is in the **Isle of Man**, the **Department** or that authorised person may take such steps as are necessary to detain the aircraft.

(2) The operator or, as the case may be, the commander of an aircraft shall comply with any direction given to him pursuant to paragraph (1), unless he has reasonable excuse.

(3) For the purposes of paragraph (1), the **Department** or any authorised person may enter upon and inspect any aircraft.

19. Right of access to aerodromes and other places

(1) Subject to paragraph (2), for the purpose of ascertaining whether the provisions of this Order are being complied with, the **Department** and any authorised person shall have the right of access at all reasonable times to any aerodrome or any other place in the **Isle of Man** where an aeroplane has landed for the purpose of inspecting any aircraft or any document which it, or he, has power to demand under this Order, and for the purpose of detaining any aircraft under this Order.

20. Obstruction of persons

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

21. Penalties

(1) If any provision of this Order is contravened in relation to an aircraft the operator of that aircraft and the commander thereof shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following provisions of this article 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 this Order 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 any provisions of this Order, not being a provision referred to in paragraph (4), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£1,000**.

(4) If any person contravenes articles 4(2), 8(2), 9(2), 10(2), 17, 18(2) or 20 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£5,000**.

22. *Liability of persons other than principal offender*

(1) Where an offence under this Order 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, paragraph (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.

23. *Application of the Order to the Crown and visiting forces*

(1) Subject to the following provisions of this article, the provisions of this Order shall apply to, or in relation to, aircraft belonging to or exclusively employed in the service of Her Majesty, as they apply to or in relation to other aircraft and for the purposes of such application the authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft.

(2) Nothing in this article shall render liable to any penalty any authority responsible on behalf of Her Majesty for the management of any aircraft.

(3) The naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

(4) Nothing in this Order shall apply to or in relation to any military aircraft.

24. *Extra-territorial effect of the Order*

(1) Except where the context otherwise requires, the provisions of this Order -

- (a) insofar as they apply (whether by express reference or otherwise) to aircraft registered in the **Isle of Man**, shall apply to such aircraft wherever they may be;
- (b) insofar as they apply as aforesaid to other aircraft shall apply to such aircraft when they are within the **Isle of Man**;
- (c) insofar as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by the commander of any aircraft registered in the **Isle of Man**, shall apply to him wherever he may be; and
- (d) insofar as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the **Isle of Man** by other persons shall, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be.

(2) Nothing in this article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948 (which limits the criminal liability of citizens of certain countries) that that person shall not be guilty of an offence.

25. *Acceptance of reports*

The **Department** may, for the purposes of this Order, accept reports furnished to it by a person whom it may approve, either absolutely or subject to such conditions as it thinks fit, as qualified to furnish such reports.

SCHEDULE 2

TABLE

<i>(1) Description of Aircraft</i>	<i>(2) Relevant Standards</i>
<i>Supersonic aeroplanes</i>	
<p>(1) Subject to article 5(5) every supersonic aeroplane which in the opinion of the Department —</p> <p>(a) conforms to a type in respect of which the competent authority received an application for a type certificate before 1st January 1975 and did not reject that application and in respect of which a certificate was first issued on or after 26th November 1981; or</p> <p>(b) conforms to a derived version of such a type being an aeroplane in respect of which the competent authority received an application for a change to the type design before 1st January 1975 and did not reject that application and in respect of which the certificate of airworthiness for the individual aeroplane was first issued on or after 26th November 1981.</p>	<p>The noise made by the aeroplane shall be no greater than that made by the first certificated aeroplane of the type when the noise level of the aeroplane is determined in accordance with Appendix 1 of Volume 1 of Annex 16 in the noise certification reference conditions set out therein.</p>
<i>Helicopters</i>	
<p>(3) Subject to article 5(5) every helicopter which does not fall within paragraph (4) and which in the opinion of the Department —</p>	
<p>(a) conforms to a type in respect of which the competent authority received an application for a type certificate on or after 1st August 1986 and did not reject that application; or</p> <p>(b) conforms to a derived version of a helicopter, being a derived version in respect of which the competent authority received an application to change the type design on or after 1st August 1986 and did not reject that application.</p>	<p>Part II, Chapter 8 of Volume I of Annex 16.</p>
<p>(4) Subject to article 5(5) every helicopter having a maximum certificated take-off mass not exceeding 2730kg and which in the opinion of the Department -</p>	
<p>(a) conforms to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) in respect of which the competent authority received an application for a type</p>	<p>Part II, Chapter 11 of Volume I of Annex 16.</p>

<p>certificate on or after 1st July 1992 and did not reject that application; or (b) the change of type design was issued, where such a change may increase the helicopter's overflight noise level, on or after 1st July 1992.</p>	
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2002 No. 2786

Air Navigation (Dangerous Goods) Regulations 2002
as amended by SI 2006/1092 and as applied to the Isle of Man

PART I

Preliminary

1. Citation and commencement

These Regulations may be cited as the Air Navigation (Dangerous Goods) Regulations 2002.

3. Interpretation

(1) In these Regulations:

"acceptance check list" means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

"air operator" means an operator who holds an air operator's certificate issued by a Contracting State;

"cargo aircraft" means any aircraft which is carrying goods or property but not passengers and for the purposes of these Regulations the following are not considered to be passengers:

- (a) a crew member;
- (b) an operator's employee permitted to be carried by, and carried in accordance with, the instructions contained in the Operations Manual;
- (c) an authorised representative of a competent national aviation authority;
- (d) a person with duties in respect of a particular shipment on board;

"dangerous goods" means any article or substance which is identified as such in the Technical Instructions;

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

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

- (a) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or
- (b) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants;

"dangerous goods transport document" means a document which is specified by the Technical Instructions and contains information about those dangerous goods;

"freight container" means an article of transport equipment for radioactive materials, designed to facilitate the carriage of such materials, either packaged or unpackaged, by one or more modes of transport, but does not include a unit load device;

"handling agent" means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo;

"ID number" means an identification number specified in the Technical Instructions for an item of dangerous goods which has not been assigned a UN number;

"overpack" means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

"package" means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage;

"packaging" means the receptacles and any other components or materials necessary for the receptacle to perform its containment function;

"proper shipping name" means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

"serious injury" means an injury which is sustained by a person in an accident and which:

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received; or
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose); or
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage; or
- (d) involves injury to any internal organ; or
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves verified exposure to infectious substances or injurious radiation.

["Technical Instructions" means the 2005–2006 English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, as amended by the Addendum to those Instructions dated 18th March 2005, by Addendum No. 2 dated 30th June 2005 and by the Addendum and Corrigendum dated 18th August 2005, which were approved and published by decision of the Council of the International Civil Aviation Organisation;]

"UN number" means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances;

"unit load device" means any type of container or pallet designed for loading onto an aircraft but does not include a freight container for radioactive materials or an overpack; and

Amended by SI 2006/1092

(2) Other expressions used in these Regulations shall have the same respective meanings as in the Air Navigation (**Isle of Man**) **Order 2007**.

(3) For the avoidance of doubt any reference in the Technical Instructions or these Regulations to the taking on board, loading onto or carriage of dangerous goods in or on an aircraft shall for the purpose of these Regulations be interpreted as applying also to the placing, suspending or carriage of such goods beneath an aircraft unless the context makes it otherwise apparent.

PART II

Requirements for carriage of dangerous goods

4. Requirement for approval of operator

(1) An aircraft shall not carry or have loaded onto it any dangerous goods unless:

- (a) the operator is approved under this regulation; and
- (b) such goods are carried or loaded in accordance with:
 - (i) any conditions to which such approval may be subject; and
 - (ii) in accordance with the Technical Instructions.
- (2) An approval under this regulation:
 - (a) shall be granted by the **Department** if it is satisfied the operator is competent to carry dangerous goods safely;
 - (b) shall be in writing; and
 - (c) may be subject to such conditions as the **Department** thinks fit.

5. Prohibition of carriage of dangerous goods

- (1) Subject to paragraphs (2) and (3) a person shall not:
 - (a) deliver or cause to be delivered for carriage in, or
 - (b) take or cause to be taken on board;

an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.

(2) Subject to paragraph (3), these Regulations shall not apply to those dangerous goods specified in the Technical Instructions as being:

- (a) for the proper navigation or safety of flight;
- (b) to provide, during flight, medical aid to a patient;

- (c) to provide, during flight, veterinary aid or a humane killer for an animal;
 - (d) to provide, during flight, aid in connection with search and rescue operations;
 - (e) permitted for carriage by passengers or crew members; or
 - (f) intended for use or sale during the flight in question.
- (3)
- (a) The goods specified in paragraph (2) shall only be carried provided they comply with the following sub-paragraphs and Part 8 and the applicable provisions in paragraphs 1.1.3 and 2.2 of Part 1 of the Technical Instructions.
 - (b) The goods specified in sub-paragraph (2)(a) shall only be carried if:
 - (i) they are required to be carried on an aircraft by or under the Air Navigation (**Isle of Man**) **Order 2007** or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with the normal practice whether or not, in either case, such goods are required to be carried or intended to be used on that particular flight;
 - (ii) when they are intended as replacements or have been removed for replacement, they comply with paragraph 2.2.2 of Part 1 of the Technical Instructions;
 - (c) The goods specified in sub-paragraph (2)(b) and (2)(c) shall only be carried if:
 - (i) they are or may be required for use during the flight;
 - (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods onto the aircraft in the intervening period before the commencement of that subsequent flight; or
 - (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has not been practicable to unload them from the aircraft since that flight;
 - (d) The goods specified in sub-paragraph (2)(e) shall only be carried by passengers or crew members if they comply with the provisions in Part 8 of the Technical Instructions;
 - (e) The goods specified in sub-paragraph (2)(f) shall only be carried if the Technical Instructions identify them as being items which can be carried on an aircraft for sale or use during a flight or, when they are intended as replacements for such items or have been removed for replacement, they are carried in accordance with paragraph 2.2.3 of Part 1 of the Technical Instructions.

PART III

Operator's Obligations

6. *Provision of information by the operator to crew etc*

(1)

- (a) The operator of an aircraft flying for the purposes of public transport shall ensure that all appropriate manuals, including the Operations Manual, contain information about dangerous goods so that ground staff and crew members can carry out their responsibilities in regard to the carriage of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods.
- (b) Where applicable, the operator shall ensure such information is also provided to his handling agent.

(2) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that, before the flight begins, the commander of the aircraft is provided with:

- (a) written information about the dangerous goods as specified in paragraph 4.1 of Part 7 of the Technical Instructions; and
- (b) information for use in responding to an in-flight emergency as specified in paragraph 4.8 of Part 7 of the Technical Instructions.

(3) The operator of an aircraft which is involved in an aircraft accident or an aircraft incident in the **Isle of Man** shall notify the **Department** without delay of any dangerous goods carried as cargo on the aircraft.

7. Acceptance of dangerous goods by the operator

(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in an aircraft until such package, overpack or freight container has been inspected to determine that:

- (a) insofar as it is reasonable to ascertain, the goods are not forbidden for carriage by air in any circumstances by the provisions of the Technical Instructions;
- (b) insofar as it is reasonable to ascertain, the goods are classified as required by the Technical Instructions;
- (c) insofar as it is reasonable to ascertain, the goods are packed as required by the Technical Instructions;
- (d) the package, overpack or freight container is marked and labelled in accordance with the provisions of Chapters 2 and 3 of Part 5 of the Technical Instructions;
- (e) the package, overpack or freight container is not leaking or damaged so that the contents may escape.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in that aircraft unless it is accompanied by a dangerous goods transport document, except where the Technical Instructions indicate that such a document is not required, and shall inspect such a document to determine that it complies with the provisions of the Technical Instructions.

(3)

- (a) For the purpose of each of the inspections required by paragraphs (1) and (2) an acceptance check list shall be used and the results of the inspection shall be recorded thereon.
- (b) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to the completion of that list.

8. *Method of loading by the operator*

(1) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that dangerous goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the provisions in paragraph 2.1 of Part 7 of the Technical Instructions.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods is loaded, segregated, stowed and secured on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions.

(3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that packages, overpacks or freight containers bearing an indication that they can only be carried on a cargo aircraft are loaded and stowed in accordance with the provisions in paragraph 2.4.1 of Part 7 of the Technical Instructions and are not loaded on an aircraft carrying passengers.

9. *Inspections by the operator for damage, leakage or contamination*

(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure packages, overpacks or freight containers which contain dangerous goods are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure a unit load device containing dangerous goods is not loaded unless it has been inspected and found free from any evidence of leakage from or damage to the packages, overpacks or freight containers contained in it.

(3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which appears to be leaking or damaged is not loaded on an aircraft.

(4) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which is found to be leaking or damaged on an aircraft is removed and that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator of an aircraft in which dangerous goods have been carried shall ensure after unloading that all packages, overpacks or freight containers which contain dangerous goods are inspected for signs of damage or leakage and if there is such evidence shall ensure that any part of the aircraft where the package, overpack or freight container was stowed, or any sling or other apparatus which has been used to suspend goods beneath the aircraft is inspected for damage or contamination.

10. Removal of contamination by the operator

(1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any contamination found as a result of leaking or damaged packages, overpacks or freight containers is removed without delay.

(2) The operator of an aircraft shall ensure that an aircraft is not permitted to fly for the purpose of carrying passengers or cargo if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in paragraph 3.2 of Part 7 of the Technical Instructions.

PART IV

Shipper's Responsibilities

11. Shipper's responsibilities

Before consigning any dangerous goods for carriage by air the shipper shall ensure that:

- (a) the goods are not forbidden for carriage by air in any circumstances under the provisions in paragraph 2.1 of Part 1 of the Technical Instructions;
- (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to so obtain them;
- (c) the goods are classified according to the classification criteria contained in Part 2 of the Technical Instructions;
- (d) the goods are packed according to paragraphs 2.2 and 2.4 of Part 1, Part 2, chapters 2 and 3 and paragraphs 4.2, 4.3 and 4.4 of Part 3 and Part 4 of the Technical Instructions and the packagings used are in accordance with such provisions of those paragraphs, chapters and Parts and Part 6 of the Technical Instructions as apply to those goods;
- (e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in paragraph 2.4 of Part 1, chapters 2 and 3 and paragraph 4.5 of Part 3, chapters 2 and 3 of Part 5 and chapter 2 of Part 6 of the Technical Instructions;
- (f) the package is in a fit condition for carriage by air;
- (g) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be carried by paragraph 1.1 of Part 5 of the Technical Instructions and the overpack is marked and labelled as required by paragraphs 2.4 and 3.2 of Part 5 of the Technical Instructions;
- (h) a dangerous goods transport document:
 - (i) has been completed in English in addition to any other language required by the State of Origin as required by paragraph 4.1 of Part 5 of the Technical Instructions; and

- (ii) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods:
 - (aa) are fully and accurately described;
 - (bb) are correctly classified, packed, marked and labelled; and
 - (cc) are in a proper condition for carriage by air.
- (i) the operator of the aircraft has been furnished with the dangerous goods transport document required by paragraph (h) and such other documents in respect of dangerous goods as are required by Part 4 and paragraphs 4.3 and 4.4 of Part 5 of the Technical Instructions.

PART V

Commander's Obligations

12. *Commander's duty to inform air traffic services*

The commander of an aircraft carrying dangerous goods as cargo shall, in the event of an in-flight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of those dangerous goods in detail or as a summary or by reference to the location from where the detailed information can be obtained immediately.

PART VI

Training

13. *Provision of training*

- (1) The shipper, and any agent thereof, shall ensure that before a consignment of dangerous goods is offered by him for carriage by air all persons involved in its preparation have received training as specified in Chapter 4 of Part 1 and paragraph 1.5 of Part 5 of the Technical Instructions, to enable them to carry out their responsibilities with regard to the carriage of dangerous goods by air.
 - (2)
 - (b) The operator of an aircraft shall ensure that the staff of his handling agent have received that training.
 - (c) The training shall be as specified in Chapter 4 of Part 1 and paragraph 4.9 of Part 7 of the Technical Instructions.
 - (d) The training has been granted a training approval under paragraph (8) **of this regulation as it has effect in the United Kingdom.**
 - (3)
 - (a) The agent for **an air operator** shall ensure that all relevant staff involved with the carriage of passengers or cargo by air have received training which complies with sub-paragraphs (b) and (c).
 - (b) The training shall be as specified in Chapter 4 of Part 1 and paragraph 4.9 of Part 7 of the Technical Instructions.

(c) The training has been granted a training approval under paragraph (8) **of this regulation as it has effect in the United Kingdom.**

(4) The content of training programmes shall be as specified in Chapter 4 of Part 1 of the Technical Instructions.

(5) Initial and recurrent training programmes shall be established and maintained by or on behalf of the shipper and any agent thereof, **and an agent of an air operator** in accordance with paragraph 4.1 of Part 1 of the Technical Instructions and recurrent training shall take place not less than every two years.

(6) Records of training shall be maintained as specified in paragraph 4.2 of Part 1 of the Technical Instructions.

(7) No person shall offer or provide training required by this part of these Regulations unless:

(a)

(i) he has been granted a training instructor approval under paragraph (9) **of this regulation as it has effect in the United Kingdom;** and

(ii) the training has been approved under paragraph (8) **of this regulation as it has effect in the United Kingdom;** or

(b) he is employed by a shipper or an agent thereof and the training is offered or provided to other employees of that shipper or agent; or

(c)

(i) he is employed by **an agent of an air operator;**

(ii) the training has been approved under paragraph (8) **of this regulation as it has effect in the United Kingdom;** and

(iii) the training is offered or provided to other employees of that agent.

PART VII

Provision of Information to Passengers and in Respect of Cargo

14. Provision of information to passengers

(1) An airport operator and the operator of an aircraft flying for the purpose of public transport of passengers or his agent shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of public transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose:

(a) at each of the places at an airport where tickets are issued;

(b) at each of the areas at an airport maintained to assemble passengers to board an aircraft; and

(c) at any location where a passenger may be checked in.

(2) The operator of an aircraft flying for the purpose of the public transport of passengers or his agent shall ensure that passengers are warned as to the type of

dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them either by providing information with each passenger ticket, sufficient in prominence for this purpose, or by some other appropriate means such that passengers receive a warning in addition to that required by paragraph (1).

(3) Any person who, in the **Isle of Man**, makes available flight accommodation shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of public transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose at any place where flight accommodation is offered for sale.

15. Provision of information in respect of cargo

The operator of an aircraft in which cargo is to be carried and any agent thereof shall ensure that notices giving information about the carriage of dangerous goods are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage.

PART VIII

Documents and Records, Enforcement Powers and General

16. Keeping of documents and records

(1) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the dangerous goods transport document required by regulation 7(2) and the written information to the commander required by regulation 6(2)(a) are retained at a readily accessible location until after the full period of the flight on which the goods were carried.

(2) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months:

- (a) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him by the shipper in accordance with regulation 7(2);
- (b) the record of any acceptance check list completed in accordance with regulation 7(3); and
- (c) the written information to the commander as required by regulation 6(2)(a).

(3) The record referred to in paragraph (2)(b) may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

17. Production of documents and records

(1) The operator of an aircraft on which dangerous goods are to be or have been carried and any agent thereof shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person:

- (a) the written approval referred to in regulation 4(1);
- (b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in regulation 7(2);

- (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in regulation 7(3); and
- (d) a copy of the written information provided to the commander of the aircraft in respect of any dangerous goods, referred to in regulation 6(2)(a).

(2) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

18. Powers in relation to enforcement of the Regulations

(1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(3)

- (a) Subject to paragraph (5), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the **Department** considers necessary in all the circumstances and shall be disposed of in such manner as the **Department** considers appropriate in all the circumstances.
- (b) Without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this regulation may be retained or detained respectively:
 - (i) for use as evidence at a trial for an offence; or
 - (ii) for forensic examination or for investigation in connection with an offence.

(4)

- (a) The person from whom any goods have been seized by an authorised person under this regulation may apply to the **Department** for the item to be released to him.
- (b) An application under this paragraph shall be made in writing and shall be accompanied by evidence of ownership by the applicant.
- (d) Where the **Department** is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings it shall arrange for the goods concerned to be returned to the applicant.

(5) Where further retention of goods is, in the opinion of the **Department** no longer necessary and no application has been made under paragraph (4) or any

such application has been unsuccessful the goods shall be destroyed or otherwise disposed of in accordance with the directions of the **Department**.

19. Occurrence reporting

(2) **An air operator** shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or misdeclared dangerous goods in cargo or passenger's baggage which occurred in the **Isle of Man** is reported to the **Department**.

(3) A report required under paragraph (2) shall contain such of the following information as is appropriate to the occurrence:

- (a) date of the occurrence;
- (b) location of the occurrence, flight number and flight date;
- (c) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket;
- (d) proper shipping name (including the technical name, if applicable);
- (e) UN/ID number;
- (f) class or division in accordance with the Technical Instructions and any subsidiary risk(s);
- (g) type of packaging and the packaging specification marking;
- (h) quantity of dangerous goods;
- (i) name and address of the shipper or passenger;
- (j) suspected cause of the occurrence;
- (k) action taken;
- (l) any other reporting action taken;
- (m) name, title, address and contact number of the reporter;
- (n) any other relevant details.

(4)

- (a) Subject to sub-paragraph (b) a report containing as much of the information referred to above as is in his possession shall be despatched in writing, or in such other form as the **Department** may approve, and by the quickest available means to the **Department** within 72 hours of the occurrence coming to the knowledge of the person making the report.
- (b) If at that time any of the said information is not in the possession of that person, he shall despatch the information to the **Department** in writing, or in such other form as the **Department** may approve, and by the quickest available means within 72 hours of the information coming into his possession.

(5) Nothing in this regulation shall require a person to report any occurrence which he has reported under **article 57 of the Air Navigation (Isle of Man) Order 2007** or which he has reason to believe has been or will be reported by another person to the **Department** in accordance with that article.

20. *Dropping articles for agricultural, horticultural, forestry or pollution control purposes*

Subject to the provisions of regulation 4(1)(a) nothing in these Regulations shall apply to any aircraft flying solely for the purpose of dropping articles for the purpose of agriculture, horticulture, forestry or pollution control.

SI 2003 No 64

**Rules of the Air (Amendment) Regulations 2003
as applied to the Isle of Man**

[The Regulations amend, and are incorporated in the text of, SI 1996/1393 above.]

SI 2004 No 1256

**EC/Swiss Air Transport Agreement (Consequential Amendments)
Regulations 2004
as applied to the Isle of Man**

*[The Regulations amend, and are incorporated in the text of, SI 1996/2798 and
SI 1999/1452 above.]*

Civil Aviation (Insurance) Regulations 2005
as applied to the Isle of Man

1. Citation and commencement

These Regulations may be cited as the Civil Aviation (Insurance) Regulations 2005.

2. Interpretation

(1) In these Regulations —

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

"the Department" means the Department of Transport;

"the Insurance Regulation" means Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators;

"Member State" does not include the Isle of Man;

"the Order" means the Air Navigation Order ~~2000~~ 2005.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meaning as in the Insurance Regulation.

3. Competent authority

(1) The **Department** shall perform the functions that are required by Articles 5 and 8 of the Insurance Regulation to be performed by the **Isle of Man** or by the competent authorities of the **Isle of Man**.

4. Offence of failing to comply with the Insurance Regulation

(1) Subject to paragraph (2) an air carrier or aircraft operator shall be guilty of an offence if he fails to comply with any requirement imposed on him by paragraphs 1 and 2 of Article 4 of the Insurance Regulation.

(2) An offence under this regulation shall not be committed by —

- (a) an aircraft operator in relation to an aircraft which is registered in a Member State of the European Community; and
- (b) an air carrier if his operating licence has been granted by such a Member State.

5. Minimum insurance in respect of liability for passengers

For the purposes of paragraph 1 of Article 6 of the Insurance Regulation the level of minimum insurance cover set in respect of liability for passengers in the case of non-commercial operations by aircraft with an MTOM of 2,700 kg or less, shall be 100,000 SDRs per passenger.

6. Provision of information

- (1) This regulation applies if —
 - (a) the **Department**, in exercise of its functions under regulation 3(1), requires an air carrier or aircraft operator to provide it with an insurance certificate or any other evidence of insurance relating to an aircraft operated by the air carrier or aircraft operator for aviation-specific liability in respect of passengers, baggage, cargo or third parties; and
 - (b) the air carrier or aircraft operator fails to provide within a reasonable period —
 - (i) the evidence referred to in sub-paragraph (a); or
 - (ii) a declaration in writing that he will not permit that aircraft to be flown other than as a State aircraft unless he has first provided the **Department** with such a certificate or such other evidence of insurance.
- (2) In a case referred to in paragraph (1) —
 - (a) where the aircraft is registered under article 4 of the Order and is not an aircraft to which article 4(17) of the Order applies, the **Department** shall cancel the registration of the aircraft; and
 - (b) where the aircraft is not so registered or is an aircraft to which article 4(17) of the Order applies the air carrier or aircraft operator shall be guilty of an offence.

7. Provision of information on application for registration

- (1) On applying for the registration of an aircraft in the **Isle of Man** under article 4(6) of the Order, the following shall be provided to the **Department** —
 - (a) an insurance certificate or any other evidence of insurance relating to the aircraft for aviation-specific liability in respect of passengers, baggage, cargo or third parties; or
 - (b) a declaration in writing that the applicant will not permit the aircraft to be flown other than as a State aircraft unless he has first provided to the **Department** such a certificate or such evidence of insurance.
- (2) If the applicant fails to comply with paragraph (1), the **Department** shall refuse the application.
- (3) The requirement in article 4(11)(a) of the Order to inform the **Department** in writing of changes in particulars shall not extend to changes in particulars furnished pursuant to paragraph (1).

8. Provision of information: overseas-registered aircraft

- (1) This regulation applies in relation to an aircraft for which a permit under article ~~113 or 115~~ **138 or 140** of the Order is required or has been granted.

- (2) If —
 - (a) the **Department**, or an authorised person, in exercise of the functions referred to in regulation **3**, requires the air carrier or aircraft operator who is operating, or appears to **it** to be intending to operate, an aircraft to which this regulation applies to provide an insurance certificate or any other evidence of insurance relating to that aircraft for aviation-specific liability in respect of passengers, baggage, cargo or third parties; and
 - (b) the air carrier or aircraft operator fails to provide within a reasonable period —
 - (i) the evidence referred to in sub-paragraph (a); or
 - (ii) a declaration in writing that he will not permit that aircraft to be flown other than as a State aircraft unless he has first provided the **Department** or that authorised person with such a certificate or such other evidence of insurance,

the air carrier or aircraft operator shall be guilty of an offence.

9. Provision of false information

Any person who for the purpose of demonstrating compliance with the requirements of paragraphs 1 and 2 of Article 4 of the Insurance Regulation knowingly or recklessly provides an insurance certificate or other evidence of insurance which is false in a material respect shall be guilty of an offence.

10. Prevention of take off

(1) Where the relevant authority has reason to believe that an aircraft is intended or likely to be flown in such circumstances that the requirements of paragraphs 1 or 2 of Article 4 of the Insurance Regulation will be contravened he —

- (a) shall give to the person appearing to him to be in command of the aircraft a direction that he shall not permit the aircraft to take off until further notice; and
- (b) shall take such steps as may be necessary to detain the aircraft.

(2) A person who fails to comply with a direction given to him under paragraph (1)(a) shall be guilty of an offence.

(3) For the purposes of carrying out its functions under this regulation the relevant authority may enter an aerodrome or aircraft.

(4) For the purposes of this regulation the expression "the relevant authority" shall mean —

- (a) in the case of an aircraft in respect of which a permit is required under **138** of the Order, the Secretary of State or a person authorised to act on his behalf for this purpose; and
- (b) in the case of any other aircraft, the **Department** .

11. Obstruction of officers of the competent authority

A person who intentionally obstructs or impedes a relevant authority acting in exercise of his functions under regulation 10 shall be guilty of an offence.

12. Penalties

(1) A person guilty of an offence under regulation 4(1), 9, 10(2) or 11 shall be liable —

- (a) on summary conviction, to a fine not exceeding **£5,000**; and
- (b) on conviction on **information**, to a fine or to **custody** for a term not exceeding two years or to both.

(2) A person guilty of an offence under regulation 6(2)(b) or 8(2) shall be liable on summary conviction to a fine not exceeding **£1,000**.

(3) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to have been 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.

(4) Where the affairs of a body corporate are managed by its members, paragraph (2) 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.

SI 2005 No 1970

Air Navigation Order 2005

as amended by SI 2006/1384 and 2006/2316 and as applied to the Isle of Man

1. Citation

This Order may be cited as the Air Navigation Order 2005.

PART 4

AIRCRAFT CREW

36. Instruction in flying

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

- (a) he holds a JAA licence, entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
- (b) his licence includes an instructor's rating entitling the holder to give the instruction.

(2) This article applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for—

- (a) the grant of a pilot's licence; and
- (b) the inclusion or variation of any rating or qualification in his licence.

37. Glider pilot — minimum age

A person under the age of 16 years shall not act as pilot in command of a glider.

PART 5

OPERATION OF AIRCRAFT

46. Public transport operations at night or in Instrument Meteorological Conditions by aeroplanes with one power unit

An aeroplane which is powered by one power unit only shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any alternate aerodrome are less than 1,000 feet and 1 nautical mile respectively.

58. Height keeping performance

Unless otherwise authorised by the appropriate air traffic control unit an aircraft **shall not fly in or over the Isle of Man in** reduced vertical separation minimum airspace unless—

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying in any specified areas; and

- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance prescribed in respect of the airspace in which the aircraft is flying, and it is so operated.

60. Area navigation and required navigation performance capabilities

(1) An aircraft **shall not fly in designated required navigation performance airspace in or over the Isle of Man** unless it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace.

(2) Subject to paragraph (3), the said navigation equipment shall be capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified in respect of the airspace in which the aircraft is flying, and shall be so operated.

(3) An aircraft need not comply with the requirements of paragraph (2) where the flight has been authorised by the appropriate ~~United Kingdom~~ air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

63. Towing of gliders

(1) An aircraft in flight shall not tow a glider unless the flight manual for the towing aircraft includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, tow rope and glider in flight shall not exceed 150 metres.

(3) The commander of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off—

- (a) that the tow rope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination;
- (b) that signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
- (c) that emergency signals have been agreed between the commander of the towing aircraft and the commander of the glider, to be used, respectively, by the commander of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the commander of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the tow rope before the aircraft takes off.

64. Operation of self-sustaining gliders

A self-sustaining glider shall not take off under its own power.

65. Towing, picking up and raising of persons and articles

(1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area of a city, town or settlement at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

(7) Nothing in this article shall—

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life; **or**
- (d) be taken to permit the towing or picking up of a glider otherwise than in accordance with article 63.

66. Dropping of articles and animals

(1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Subject to paragraph (3), except under and in accordance with the terms of an aerial application certificate granted under article 68, articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the **Isle of Man**.

(3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances—

- (a) the dropping of articles for the purpose of saving life;

- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
 - (c) the dropping of ballast in the form of fine sand or water;
 - (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Order;
 - (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
 - (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the **Department**; or
 - (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the **Department**.
- (4) For the purposes of this article "dropping" includes projecting and lowering.

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

67. Dropping of persons and grant of parachuting permissions

(1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over the **Isle of Man** except under and in accordance with the terms of either a police air operator's certificate **issued under article 7 of this Order as it has effect in the United Kingdom** or a parachuting permission granted by the **Department** under this article.

(2) For the purposes of this article "dropping" includes projecting and lowering.

(3) Notwithstanding the grant of a police air operator's certificate or a parachuting permission, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(4) An aircraft shall not be used for the purpose of dropping persons unless—

- (a) there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the **Department** under this article; or
- (b) the aircraft is operated under and in accordance with the terms of a police air operator's certificate **issued under article 7 of this Order as it has effect in the United Kingdom**.

(5) Every applicant for and every holder of a parachuting permission shall make available to the **Department** if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the **Department** may require.

(6) The holder of a parachuting permission shall make the manual available to every employee or person who is **engaged in** or may engage in parachuting activities conducted by him.

(7) The manual shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(8) Nothing in this article shall apply to the descent of persons by parachute from an aircraft in an emergency.

(9) Nothing in this article shall prohibit the lowering of any person in an emergency or for the purpose of saving life.

(10) Nothing in this article shall prohibit the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

68. Grant of aerial application certificates

(1) An aircraft shall not be used for the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes, otherwise than under and in accordance with the terms of an aerial application certificate granted to the operator of the aircraft under paragraph (2).

(2) The **Department** —

(a) shall grant an aerial application certificate if it is satisfied that the applicant is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in paragraph (1);

(b) may grant such a certificate subject to such conditions as it thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(3) Every applicant for and holder of an aerial application certificate shall make available to the **Department** upon application and to every member of his operating staff upon the certificate being granted, an aerial application manual.

(4) The manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(5) The holder of an aerial application certificate shall make such amendments or additions to the manual as the **Department** may require.

76. Smoking in aircraft

A person shall not, in or over the Isle of Man, smoke in any compartment of an aircraft registered elsewhere than in the Isle of Man at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

80. Flying displays

(1) No person shall act as the organiser of a flying display (in this article referred to as "the flying display director") unless he has obtained the permission of the **Department** under paragraph (5) for that flying display.

(2) The commander of an aircraft who is—

(a) intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that—

- (i) the flying display director has been granted an appropriate permission under paragraph (5);
- (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
- (iii) the pilot has been granted an appropriate pilot display authorisation; or

(b) participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.

(3) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.

(4) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.

(5) The **Department** —

(a) shall grant a permission required by virtue of paragraph (1) if it is satisfied that the applicant is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display;

(b) may grant such a permission subject to such conditions, which may include conditions in respect of military aircraft, as the **Department** thinks fit.

(7) A pilot display authorisation granted in accordance with this article **as it has effect in the United Kingdom** shall, subject to article 92 **of this Order as it has effect in the United Kingdom**, remain in force for the period indicated in the pilot display authorisation.

(8) For the purposes of this article, an appropriate pilot display authorisation shall mean an authorisation which is valid and appropriate to the intended flight and which has been granted by the competent authority of a JAA Full

Member State (**unless the CAA has given a direction to the contrary under article 80(9) of this Order as it has effect in the United Kingdom**).

(11) Paragraph (1) shall not apply to a flying display at which the only participating aircraft are military aircraft.

(12) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.

(13) Nothing in this article shall apply to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the commander or pilot whether or not such race or contest is held in association with a flying display.

PART 7

DOCUMENTS AND RECORDS

89. *Production of air traffic service equipment documents and records*

The holder of an approval under article 124 or 125 shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any air traffic service equipment used or intended to be used in connection with the provision of a service to an aircraft.

90. *Power to inspect and copy documents and records*

An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power under this Order or any regulations made thereunder **or to which any provision of this Order applies** to require to be produced to him.

92. *Revocation, suspension and variation of certificates, licences and other documents*

(1) Subject to **paragraph (5)**, the **Department** may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The **Department** may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the **Department** within a reasonable time after being required to do so by the **Department**.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) The provisions of article 93 shall have effect, in place of the provisions of this article, in relation to permits to which that article applies.

93. Revocation, suspension and variation of permissions, etc. granted under article 138 or 140

(1) Subject to the provisions of this article, the **appropriate authority** may revoke, suspend or vary any permit to which this article applies.

(2) Save as provided by paragraph (3), the **appropriate authority** may exercise ~~his~~ **its** powers under paragraph (1) only after notifying the permit-holder of ~~his~~ **its** intention to do so and after due consideration of the case.

(3) If, by reason of the urgency of the matter, it appears to the **appropriate authority** to be necessary for **it** to do so, **it** may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2); but **it** shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).

(4) The powers vested in the **appropriate authority** by paragraph (1) or paragraph (3) may be exercised by **it** whenever, in **its** judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the **appropriate authority** may determine.

(5) In particular, and without prejudice to the generality of the foregoing, the **appropriate authority** may exercise **its** said powers if it appears to **it** that—

- (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;
- (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
- (c) the person to whom the permit was granted, or a Government of another country which is a party to an agreement referred to in subparagraph (b), or the aeronautical authorities of the country concerned, have—
 - (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid; or
 - (ii) have engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982 (**as it has effect in the United Kingdom**) or the holder of a route

licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned; and

(d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the **Isle of Man** for the purposes of an agreement referred to in sub-paragraph (b), is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.

(6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the **appropriate authority** within a reasonable time of being required by **it** to do so.

(7) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.

(8) The permits to which this article applies are permissions granted by the **appropriate authority** under article 138 or article 140 and any approvals or authorisations of, or consents to, any matter which the **appropriate authority** has granted, or is deemed to have granted, in pursuance of a permission which **it** has so granted.

(9) References in this article to the "permit-holder" are references to the person to whom any permit to which this article applies has been granted or is deemed to have been granted.

(10) **The Secretary of State may, in any particular case, or class of cases, delegate to the Department the exercise of the powers conferred on the Secretary of State under this article in respect of permissions granted by the Secretary of State under article 138 and any approvals or authorisations of, or consents to, any matter which the Secretary of State has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.**

(11) **In this article "the appropriate authority" means —**

(a) **in relation to article 138, the Secretary of State;**

(b) **in relation to article 140, the Department.**

94. *Offences in relation to documents and records*

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

(a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order which has been forged, altered, revoked or suspended, or to which he is not entitled;

(b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order to, or allow it to be used by, any other person; or

(c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such

certificate, licence, approval, permission or exemption or other document;

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

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in paragraph (2) shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order, of any regulations made thereunder unless he is authorised to do so under this Order.

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

PART 8

MOVEMENT OF AIRCRAFT

96. Power to prohibit or restrict flying

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

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

the **Department** may make regulations prohibiting, restricting or imposing conditions on **flights by aircraft in any airspace over the Isle of Man.**

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(4) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(5) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in paragraph (1)(c) he shall, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(6) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(c) or

within airspace notified as a Danger Area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

97. *Balloons, kites, airships, gliders and parascending parachutes*

(1) The provisions of this article shall apply only to or in relation to aircraft within the **Isle of Man**.

(2) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(3) Without the permission of the **Department** —

- (a) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
- (b) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (c) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;
- (d) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;
- (e) a kite shall not be flown at a height of more than 60 metres above ground level; and
- (f) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome.

(4) An uncontrollable balloon in captive or released flight shall not be flown in airspace notified for the purposes of this paragraph without the permission of the **Department**.

(5) A controllable balloon shall not be flown in free controlled flight—

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;

except during the day and in visual meteorological conditions.

(6) A controllable balloon shall not be flown in tethered flight—

- (a) within airspace notified for the purposes of this paragraph; or
- (b) within the aerodrome traffic zone of a notified aerodrome;

except with the permission of the appropriate air traffic control unit.

(7) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(8) An airship with a capacity exceeding 3,000 cubic metres shall not be moored other than on a notified aerodrome except with the permission of the **Department**.

(9) An airship with a capacity not exceeding 3,000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored—

- (a) within 2 km of a congested area; or
- (b) within the aerodrome traffic zone of a notified aerodrome;

except with the permission of the **Department**.

(10) An airship when moored in the open shall be securely moored and shall not be left unattended.

(11) A person shall not cause or permit—

- (a) a group of small balloons exceeding 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the **Department** not less than 28 days previous notice in writing of the release;
- (b) a group of small balloons exceeding 2,000 but not exceeding 10,000 in number to be simultaneously released at a single site—
 - (i) within airspace notified for the purposes of this sub-paragraph; or
 - (ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome;without the permission of the **Department**;
- (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission of the **Department**.

(12) For the purposes of this article—

- (a) in paragraph (5) "day" means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;
- (b) the "notified operating hours" means the times notified in respect of an aerodrome during which rule 39 of the Rules of the Air Regulations 1996 applies;
- (c) "simultaneously released at a single site" means the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square.

98. Regulation of small aircraft

(1) A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.

(2) The person in charge of a small aircraft which weighs more than 7 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight shall not fly such an aircraft—

- (a) unless the person in charge of the aircraft has reasonably satisfied himself that the flight can safely be made;
- (b) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (c) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained;
- (d) at a height exceeding 400 feet above the surface unless it is flying in airspace described in sub-paragraph (b) or (c) and in accordance with the requirements thereof; or
- (e) for aerial work purposes other than in accordance with a permission issued by the **Department**.

99. Regulation of rockets

(1) Subject to paragraph (2), this article applies to—

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds; and
- (b) large rockets.

(2) This article shall not apply to—

- (a) an activity to which the Outer Space Act 1986 applies; or
- (b) a military rocket.

(3) No person shall launch a small rocket to which this article applies unless the condition in paragraph (4), and any of the conditions in paragraph (5) which are applicable, are satisfied.

(4) The condition first mentioned in paragraph (3) is that he has reasonably satisfied himself that—

- (a) the flight can be safely made; and
- (b) the airspace within which the flight will take place is, and will throughout the flight, remain clear of any obstructions including any aircraft in flight.

(5) The conditions mentioned secondly in paragraph (3) are that—

- (a) for a flight within controlled airspace, he has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace;

- (b) for a flight within an aerodrome traffic zone at any of the times specified in Column 2 of the Table in rule 39(1) of the Rules of the Air Regulations 1996—
 - (i) he has obtained the permission of the air traffic control unit at the aerodrome; or
 - (ii) where there is no air traffic control unit, he has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely; or
 - (iii) where there is no air traffic control unit and no aerodrome flight information service unit, he has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely;
- (c) for a flight for aerial work purposes the flight is carried out under and in accordance with a permission granted by the **Department**.
- (6) No person shall launch a large rocket unless he does so under and in accordance with a permission granted by the **Department**.

PART 9

AIR TRAFFIC SERVICES

100. Requirement for an air traffic control approval

(1) No person in charge of the provision of an air traffic control service shall provide such a service in respect of **Isle of Man airspace or airspace outside the Isle of Man for which the Isle of Man Government has, in pursuance of arrangements made with the government of the United Kingdom, undertaken to provide air navigation services** otherwise than under and in accordance with the terms of an air traffic control approval granted to him by the **Department**.

(2) The **Department** shall grant an air traffic control approval if it is satisfied that the applicant is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

101. Duty of person in charge to satisfy himself as to competence of controllers

The holder of an approval under article 100 shall not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless—

- (a) such person holds an appropriate licence; and
- (b) the holder has satisfied himself that such person is competent to perform his duties.

102. Manual of air traffic services

A person shall not provide an air traffic control service at any place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place;

- (b) the manual is produced to the **Department** within a reasonable time after a request for its production is made by the **Department**; and
- (c) such amendments or additions have been made to the manual as the **Department** may from time to time require.

103. Provision of air traffic services

In the case of an aerodrome (~~other than a Government aerodrome~~) in respect of which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome shall—

- (a) inform the CAA **and the Department** in advance of the periods during and times at which any such equipment is to be in operation for the purpose of providing such aid as is specified by the said person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

104. Making of an air traffic direction in the interests of safety

(1) The **Department** may, in the interests of safety, direct the person in charge of an aerodrome that there shall be provided in respect of any aerodrome such an air traffic control service, a flight information service or a means of two way radio communication as the **Department** considers appropriate.

(3) The **Department** may specify in a direction made under this article the periods during which, the times at which, the manner in which and the airspace within which such service or such means shall be provided.

(4) The person who has been directed shall cause such a service or means to be provided in accordance with the direction.

- (5) A provisional air traffic direction—
 - (a) may, if it thinks fit, be made by the **Department** in accordance with paragraph (1) ~~or (2)~~ pending inquiry into or consideration of the case;
 - (b) shall have effect as though it were an air traffic direction made in accordance with paragraph (1).

105. Making of a direction for airspace policy purposes

(1) After consultation with the Secretary of State the **Department** may direct in accordance with paragraphs (2) and (3) any person in charge of the provision of air traffic services to provide air traffic services in respect of **Isle of Man airspace or airspace outside the Isle of Man for which the Isle of Man Government has, in pursuance of arrangements made with the government of the United Kingdom, undertaken to provide air navigation services.**

- (2) A direction under paragraph (1) may be made—
 - (a) in the interests of ensuring the efficient use of airspace; or
 - (b) to require that air traffic services are provided to a standard considered appropriate by the **Department** for the airspace classification.

(3) The **Department** may specify in a direction under paragraph (1) the air traffic services and the standard to which they are to be provided and the periods

during which, the times at which, the manner in which, and the airspace within which such services shall be provided.

(4) The person who has been directed shall cause such a service to be provided in accordance with the direction.

106. Use of radio call signs at aerodromes

The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

PART 10

LICENSING OF AIR TRAFFIC CONTROLLERS

107. Prohibition of unlicensed air traffic controllers

(1) Subject to paragraphs (3) and (4), a person shall not act as an air traffic controller or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of, and complies with the privileges and conditions of—

- (a) a valid student air traffic controller's licence granted under this Order **as it has effect in the United Kingdom;**
- (b) an appropriate air traffic controller's licence granted under this Order **as it has effect in the United Kingdom;** or
- (c) a valid air traffic controller's licence so granted which is not appropriate but he is supervised as though he was the holder of a student air traffic controller's licence.

(2) A person shall not act as an air traffic controller unless he has identified himself in such a manner as may be notified.

(3) A licence shall not be required by any person who, acting in the course of his employment, passes on such instructions or advice as he has been instructed so to do by the holder of an air traffic controller's licence which entitles that holder to give such instructions or advice.

(4) A licence shall not be required by any person who acts in the course of his duty as a member of any of Her Majesty's naval, military or air forces or a visiting force.

108. Endorsement of air traffic controllers' licences

(4) **If the Department is satisfied that the holder of an air traffic controller's licence is competent to act in a capacity to which a rating or endorsement included in the licence relates, the Department may include in the licence, subject to such conditions as it thinks fit, a unit licence endorsement, specifying —**

- (a) **the aerodrome or place,**
- (b) **the sector or operational position, and**
- (c) **the surveillance equipment (if any),**

for which that rating or endorsement is valid.

(4A) Any of the ratings and endorsements specified in Part B of Schedule 11 which are included in an air traffic controller's licence shall be deemed to form part of the licence.

(5) The holder of an air traffic controller's licence shall, upon such occasions as the **Department** may require, submit himself for such examinations, assessments and tests and furnish such evidence as to his **competence** and undergo such courses of training, as the **Department** may require.

109. Privileges of an air traffic controller's licence and a student air traffic controller's licence

(1) Subject to article 110 and to any conditions of the licence granted under article 108 **as it has effect in the United Kingdom** an air traffic controller's licence shall entitle the holder to —

- (a) exercise the privileges specified in paragraph 1(3) of Part A of Schedule 11; and
- (b) exercise the privileges of any rating or endorsement included in the licence as specified in Part B of the said Schedule.

(2) Subject to article 110 and to any conditions of the licence granted under article 108 **as it has effect in the United Kingdom** a student air traffic controller's licence shall entitle the holder to exercise the privileges specified in paragraph 2(3) of Part A of Schedule 11.

110. Maintenance of validity of ratings and endorsements

(1) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating or endorsement contained in the licence unless the licence includes a current unit licence endorsement specifying that the rating or endorsement is valid for:

- (a) the aerodrome or place at which he so acts;
- (b) the sector on which or the operational position at which he so acts; and
- (c) the surveillance equipment (if any) with which he so acts.

(2) A unit licence endorsement may be entered in a licence either by the **Department** or by the holder of an air traffic controller's licence which includes an examiner licence endorsement.

111. Obligation to notify rating ceasing to be valid

(1) Subject to paragraph (2), when a rating ceases to be valid for a sector or operational position the holder of the licence shall forthwith inform the person who is approved under article 100 to provide an air traffic control service for that sector or operational position to that effect.

(2) When a rating ceases to be valid for a sector or operational position and is not valid for any other sector or operational position the holder shall notify the CAA and forward the licence to the CAA or a person approved by the CAA for the purpose.

(3) Whenever a person ceases to act as an air traffic controller at a particular unit he shall notify the CAA and forward the licence to the CAA or a person approved by the CAA for the purpose.

112. Requirement for medical certificate

(2) **A medical certificate issued and in force under paragraph (1) of this article as it has effect in the United Kingdom shall be deemed to form part of the licence to which it relates.**

(3) The holder of an air traffic controller's licence shall not act as an air traffic controller unless his licence includes **such a medical certificate**.

(4) The holder of a student air traffic controller's licence shall not act as a student air traffic controller unless his licence includes **such a medical certificate**.

113. Appropriate licence

An air traffic controller's licence shall not be an appropriate licence for the purposes of this Part of the Order unless it includes valid ratings, endorsements and certificates which authorise the holder to provide, at the aerodrome or place, the type of air traffic control service for the sector on which or the operational position at which it is being provided and with the type of surveillance equipment being used (if any).

114. Incapacity of air traffic controllers

(1) Every holder of an air traffic controller's licence granted under article 108 of this Order as it has effect in the United Kingdom who —

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
- (b) in the case of a woman, has reason to believe that she is pregnant;

shall inform the CAA, **and the person approved under article 100 to provide the relevant air traffic control service**, in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's medical certificate shall cease to be in force on the expiry of the period of injury or illness referred to in paragraph (1)(a) and shall come into force again (provided it has not expired) —

- (a) upon the holder being medically examined under arrangements made by the CAA and pronounced fit to resume his functions under the licence; or
- (b) upon the CAA exempting the holder from the requirement of a medical examination subject to such conditions as the CAA may think fit.

115. Fatigue of air traffic controllers—air traffic controllers' responsibilities

A person shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

116. Prohibition of acting under the influence of drink or a drug

A person shall not act as an air traffic controller or a student air traffic controller whilst under the influence of drink or a drug to such an extent as to impair his capacity to act as such.

117. Failing exams

A person who, on the last occasion when he was examined, assessed or tested for the purposes of this Part, **or of this Part as it has effect in the United Kingdom**, failed that examination, assessment or test shall not be entitled to act in the capacity for which that examination, assessment or test would have qualified him had he passed it.

118. Use of simulators

No part of any examination, assessment or test undertaken for the purposes of this Part or Schedule 11 or any training which has been approved under article 119 shall be undertaken in a simulator unless that simulator has been approved by the **Department**.

119. Approval of courses, persons and simulators

Without prejudice to any other provision of this Order the **Department** may, for the purposes of this Part —

- (a) approve any course of training or instruction;
- (b) authorise a person to conduct such examinations, assessments or tests as it may specify;
- (c) approve a person to provide any course of training or instruction; and
- (d) approve a simulator.

120. Acting as an air traffic controller and a student air traffic controller

For the purposes of this Part and Schedule 11 —

- (a) “acting as an air traffic controller” shall mean either —
 - (i) giving an air traffic control service; or
 - (ii) the supervision of a student air traffic controller;or both; and
- (b) “acting as a student air traffic controller” shall mean giving an air traffic control service under the supervision of an air traffic controller.

PART 11

FLIGHT INFORMATION SERVICES ETC.

121. Prohibition of unlicensed flight information service officers

(1) A person shall not act as a flight information service officer at any aerodrome or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of and complies with the terms of a flight information service officer's licence granted under this Order **as it has effect in the United Kingdom** authorising him to act as such at that aerodrome.

(2) A person shall not act as a flight information service officer unless he has identified himself in such a manner as may be notified.

(3) For the purposes of ~~this Part and Schedule 11~~ **this article** "acting as a flight information service officer" shall mean giving a flight information service.

123. Flight information service manual

A person shall not provide a flight information service at any aerodrome unless—

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual in respect of that aerodrome;
- (b) the manual is produced to the **Department** within a reasonable time after a request for its production is made by the **Department**; and
- (c) such amendments or additions have been made to the manual as the **Department** may from time to time require.

PART 12

AIR TRAFFIC SERVICE EQUIPMENT

124. Air traffic service equipment

(1) A person shall not cause or permit any air traffic service equipment to be established or used in the **Isle of Man** otherwise than under and in accordance with an approval granted by the **Department** to the person in charge of the equipment.

(2) An approval shall be granted under paragraph (1) upon the **Department** being satisfied—

- (a) as to the intended purpose of the equipment;
- (b) that the equipment is fit for its intended purpose; and
- (c) that the person is competent to operate the equipment.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.

(4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.

(5) An approval granted under paragraph (1) may in addition to any other conditions which may be imposed include a condition requiring the person in charge of the equipment to use a person approved by the **Department** under paragraph (6) for the provision of particular services in connection with the equipment and in particular but without limitation may include a condition requiring that the equipment be flight checked by such an approved person.

(6) The **Department** may approve a person to provide particular services in connection with approved equipment.

(7) For the purpose of paragraphs (1) and (6) an approval may be granted in respect of one or more than one person or generally.

125. Air traffic service equipment records

(1) The person in charge of any air traffic service equipment and any associated apparatus required under paragraph (2) or (3) shall keep in respect of such equipment or apparatus records in accordance with Part A of Schedule 12, and shall

preserve such records for a period of one year or such longer period as the **Department** may in a particular case direct.

(2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide recording apparatus in accordance with paragraph (4).

(3) The **Department** may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).

(4) The person in charge of the air traffic service equipment in respect of which recording apparatus is required to be provided under paragraph (2) or (3) shall, subject to paragraph (7)—

- (a) ensure that when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; or in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit;
- (b) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft;
- (c) ensure that each record made by the apparatus complies with Part B of Schedule 12;
- (d) not cause or permit that apparatus to be used unless it is approved by the **Department**; and
- (e) comply with the terms of such an approval.

(5) The **Department** may in considering whether or not to grant an approval, without limitation, have regard to the matters specified in Part C of Schedule 12.

(6) An approval may be granted—

- (a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the **Department** may have had regard to under paragraph (5);
- (b) in respect of one or more than one person or generally.

(7) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus shall ensure that, so far as practicable, a record is kept which complies with Part B of Schedule 12 and on which the particulars specified therein are recorded together with, in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft.

(8) If any apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment shall

ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(9) The person in charge of any air traffic service equipment shall preserve any record made in compliance with paragraph (4) or (7) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the **Department** may in a particular case direct.

(10) Subject to paragraph (11), a person required by this article to preserve any record by reason of his being the person in charge of the air traffic service equipment shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative.

(11) If another person becomes the person in charge of the air traffic service equipment the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with any such record delivered to him as if he were the previous person in charge.

(12) The person in charge of any air traffic service equipment shall within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.

PART 13

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

126. Aerodromes—public transport of passengers and instruction in flying

(1) An aircraft to which this paragraph applies shall not take off or land at a place in the **Isle of Man** other than—

- (a) an aerodrome licensed under this Order for the take-off and landing of such aircraft; or
- (b) **Jurby aerodrome, where —**
 - (i) **it has been notified as available for the take-off and landing of such aircraft, or**
 - (b) **the person in charge of the aerodrome has given his permission for the particular aircraft to take off or land as the case may be;**

and in accordance with any conditions subject to which the aerodrome may have been licensed or notified, or subject to which such permission may have been given.

- (2) Subject to paragraph (4), paragraph (1) applies to—
 - (a) any aeroplane of which the maximum total weight authorised exceeds 2,730 kg flying on a flight—
 - (i) for the purpose of the public transport of passengers;
 - (ii) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or

- (iii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence;
 - (b) any aeroplane of which the maximum total weight authorised does not exceed 2,730 kg flying on a flight—
 - (i) which is a scheduled journey for the purpose of the public transport of passengers;
 - (ii) for the purpose of the public transport of passengers beginning and ending at the same aerodrome;
 - (iii) for the purpose of—
 - (aa) instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (bb) a flying test in respect of the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence; or
 - (iv) for the purpose of the public transport of passengers at night;
 - (c) any helicopter or gyroplane flying on a flight specified in sub-paragraph (b)(i) or (iii); and
 - (d) any glider (other than a glider being flown under arrangements made by a flying club and carrying no person other than a member of the club) flying on a flight for the purpose of the public transport of passengers or for the purpose of instruction in flying.
- (3) Subject to paragraph (4)—
- (a) the person in charge of any area in the **Isle of Man** intended to be used for the take off or landing of helicopters at night other than such a place as is specified in paragraph (1) shall cause to be in operation, whenever a helicopter flying for the purpose of the public transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter—
 - (i) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
 - (ii) in the case of taking off, to make a safe take-off;
 - (b) a helicopter flying for the purpose of the public transport of passengers at night shall not take off or land at a place to which sub-paragraph (a) applies unless there is in operation such lighting.
- (4) Paragraph (1) shall not apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator's certificate **issued under article 7 of this Order as it has effect in the United Kingdom.**

128. Licensing of aerodromes

(1) The **Department** shall grant a licence in respect of any aerodrome in the **Isle of Man** if it is satisfied that—

- (a) the applicant is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;
- (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings; and
- (c) the aerodrome manual submitted under paragraph (6) is adequate.

(2) If the applicant so requests or if the **Department** considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, it may grant a licence (in this Order referred to as "a licence for public use") which in addition to any other conditions which it may impose shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(3) The holder of an aerodrome licence granted under this Order (in this article called "an aerodrome licence holder") shall—

- (a) furnish to any person on request information concerning the terms of the licence; and
- (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the public transport of passengers or instruction in flying.

(4) An aerodrome licence holder shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to an aircraft flying on a flight specified in article 126(2), but the licence shall not cease to be valid by reason only of such a contravention.

(5) An aerodrome licence holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(6) Upon making an application for an aerodrome licence the applicant shall submit to the **Department** an aerodrome manual for that aerodrome.

(7) An aerodrome manual required under this article shall contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular, information and instructions relating to the matters specified in Schedule 13.

(8) Every aerodrome licence holder shall—

- (a) furnish to the **Department** any amendments or additions to the aerodrome manual before or immediately after they come into effect;

- (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the **Department** may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(9) Every aerodrome licence holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties and shall ensure that each such copy is kept up to date.

(10) Every aerodrome licence holder shall take all reasonable steps to secure that each member of the aerodrome operating staff—

- (a) is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such; and
- (b) undertakes his duties as such in conformity with the relevant provisions of the manual.

(11) For the purposes of this article—

- (a) "aerodrome operating staff" means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;
- (b) "visual traffic pattern" means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 39 of the Rules of the Air Regulations 1996, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it were so notified.

129. Charges at aerodromes licensed for public use

The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the **Department**, furnish to the **Department** such particulars as **it** may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

130. Use of aerodromes by aircraft of Contracting States and of the Commonwealth

The person in charge of any aerodrome in the **Isle of Man** which is open to public use by aircraft registered in the **Isle of Man** (whether or not the aerodrome is a licensed aerodrome) shall cause the aerodrome and all of its air navigation facilities to be available for use by aircraft registered in **any** Contracting States or in any part of the Commonwealth on the same terms and conditions as for use by aircraft registered in the **Isle of Man**.

131. Noise and vibration caused by aircraft on aerodromes

(1) The **Department** may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft.

(2) Section 77(2) of the Civil Aviation Act 1982 shall apply to any aerodrome in relation to which the **Department** has prescribed conditions in accordance with paragraph (1).

132. Aeronautical lights

(1) Except with the permission of the **Department** and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of—

- (a) an aeronautical beacon within the **Isle of Man**; or
- (b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) In the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the **Department** shall not give its permission for the purpose of this article except with the consent of that authority.

(3) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the **Department**.

133. Lighting of en-route obstacles

(1) For the purposes of this article, an "en-route obstacle" means any building, structure or erection which is 150 metres or more above ground level, but it does not include a building, structure or erection which is in the vicinity of a licensed aerodrome.

(2) The person in charge of an en-route obstacle shall ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.

(3) Subject to paragraph (4), the person in charge of an en-route obstacle shall ensure that, by night, the lights required to be fitted by this article shall be displayed.

(4) In the event of the failure of any light which is required by this article to be displayed by night the person in charge shall repair or replace the light as soon as is reasonably practicable.

(5) At each level on the obstacle where lights are required to be fitted, sufficient lights shall be fitted and arranged so as to show when displayed in all directions.

(6) In any particular case the **Department** may direct that an en-route obstacle shall be fitted with and shall display such additional lights in such positions and at such times as it may specify.

(7) This article shall not apply to any en-route obstacle in respect of which the **Department** has granted a permission for the purposes of this article to the person in charge.

(8) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally.

134. Lighting of wind turbine generators in territorial waters

(1) This article shall apply to any wind turbine generator which is situated in waters within or adjacent to the **Isle of Man** up to the seaward limits of the territorial sea and the height of which is 60 metres or more above the level of the sea at the highest astronomical tide.

(2) Subject to paragraph (3) the person in charge of a wind turbine generator to which this article applies shall ensure that it is fitted with at least one medium intensity steady red light positioned as close as reasonably practicable to the top of the fixed structure.

(3) Where four or more wind turbine generators to which this article applies are located together in the same group, with the permission of the **Department** only those on the periphery of the group need be fitted with a light in accordance with paragraph (2).

(4) The light or lights required by paragraph (2) shall, subject to paragraph (5), be so fitted as to show when displayed in all directions without interruption.

(5) When displayed—

- (a) the angle of the plane of the beam of peak intensity emitted by the light shall be elevated to between 3 and 4 degrees above the horizontal plane;
- (b) not more than 45% or less than 20% of the minimum peak intensity specified for a light of this type shall be visible at the horizontal plane;
- (c) not more than 10% of the minimum peak intensity specified for a light of this type shall be visible at a depression of 1.5 degrees or more below the horizontal plane.

(6) The person in charge of a wind turbine generator to which this article applies shall—

- (a) subject to sub-paragraph (b) ensure that by night, any light required to be fitted by this article shall be displayed;
- (b) in the event of the failure of the light which is required by this article to be displayed by night, repair or replace the light as soon as is reasonably practicable.

(7) When visibility in all directions from every wind turbine generator to which this article applies in a group is more than 5 km the light intensity for any light required by this article to be fitted to any generator in the group and displayed may be reduced to not less than 10% of the minimum peak intensity specified for a light of this type.

(8) In any particular case the CAA may direct that a wind turbine generator to which this article applies shall be fitted with and shall display such additional lights in such positions and at such times as it may specify.

(9) This article shall not apply to any wind turbine generator in respect of which the CAA has granted a permission for the purposes of this article to the person in charge.

(10) A permission may be granted for the purposes of this article in respect of a particular case or class of cases or generally.

(11) In this article—

- (a) "wind turbine generator" is a generating station which is wholly or mainly driven by wind;
- (b) the height of a wind turbine generator is the height of the fixed structure or if greater the maximum vertical extent of any blade attached to that structure; and
- (c) a wind turbine generator is in the same group as another wind turbine generator if the same person is in charge of both and—
 - (i) it is within 2 km of that other wind turbine generator; or
 - (ii) it is within 2 km of a wind turbine generator which is in the same group as that other wind turbine generator.

135. Dangerous lights

(1) A person shall not exhibit in the **Isle of Man** any light which—

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.

(2) If any light which appears to the **Department** to be such a light as aforesaid is exhibited the **Department** may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light which is or may be visible from any waters within the area of a general lighthouse authority, the power of the **Department** under this article shall not be exercised except with the consent of that authority.

137 Aviation fuel at aerodromes

(1) Subject to paragraph (2), a person who has the management of any aviation fuel installation on an aerodrome in the **Isle of Man** shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless—

- (a) when the aviation fuel is delivered into the installation he is satisfied that—
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft; and
- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.

(2) Paragraph (1) shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(3) A person to whom paragraph (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include—

- (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) particulars of the maintenance and cleaning of the installation;

and he shall preserve the written record for a period of 12 months or such longer period as the **Department** may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(4) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(5) If it appears to the **Department** or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the **Department** or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the **Department** or by an authorised person.

- (6) In this article—
 - (a) "aviation fuel" means fuel intended for use in aircraft; and
 - (b) "aviation fuel installation" means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART 14
GENERAL

138. Restriction on carriage for valuable consideration in aircraft registered elsewhere

(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not take on board or discharge any passengers or cargo in the **Isle of Man** where valuable consideration is given or promised in respect of the carriage of such persons or cargo unless it does so with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to article 93 or to paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

(3) The Secretary of State may, in any particular case, or class of cases, delegate to the Department the exercise of the powers conferred on him under paragraph (1); and where the exercise of the powers conferred under paragraph (1) is so delegated, the Department shall, in exercising those powers, comply with any general guidelines or specific directions which may from time to time be conveyed to it by the Secretary of State.

139. Filing and approval of tariffs

(1) Where a permission granted under article 138(1) contains a tariff provision, the operator or charterer of the aircraft concerned shall file with the CAA the tariff which it proposes to apply on flights to which the said permission relates and the CAA shall consider the proposed tariff and may, if it thinks fit, approve or disapprove it.

(2) For the purposes of this article, "tariff provision" means a condition as to any of the following matters—

- (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under article 138(1) relates;
- (b) any additional goods, services or other benefits to be provided in connection with such carriage;
- (c) the prices, if any, to be charged for any such additional goods, services or benefits; and
- (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo;

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

(3) The CAA shall act on behalf of the Crown in performing the functions conferred on it by this article.

140. Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere

(1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not fly over the **Isle of Man** for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the **Department** granted under this article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.

(2) Without prejudice to article 93 or to paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

141A. Directions to operators of aircraft to make data available

(1) The **Department** may give a direction to any person who is an operator of an aircraft referred to in paragraph (2) requiring him to take the action referred to in paragraph (3).

(2) The aircraft referred to in paragraph (1) is any aircraft which (alone or in combination with one or more other aircraft operated by the operator) is flown for the carriage of passengers from the **Isle of Man** (directly or via another country) to a country which is outside the European Economic Area and is specified in the direction.

(3) The action referred to in paragraph (1) is the making available electronically of data in respect of all passengers and crew on the aircraft or expected to be on the aircraft.

(4) A direction may be given in respect of—

- (a) all aircraft,
- (b) any aircraft, or
- (c) any class of aircraft,

of which (at the time when the direction is given or at any subsequent time) the person is the operator and which is or are specified in the direction.

(5) A direction shall specify—

- (a) the competent authorities of the country to whom the data are to be made available electronically; and
- (b) the types of data to which the direction relates.

(6) A direction shall only have effect in relation to data which are collected and contained in the operator's automated reservation system or departure control system.

Inserted by SI 2006/2316

143. Mandatory reporting of birdstrikes

(1) Subject to the provisions of this article, the commander of an aircraft shall make a report to the **Department** of any birdstrike occurrence which occurs whilst the aircraft is in flight within the **Isle of Man**.

(2) The report shall be made within such time, by such means and shall contain such information as may be prescribed and it shall be presented in such form as the **Department** may in any particular case approve.

(3) Nothing in this article shall require a person to report any occurrence which he has reported under **article 57 of the Air Navigation (Isle of Man) Order 2007** or which he has reason to believe has been or will be reported by another person to the **Department** in accordance with that article.

(4) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.

(5) In this article "birdstrike occurrence" means an incident in flight in which the commander of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

144. Power to prevent aircraft flying

(1) If it appears to the **Department** or an authorised person that any aircraft is intended or likely to be flown—

- (b) in such circumstances that the flight would be in contravention of **any provision of this Order** or of any regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any regulations made thereunder;

the **Department** or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the **Department** or by an authorised person, and the **Department** or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) the **Department** or any authorised person may enter upon and inspect any aircraft.

144A. Power to prevent third-country aircraft taking off

Where it appears to an authorised person that a third-country aircraft:

- (a) has a safety deficiency and does not comply with international safety standards,
- (b) would obviously be hazardous to flight safety and
- (c) is intended or is likely to be flown without completion by the operator of the appropriate corrective action

that authorised person shall give to the person appearing to be in command of the aircraft a direction in writing that he shall not permit the aircraft to take off until further notice and take such steps as may be necessary to detain that aircraft.

Inserted by SI 2006/1384

144B. Notifying competent authority of the detention of a third-country aircraft

An authorised person shall immediately inform the competent authority of the State of the operator of the detention and, where necessary, of the State in which the aircraft is registered.

Inserted by SI 2006/1384

144C. Validity of certificate of airworthiness

Where—

- (a) an aircraft has been prohibited from taking off pursuant to article 144A,
- (b) the safety deficiency affects the validity of the certificate of airworthiness of the aircraft and
- (c) the **Department** has granted the operator of the aircraft an exemption from the requirement that the aircraft have a valid certificate of airworthiness

an authorised person shall not revoke a direction issued pursuant to article 144A unless he is satisfied that the operator has obtained permission for the flight from all States over which it is intended to fly the aircraft.

Inserted by SI 2006/1384

145. Right of access to aerodromes and other places

(1) The **Department** and any authorised person shall have the right of access at all reasonable times—

- (a) to any aerodrome for the purpose of inspecting the aerodrome;
- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order;
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order; and
- (d) to any building or place from which an air traffic control service is being provided or where any air traffic service equipment requiring approval under article 124 is situated for the purpose of inspecting—
 - (i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or
 - (ii) any document or record which it or he has power to demand under this Order.

146. Obstruction of persons

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

147. Directions

(1) Where any provision of this Order or any regulations made thereunder gives to a person the power to direct, the person to whom such a power is given shall also have the power to revoke or vary any such direction.

(2) Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

148. Penalties

(1) If any provision of this Order, or any regulations made thereunder ~~or of Part 21, 145 or M~~ is contravened in relation to an aircraft, the operator of that aircraft and the commander and, in the case of a contravention of article 138, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article 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 this Order, or any regulations made thereunder 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) Where a person is charged with contravening a provision of this Order or any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, or any regulations made thereunder not being a provision referred to in paragraph (5), (6) or (7), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£1,000**.

(5) If any person contravenes any provision specified in Part A of Schedule 14 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£2,500**.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£5,000** and on conviction on **information** to a fine or **custody** for a term not exceeding two years or both.

(7) If any person contravenes any provision specified in Part C of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding **£5,000** and on conviction on **information** to a fine or **custody** for a term not exceeding five years or both.

149. Extent of the Order

The provisions of this Order shall apply to all aircraft within the Isle of Man and in or over territorial waters adjacent to the Isle of Man.

152. Application of Order to the Crown and visiting forces, etc.

(1) Subject to the provisions of this article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(2) For the purposes of such application, the authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this article shall render liable to any penalty any authority responsible on behalf of Her Majesty for the management of any aircraft.

(4) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order and of any regulations made thereunder to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the **Isle of Man** and for the time being serving there.

(5) Save as otherwise provided by paragraph (6), article 80(5) and (12) and article 131, nothing in this Order shall apply to or in relation to any military aircraft.

(6) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, **article 96** shall apply unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

153. Exemption from Order

The Department may exempt from any of the provisions of this Order (other than article 93, 138, 139 or 140) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

155. Interpretation

(1) In this Order—

'Aerial work' has the meaning assigned to it by article 157;

'Aerial work aircraft' means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

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

'Aerobatic manoeuvres' includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

'Aerodrome' means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

'Aerodrome control service' means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface or any aircraft transferred from approach control in accordance with procedures approved by the **Department**;

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

'Aerodrome traffic zone' has the meaning assigned to it by article 156;

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

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

'Aeronautical radio station' means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

'Air control' means an aerodrome control service excluding that part of the aerodrome control service provided by ground movement control;

'Air/ground communications service' means a service provided from an aerodrome to give information to pilots of aircraft flying in the vicinity of the aerodrome by means of radio signals and 'air/ground communications service unit' shall be construed accordingly;

'Air traffic control service' means the giving of instructions, advice or information by means of radio signals to aircraft in the interests of safety;

'Air traffic control unit' means a person appointed by a person maintaining an aerodrome or place to provide an air traffic control service;

'Air traffic service equipment' means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under this Order but excluding—

- (a) any public electronic communications network; and

(b) any equipment in respect of which the **Department** has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of articles 124 and 125;

'Air transport undertaking' means an undertaking whose business includes the undertaking of flights for the purpose of the public transport of passengers or cargo;

'Alternate aerodrome' means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing;

'Altitude hold and heading mode' mean aircraft autopilot functions which enable the aircraft to maintain an accurate height and an accurate heading;

'Annual costs' in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;

'Annual flying hours' means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight;

'Approach control service' means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

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

'Appropriate aeronautical radio station' means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

'Appropriate air traffic control unit' means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the context requires;

'Apron' means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;

'Area control centre' means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

'Area control service' means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone;

'Area navigation equipment' means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

'Authorised person' means—

- (a) any constable;
- (b) **any person authorised by the Department** (whether by name or by class or description) either generally or in relation to a particular case or class of cases;
- [(d) in article 144A any person authorised by the ~~Secretary of State~~ **Department** pursuant to regulation 5 of the Civil Aviation (Safety of Third-Country Aircraft) Regulations 2006;]

['Automated reservation system' means, in relation to an operator of an aircraft, the central reservation system of the operator which holds data relating to a flight booked by or on behalf of a passenger;]

'Basic EASA Regulation' means Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency;

'CAA' means the Civil Aviation Authority of the United Kingdom;

'Cabin crew' in relation to an aircraft means those persons on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

'Captive balloon' means a balloon which when in flight is attached by a restraining device to the surface;

'Captive flight' means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

'Cargo' includes mail and (for the avoidance of doubt) animals;

'Certificate of airworthiness' includes in the case of a national certificate of airworthiness any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

'Certificated for single pilot operation' means an aircraft which is not required to carry more than one pilot by virtue of any one or more of the following—

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the related flight manual;
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft or the related flight manual;

- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft or the related flight manual; or
- (d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the CAA **or the Department**, that permit to fly;

'Class A airspace', 'Class B airspace', 'Class C airspace', 'Class D airspace' and 'Class E airspace' mean airspace respectively notified as such;

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

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

'the Commonwealth' means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 and all other territories forming part of Her Majesty's dominions or in which Her Majesty has jurisdiction and 'Commonwealth citizen' shall be construed accordingly;

'Competent authority' means, in relation to the Isle of Man, the Department, and in relation to any other country, the authority responsible under the law of that country for promoting the safety of civil aviation;

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

'Contracting State' means any State ~~(including the United Kingdom)~~ which is party to the Chicago Convention;

'Controllable balloon' means a balloon, not being a small balloon, which is capable of free controlled flight;

'Controlled airspace' means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;

'Control area' means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

'Control zone' means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

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

'Country' includes a territory;

'Crew' means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the

training, experience, practice and periodical tests required in respect of the flight crew **in accordance with the law of the country in which the aircraft is registered or the State of the operator** or a member of the cabin crew;

'Danger Area' means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

'Decision height' in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

'Declared distances' has the meaning which has been notified;

'the Department' means the Department of Transport;

['Departure control system' means, in relation to an operator of an aircraft, the system used by the operator to check passengers onto a flight;]

'Designated required navigation performance airspace' means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

'Direct costs' means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;

'Director' has the same meaning as in section 53(1) of the Companies Act 1989[31];

'EASA' means the European Aviation Safety Agency;

'EASA aircraft' means an aircraft which is required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

'EASA certificate of airworthiness' means a certificate of airworthiness issued in respect of an EASA aircraft;

'EASA permit to fly' means a permit to fly issued in respect of an EASA aircraft ;

'EASA restricted certificate of airworthiness' means a restricted certificate of airworthiness issued in respect of an EASA aircraft;

'European Aviation Safety Agency' means the Agency established under the Basic EASA Regulation;

'European Economic Area' means the geographic area composed of the countries or territories comprising the Member States of the European Union together with Iceland, Lichtenstein and Norway;

'Flight' and 'to fly' have the meanings respectively assigned to them by paragraph (2);

'Flight check' means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

'Flight crew' in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft;

'Flight information service' means—

- (a) in the case of an aerodrome—
 - (i) the giving of information by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome; and
 - (ii) the grant or refusal of a permission under Rule 35 or 36(2) of the Rules of the Air Regulations 1996;
- (b) in the case of an area control centre, the giving of information by means of radio signals to aircraft;

and 'aerodrome flight information service' shall be construed accordingly;

'Flight information service unit' means a person appointed by the **Department** or by any other person maintaining an aerodrome to provide a flight information service and 'aerodrome flight information service unit' shall be construed accordingly;

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

'Flight manual' means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft;

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

'Flying display' means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

'Flying machine' means an aeroplane, a powered lift tilt rotor aircraft, a self-launching motor glider, a helicopter or a gyroplane;

'Free balloon' means a balloon which when in flight is not attached by any form of restraining device to the surface;

'Free controlled flight' means flight during which a balloon is not attached to the surface by any form of restraining device (other than a tether not exceeding 5 metres in length which may be used as part of the take-off procedure) and during which the height of the balloon is controllable by means of a device attached to the balloon and operated by the commander of the balloon or by remote control;

'General lighthouse authority' means the Commissioners of Northern Lighthouses;

'Glider' means—

- (a) a 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;
- (b) a self-sustaining glider; and
- (c) a self-propelled hang-glider;

and a reference in this Order to a glider shall include a reference to a self-sustaining glider and a self-propelled hang-glider;

'Ground movement control' means that part of an aerodrome control service provided to an aircraft while it is on the manoeuvring area or apron of an aerodrome;

'Holding' means, in respect of an aircraft approaching an aerodrome to land, a manoeuvre in the air which keeps that aircraft within a specified volume of airspace;

'Instructor's rating' means a flying instructor's rating, an assistant flying instructor's rating, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter);

'Instrument Flight Rules' means Instrument Flight Rules prescribed by Section VI of the Rules of the Air Regulations 1996[34];

'Instrument Landing System' means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft's position relative to a defined approach path whilst carrying out an approach to land;

'Instrument Meteorological Conditions' means weather precluding flight in compliance with the Visual Flight Rules;

'International headquarters' means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964[35];

'JAA' means the Joint Aviation Authorities, an associated body of the European Civil Aviation Conference;

'JAA Full Member State' means a State which is a full member of the JAA;

'JAA licence' means a flight crew licence granted under JAR-FCL 1 or 2 by the competent authority of a JAA Full Member State in accordance with a procedure which has been assessed as satisfactory following an inspection by a licensing and a medical standardisation team of the JAA;

'JAR-FCL 1' means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st July 2003;

'JAR-FCL 2' means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st September 2003;

'JAR-FCL licence' means a licence included in Section 2 of Part A of Schedule 8 to this Order as it has effect in the United Kingdom;

'Kg' means kilogramme or kilogrammes as the context requires;

'Km' means kilometre or kilometres as the context requires;

'To land' in relation to aircraft includes alighting on the water;

'Large rocket' means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds;

'Let down' means, in respect of an aircraft approaching an aerodrome to land a defined procedure designed to enable an aircraft safely to descend to a point at which it can continue the approach visually;

'Licence' in relation to a flight crew licence includes any certificate of competency or certificate of validity or revalidation issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

'Licence for public use' has the meaning assigned to it by article 128(2);

'Licensed aerodrome' means an aerodrome licensed under this Order;

'Lifejacket' includes any device designed to support a person individually in or on the water;

'Log book' in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the CAA in the particular case;

'Maintenance' means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

'Manoeuvring area' means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;

'Medium intensity steady red light' means a red light which complies with the characteristics described for a medium intensity Type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Fourth Edition July 2004) to the Chicago Convention;

'Microlight aeroplane' means an aeroplane designed to carry not more than two persons which has—

- (a) a maximum total weight authorised not exceeding—
 - (i) 300 kg for a single seat landplane, (or 390 kg for a single seat landplane in respect of which a permit to fly or certificate of airworthiness issued by the CAA was in force prior to 1st January 2003);
 - (ii) 450 kg for a two seat landplane;
 - (iii) 330 kg for a single seat amphibian or floatplane; or

- (iv) 495 kg for a two seat amphibian or floatplane; and
- (b) a stalling speed at the maximum total weight authorised not exceeding 35 knots calibrated airspeed;

'Microwave Landing System' means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft's position within a defined volume of airspace whilst carrying out an approach to land;

'Military aircraft' means the naval, military or air force aircraft of any country and—

- (a) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any aircraft in respect of which there is in force a certificate issued by the Secretary of State that the aircraft is to be treated for the purposes of this Order as a military aircraft;

'Military rocket' means—

- (a) any rocket being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (b) any rocket in respect of which there is in force a certificate issued by the Secretary of State that the rocket is to be treated for the purposes of this Order as a military rocket;

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

'National certificate of airworthiness' means a certificate of airworthiness issued under and in accordance with Part 3 of **the Air Navigation (Isle of Man) Order 2007**;

'Nautical mile' means the International Nautical Mile, that is to say, a distance of 1,852 metres;

'Night' means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

'Non-EASA aircraft' means an aircraft which is not required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and a non-EASA balloon, a non-EASA glider and a non-EASA kite shall be construed accordingly;

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

'Notified' means set out with the authority of the CAA in a document published by or under an arrangement entered into with the CAA and entitled 'United Kingdom Notam' or 'Air Pilot' and for the time being in force;

'Notified aerodrome' means an aerodrome which is notified for the purposes of rule 39 of the Rules of the Air Regulations 1996;

'Obstacle limitation surfaces' has the same meaning as in the document entitled 'CAP 168 Licensing of aerodromes' published by the CAA in May 2004;

'Occurrence' means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident as those terms are defined in regulation 2 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996;

'Offshore', in relation to oil or gas installations, means within the territorial waters adjacent to the Isle of Man;

~~'Offshore service' ...~~

'Operating staff' means the servants and agents employed by an operator an aircraft, whether or not as members of the crew, to ensure that flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions;

'Operational position' means a position provided and equipped for the purpose of providing a particular type of air traffic control service;

'Operator' has the meaning assigned to it by paragraph (3);

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

'Passenger' means a person other than a member of the crew;

'Period of duty' means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called upon to perform, any of the functions specified in respect of a rating included in his licence;

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

'Pre-flight inspection' means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

'Precision approach' means an instrument approach using an Instrument Landing System, Microwave Landing System or precision approach radar for guidance in both azimuth and elevation;

'Precision approach radar' means radar equipment designed to enable an air traffic controller to determine accurately an aircraft's position whilst it is carrying out an approach to land so that the air traffic controller can provide instructions and guidance to the pilot to enable him to manoeuvre the aircraft relative to a defined approach path;

'Private aircraft' means an aircraft which is neither an aerial work nor a public transport aircraft;

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

'Public transport' has the meaning assigned to it by article 157;

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

'Record' means (in addition to a record in writing) —

- (i) **a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);**
- (ii) **a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);**
- (iii) **a photograph;**

'Reduced vertical separation minimum airspace' means any airspace between flight level 290 and flight level 410 inclusive designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1,000 feet or 300 metres shall be applied;

'Released flight' means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

'Relevant overseas territory' means any colony and any country or place outside Her Majesty's dominions in which for the time being Her Majesty has jurisdiction;

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

'Rocket' means a device which is propelled by ejecting expanding gasses generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation;

'Runway visual range' in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in—

- (a) the vicinity of the touchdown zone; or
- (b) where this is not reasonably practicable, in the vicinity of the midpoint of the runway;

and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

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

'Seaplane' has the same meaning as in section 97 of the Civil Aviation Act 1982 **as it has effect in the United Kingdom**;

'Sector' means part of the airspace controlled from an area control centre or other place;

'Self-launching motor glider' means an aircraft with the characteristics of a non-power-driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

'Self-propelled hang-glider' means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed;
- (c) carries a maximum of two persons;
- (d) has a maximum fuel capacity of 10 litres; and
- (e) has a maximum unladen weight, including full fuel, of 60 kg for single place aircraft and 70 kg for two place aircraft;

'Self-sustaining glider' means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

'Simple single engine aeroplane' means for the purposes of the National Private Pilot's Licence a single engine piston aeroplane with a maximum take off weight authorised not exceeding 2,000 kg and which is not a microlight aeroplane or a self-launching motor glider;

'SLMG' means a self-launching motor glider;

'Small aircraft' means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

'Small balloon' means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

'Small rocket' means a rocket of which the total impulse of the motor or combination of motors does not exceed 10,240 Newton-seconds;

'Special VFR flight' means a flight which is a special VFR flight for the purposes of the Rules of the Air Regulations 1996[42];

'State aircraft' means an aircraft engaged in military, customs, police or similar services;

'State of the operator' means the State in which the operator of an aircraft has his principal place of business or, if he has no such place of business, his permanent residence, in circumstances where—

- (a) that aircraft is registered in another Contracting State;

- (b) the operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement;
- (c) the State in which that aircraft is registered has, by agreement with the State in which the operator of the aircraft has his principal place of business or, if he has no such place of business, his permanent residence, agreed to transfer to it its functions and duties as State of registry in respect of that aircraft in relation to, in the case of article 8(1), airworthiness, in the case of article 20(1), aircraft radio equipment, in the case of article 26(3), flight crew licensing or, in the case of article 55(1), radio licensing; and
- (d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the CAA;

'Terminal control service' means an air traffic control service for any aircraft flying in, departing or intending to fly within a terminal control area while it is in the terminal control area or any sector adjacent thereto and is specified for this purpose in the manual of air traffic services;

'Tethered flight' means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

'Uncontrollable balloon' means a balloon, not being a small balloon, which is not capable of free controlled flight;

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

'Visiting force' means any such body, contingent or detachment of the forces of any country as is a visiting force for the purpose of the provisions of the Visiting Forces Act 1952—

- (a) which apply to that country by virtue of paragraph (a) of section 1(1) of that Act; or
- (b) which from time to time apply to that country by virtue of paragraph (b) of the said section 1(1) and of any Order in Council made or hereafter to be made under the said section 1 designating that country for the purposes of all the provisions of that Act following section 1(2) of that Act;

'Visual Flight Rules' means Visual Flight Rules prescribed by Section V of the Rules of the Air Regulations 1996[44];

'Visual Meteorological Conditions' means weather permitting flight in accordance with the Visual Flight Rules.

- (2) An aircraft shall be deemed to be in flight—
 - (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power until the moment when it next comes to rest after landing;

- (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
- (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;
- (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon; and
- (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;

and the expressions 'a flight' and 'to fly' shall be construed accordingly.

(3) Subject to paragraph (4), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.

(4) For the purposes of the application of any provision in Part 3 of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, paragraph (3) shall have effect as if that agreement had not been entered into.

(5) References in this Order to—

- (a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;
- (b) an aircraft, aeroplane, powered lift tilt rotor aircraft, self-launching motor glider, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples unless otherwise stated.

(6) In this Order expressions appearing in the 'Classification of Aircraft' in Schedule 1 to the Air Navigation (Isle of Man) Order 2007 have the same meanings as in that Order.

(7) References in this Order to regulations made under this Order include references to regulations made or having effect as if made under this Order as it has effect in the United Kingdom and applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

Amended by SI 2006/2316

156. Meaning of aerodrome traffic zone

(1) The aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as 1,850 metres or less shall be, subject to paragraphs (2) and (5), the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area

bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles.

(2) Where the aerodrome traffic zone specified in paragraph (1) would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this paragraph is notified as being applicable, the aerodrome traffic zone shall be that specified in paragraph (3) as though the length of the longest runway at the aerodrome were notified as greater than 1,850 metres.

(3) The aerodrome traffic zone of a notified aerodrome which is not on an offshore installation and at which the length of the longest runway is notified as greater than 1,850 metres shall be, subject to paragraph (5), the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified midpoint of the longest runway and having a radius of 2½ nautical miles.

(4) The aerodrome traffic zone of a notified aerodrome which is on an offshore installation shall be, subject to paragraph (5), the airspace extending from mean sea level to 2,000 feet above mean sea level and within 1½ nautical miles of the offshore installation.

(5) The aerodrome traffic zone of a notified aerodrome shall exclude any airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this article as being the controlling aerodrome.

164. *Exceptions from application of provisions of the Order for certain classes of aircraft*

The provisions of this Order other than articles 68, ~~74~~, 96(1), 97, 98, 144(1)(b) and (c), 155(1) and (2), shall not apply to or in relation to—

- (a) any small balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any small aircraft; or
- (d) any parachute including a parascending parachute.

165. *Approval of persons to furnish reports*

In relation to any of its functions under any of the provisions of this Order the **Department** may approve a person as qualified to furnish reports to it and may accept such reports.

166. *Certificates, authorisations, approvals and permissions*

Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the **Department**, unless otherwise provided, such a certificate, authorisation, approval or permission—

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the **Department** thinks fit; and
- (c) may be issued or granted, subject to article 92, for such periods as the **Department** thinks fit.

168. Saving

(1) Subject to articles 128 and 130, nothing in this Order or any regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in this Order shall oblige the **Department** to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

Article 108

SCHEDULE 11

AIR TRAFFIC CONTROLLERS - LICENCES, RATINGS, ENDORSEMENTS
AND MAINTENANCE OF LICENCE PRIVILEGES

PART A

AIR TRAFFIC CONTROLLER LICENCES

Air Traffic Controller's Licence

- 1 (3) The privileges of an Air Traffic Controller's Licence are to:
- (a) act as an air traffic controller for any sector or operational position for which a valid rating and endorsement and current unit licence endorsement are included in the licence; and
 - (b) exercise the privileges of a Student Air Traffic Controller Licence.

Student Air Traffic Controller's Licence

- 2 (3) The privileges of a Student Air Traffic Controller's Licence are to act as an air traffic controller under the supervision of another person who is present at the time and who:
- (a) is the holder of an air traffic controller's licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller; and
 - (b) holds an On the Job Training Instructor Licence Endorsement.

PART B

RATINGS, RATING ENDORSEMENTS AND LICENCE ENDORSEMENTS

Inclusion of ratings, rating endorsements and licence endorsements

- 1 Subject to the provisions of this Order and of the licence, the inclusion of a rating, rating endorsement or licence endorsement shall have the consequences respectively specified **in paragraphs 3 and 4 below**.

Exercise of more than one function

Comment [K F W3]: The power to include ratings &c is given by UK law, so this should be omitted, but the effect in Manx law of a rating needs to be spelt out.

2 (1) Subject to sub-paragraphs (2) and (3), the holder of a licence which includes ratings of two or more of the classes specified in paragraph 3 shall not at any one time perform the functions specified in respect of more than one of those ratings.

(2) The functions of an Aerodrome Control Instrument Rating and an Approach Control Procedural Rating may be exercised at the same time.

(3) When a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway is being provided under an Approach Control Surveillance Rating, no other function under the Approach Control Surveillance Rating shall be exercised at the same time.

Ratings and rating endorsements

3 (1) There shall be the following classes of aerodrome control ratings and endorsements:

- (a) An Aerodrome Control Visual Rating shall entitle the holder to act as an air traffic controller in the course of the provision of an aerodrome control service at an aerodrome with no instrument approach or departure procedures.
- (b) An Aerodrome Control Instrument Rating shall entitle the holder to act as an air traffic controller in the course of the provision of an aerodrome control service in accordance with the provisions of one or more of the following Rating Endorsements:
 - (i) A Tower Control Rating Endorsement shall entitle the holder to provide an aerodrome control service at an aerodrome where the aerodrome control service is not divided into air control and ground movement control;
 - (ii) A Ground Movement Control Rating Endorsement shall entitle the holder to provide a ground movement control service at an aerodrome where the aerodrome control service is divided into ground movement control and air control;
 - (iii) A Ground Movement Surveillance Control Rating Endorsement shall entitle the holder of a Tower Control Rating Endorsement or a Ground Movement Control Rating Endorsement to use aerodrome surface movement and guidance systems in the provision of an aerodrome control service;
 - (iv) An Air Control Rating Endorsement shall entitle the holder to provide an air control service at an aerodrome where the aerodrome control service is divided into ground movement control and air control; provided that nothing in this Order shall prevent the holder of an Air Control Rating Endorsement from using aerodrome surface movement and guidance systems in the provision of an air control service;
 - (v) An Aerodrome Radar Control Rating Endorsement shall entitle the holder of an Air Control Rating Endorsement or a Tower Control Rating Endorsement to use radar in the provision of an aerodrome control service to aircraft flying in the vicinity of the aerodrome; provided that nothing in this Order shall prevent the

holder of an Air Control Rating Endorsement or a Tower Control Rating Endorsement from using an aerodrome traffic monitor in the provision of an aerodrome control service.

- (2) There shall be the following classes of approach control ratings and endorsements:
- (a) an Approach Control Procedural Rating shall entitle the holder to act as an air traffic controller in the course of the provision of an approach control service, without the use of any surveillance equipment.
 - (b) An Approach Control Surveillance Rating shall entitle the holder to act as an air traffic controller in the course of the provision of an approach control service with the use of surveillance equipment in accordance with the provisions of one or more of the following Rating Endorsements:
 - (i) a Radar Rating Endorsement shall entitle the holder to use radar in the provision of an approach control service except for anything authorised by a specific rating endorsement below;
 - (ii) a Surveillance Radar Approach Rating Endorsement shall entitle the holder of a Radar Rating Endorsement to provide ground controlled non-precision radar approaches with the use of surveillance radar equipment;

Licence Endorsements

- 4 (1) An Examiner Licence Endorsement shall entitle the holder to sign a unit licence endorsement in respect of:
- (a) the air traffic control services that his air traffic controller licence entitles him to provide; or
 - (b) such other air traffic control services as the CAA may authorise for that holder.
- (2) An On the Job Training Instructor Licence Endorsement shall entitle the holder to supervise and give operational air traffic control instruction to the holder of a Student Air Traffic Controller's Licence or Air Traffic Controller's Licence in relation to an air traffic control service which his Air Traffic Controller's Licence entitles him to provide.
- (3) A Unit Licence Endorsement:
- (a) specifies the aerodrome or place at which the holder is entitled to exercise the privileges of his licence and the validity of any ratings, rating endorsements or licence endorsements included in the licence; and
 - (b) is valid for the period of 12 months beginning with the date of issue or date of renewal.

Article 125

SCHEDULE 12

AIR TRAFFIC SERVICE EQUIPMENT—RECORDS REQUIRED AND
MATTERS TO WHICH THE DEPARTMENT MAY HAVE REGARD

PART A

Records to be kept in accordance with article 125(1)

- (1) A record of any functional tests, flight checks and particulars of any maintenance, repair, overhaul, replacement or modification.
- (2) Subject to paragraph (3), the record shall be kept in a legible or a non-legible form so long as the record is capable of being reproduced by the person required to keep the record in a legible form and it shall be so reproduced by that person if requested by an authorised person.
- (3) In any particular case the **Department** may direct that the record is kept or be capable of being reproduced in such a form as it may specify.

PART B

Records required in accordance with article 125(4)(c)

Each record made by the apparatus provided in compliance with article 125(2) or (3) shall be adequately identified and in particular shall include—

- (a) the identification of the aeronautical radio station;
- (b) the date or dates on which the record was made;
- (c) a means of determining the time at which each message or signal was transmitted or received;
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

PART C

Matters to which the **Department** may have regard in granting an approval of apparatus in accordance with article 125(5)

- (1) The purpose for which the apparatus is to be used.
- (2) The manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used.
- (3) The adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any).
- (4) The manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled.
- (5) The manner in which the apparatus has been or will be inspected.

Article 128(7)

SCHEDULE 13
AERODROME MANUAL

Information and instructions relating to the following matters shall be included in the aerodrome manual referred to in article 128—

- (a) the name and status of the official in charge of day to day operation of the aerodrome together with the names and status of other senior aerodrome operating staff and instructions as to the order and circumstances in which they may be required to act as the official in charge;
- (b) the system of aeronautical information service available;
- (c) procedures for promulgating information concerning the aerodrome's state;
- (d) procedures for the control of access, vehicles and work in relation to the aerodrome manoeuvring area and apron;
- (e) procedures for complying with **article 57 of the Air Navigation (Isle of Man) Order 2007** and for the removal of disabled aircraft;
- (f) in the case of an aerodrome which has facilities for fuel storage, procedures for complying with article 137;
- (g) plans to a scale of 1:2500 depicting the layout of runways, taxiways and aprons, aerodrome markings, aerodrome lighting if such lighting is provided, and the siting of any navigational aids within the runway strip; provided that in the case of copies or extracts of the manual provided or made available to a member of the aerodrome operating staff, the plans shall be of a scale reasonably appropriate for the purposes of article 128(9);
- (h) in respect of an aerodrome in relation to which there is a notified instrument approach procedure, survey information sufficient to provide data for the production of aeronautical charts relating to that aerodrome;
- (i) description, height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit;
- (j) data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance;
- (k) method of calculating reduced declared distances and the procedure for their promulgation;
- (l) details of surfaces and bearing strengths of runways, taxiways and aprons;
- (m) the system of the management of air traffic in the airspace associated with the aerodrome, including procedures for the co-ordination of traffic with adjacent aerodromes, except any such information or procedures already published in any manual of air traffic services;
- (n) operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons;
- (o) if operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods;

- (p) procedures for the safe integration of all aviation activities undertaken at the aerodrome;
- (q) procedures for the control of bird hazards;
- (r) procedures for the use and inspection of the aerodrome lighting system, if such a system is provided; and
- (s) the scale of rescue, first aid and fire service facilities, the aerodrome emergency procedures and procedures to be adopted in the event of temporary depletion of the rescue and fire service facilities.

Article 148

SCHEDULE 14

PENALTIES

PART A

Provisions referred to in article 148(5)

<i>Article of Order</i>	<i>Subject Matter</i>
36	Instruction in flying without appropriate licence and rating
46	Prohibition on public transport flights at night etc.
58	Requirement for height keeping performance equipment
60	Requirement for area navigation equipment etc.
63	Towing of gliders
65	Towing, picking up and raising of persons and articles by aircraft
66	Dropping of articles and animals from aircraft
67	Dropping of persons and requirement for parachuting permission
68	Requirement for aerial application certificate
76	Prohibition of smoking in aircraft
80	Flying displays
96	Flight in contravention of restriction of flying regulations
97	Flight by balloons etc.
98	Flight by small aircraft
99	Launching of rockets
101	Requirement as to competence of air traffic controllers
103	Provision of air traffic services
104	Requirement to comply with an air traffic direction
105	Requirement to comply with an airspace policy direction
106	Use of radio call signs at aerodromes

107	Requirement for licensing of air traffic controllers
121	Prohibition of unlicensed flight information service officers
123	Requirement for flight information service manual
124	Use of air traffic service equipment
125	Requirement to keep air traffic service equipment records
126	Requirement for use of licensed aerodrome
128(4)	Contravention of conditions of aerodrome licence
132	Use of aeronautical lights
133	Requirement to light en-route obstacles
134	Requirement to light offshore wind turbine generators
135(1)	Prohibition of dangerous lights
135(2)	Failure to extinguish or screen dangerous lights
137(1) and (3)	Management of aviation fuel at aerodromes
[141A	Operator's obligation to make data available]
146	Obstruction of persons performing duties under the Order

Amended by SI 2006/2316

PART B

Provisions referred to in article 148(6)

<i>Article of Order</i>	<i>Subject Matter</i>
82(1)	Operator's obligation to regulate flight times of crew
82(2)	Operator's obligation not to allow flight by crew in state of fatigue
83(1)	Crew's obligation not to fly in dangerous state of fatigue
85	Protection of air crew from cosmic radiation
94 (except (3))	Use of false or unauthorised documents and records
100	Provision of air traffic control service without approval
115	Controller's obligation not to act in a dangerous state of fatigue
116	Prohibition of acting under the influence of drink or a drug
137(4)	Use of aviation fuel which is unfit for use in aircraft
138	Restriction of carriage for valuable consideration
140	Restriction of flights for aerial photography etc.
144	Flight in contravention of direction not to fly

SI 2006 No 601

Air Navigation (General) Regulations 2006
as applied to the Isle of Man

PART 1
GENERAL

1. Citation and commencement

These Regulations may be cited as the Air Navigation (General) Regulations 2006.

3. Interpretation

Expressions used in these Regulations have the same meanings as in the Air Navigation Order 2005 or the Air Navigation (Isle of Man) Order 2007, as the context may require.

PART 4

Noise and vibration, maintenance and aerodrome facilities

11. Noise and vibration caused by aircraft on aerodromes

For the purposes of article 131(1) of the **Air Navigation Order 2005**, the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, shall be as follows—

- (a) the aircraft is taking off or landing; or
- (b) the aircraft is moving on the ground or water; or
- (c) the engines are being operated in the aircraft—
- (d) for the purpose of ensuring their satisfactory performance;
- (e) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight; or
- (f) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

12. Pilots maintenance—prescribed repairs or replacements

For the purposes of **article 12(7)(a) of the Air Navigation (Isle of Man) Order 2007**, the following repairs or replacements are prescribed—

- (a) replacement of landing gear tyres, landing skids or skid shoes;
- (b) replacement of elastic shock absorber cord units on landing gear where special tools are not required;
- (c) replacement of defective safety wiring or split pins excluding those in engine, transmission, flight control and rotor systems;

- (d) patch-repairs to fabric not requiring rib stitching or the removal of structural parts or control surfaces, if the repairs do not cover up structural damage and do not include repairs to rotor blades;
- (e) repairs to upholstery and decorative furnishing of the cabin or cockpit interior when repair does not require dismantling of any structure or operating system or interfere with an operating system or affect the structure of the aircraft;
- (f) repairs, not requiring welding, to fairings, non-structural cover plates and cowlings;
- (g) replacement of side windows where that work does not interfere with the structure or with any operating system;
- (h) replacement of safety belts or safety harnesses;
- (i) replacement of seats or seat parts not involving dismantling of any structure or of any operating system;
- (j) replacement of bulbs, reflectors, glasses, lenses or lights;
- (k) replacement of any cowling not requiring removal of the propeller, rotors or disconnection of engine or flight controls;
- (l) replacement of unserviceable sparking plugs;
- (m) replacement of batteries;
- (n) replacement of wings and tail surfaces and controls, the attachments of which are designed to provide for assembly immediately before each flight and dismantling after each flight;
- (o) replacement of main rotor blades that are designed for removal where special tools are not required;
- (p) replacement of generator and fan belts designed for removal where special tools are not required;
- (q) replacement of VHF communication equipment, being equipment which is not combined with navigation equipment.

PART 5

Mandatory Reporting

14. Reportable occurrences – time and manner of reporting and information to be reported

(1) For the purposes of **article 57(6) of the Air Navigation (Isle of Man) Order 2007** but subject to paragraph (2) it is prescribed that a report containing the information referred to in paragraph (3) shall be made to the **Department** by post, telex, electronic, facsimile transmission or other similar means which produces a document containing a text of the communication (written in English) within 96 hours of the reportable occurrence coming to the knowledge of the person making the report.

(2) If at the expiry of the time allowed by paragraph (1) for making the report any of the information referred to in that paragraph is not in the possession of the person making the report, he shall despatch the report to the **Department** by post,

telex, electronic, facsimile transmission or other similar means which produces a document containing a text of the communication (written in English) within 96 hours of the information coming into his possession.

(3) For the purposes of **the said article 57(6)**, a report shall, as far as possible, contain the following information—

- (a) the type, series and registration marks of the aircraft concerned;
- (b) the name of the operator of the aircraft;
- (c) the date of the reportable occurrence;
- (d) if the person making the report has instituted an investigation into the reportable occurrence, whether or not this has been completed;
- (e) a description of the reportable occurrence, including its effects and any other relevant information;
- (f) in the case of a reportable occurrence which occurs during flight—
 - (i) the Co-ordinated Universal Time of the occurrence;
 - (ii) the last point of departure and the next point of intended landing of the aircraft at that time; and
 - (iii) the geographical position of the aircraft at that time;
- (g) in the case of a defect in or malfunctioning of an aircraft or any part or equipment of an aircraft, the name of the manufacturer of the aircraft, part or equipment, as the case may be, and, where appropriate, the part number and modification standard of the part or equipment and its location on the aircraft;
- (h) the signature and name in block capitals of the person making the report, the name of his employer and the capacity in which he acts for that employer; and
- (i) in the case of a report made by the commander of an aircraft or a person referred to in **article 57(5)(c) of the Air Navigation (Isle of Man) Order 2007**, the address or telephone number at which communications should be made to him, if different from that of his place of employment.

15. Mandatory reporting of birdstrikes – time and manner of reporting and information to be reported

(1) Subject to paragraph (2), for the purposes of article 143(2) **of the Air Navigation Order 2005** a report containing the information referred to in paragraph (3) shall be made to the **Department** by post, telex, electronic, facsimile transmission or other similar means which produce a document containing a text of the communication (written in English) within 96 hours of the birdstrike occurrence coming to the knowledge of the person making the report.

(2) If at the expiry of the time allowed by paragraph (1) for making the report any of the information referred to in that paragraph is not in the possession of the person making the report, he shall despatch the report to the **Department** by post, telex, electronic, facsimile transmission or other similar means which produce a

document containing a text of the communication (written in English) within 96 hours of the information coming into his possession.

(3) For the purposes of **the said** article 143(2) a report shall, as far as possible, contain the following information—

- (a) the type, series and registration marks of the aircraft concerned;
- (b) the name of the operator of the aircraft;
- (c) the date and the Co-ordinated Universal Time of the birdstrike occurrence;
- (d) the last point of departure and the next point of intended landing of the aircraft at that time;
- (e) a description of the birdstrike occurrence, including the part(s) of the aircraft affected, the effect on flight and any other relevant information;
- (f) the bird species/description;
- (g) the weather at the time of the occurrence;
- (h) the runway in use (where relevant);
- (i) the height and speed of the aircraft;
- (j) the phase of flight;
- (k) the position (if en route) of the aircraft at the time of the birdstrike;
- (l) any other reporting action taken;
- (m) the signature and name in block capitals of the person making the report;
- (n) the name of his employer and the capacity in which he acts for that employer; and
- (o) the address or telephone number at which communications should be made to him.

PART 6

Navigation performance and equipment

16. *Minimum navigation performance and height keeping specifications*

(1) For the purposes of **article 30(1) of the Air Navigation (Isle of Man) Order 2007** the following navigation performance capability is prescribed, that is to say, a capability to ensure that—

- (a) the standard deviation of lateral errors in the track of the aircraft is not more than 6.3 nautical miles;
- (b) the proportion of the flight time of the aircraft during which the actual track of the aircraft is 30 nautical miles or more off the track along which it has been given an air traffic control clearance to fly is less than 5.3×10^{-4} , and;
- (c) the proportion of the flight time of the aircraft during which the actual track of the aircraft is between 50 and 70 nautical miles off the track

along which it has been given an air traffic control clearance to fly is less than 13×10^{-5} .

(2) For the purposes of **article 31(1) of the Air Navigation (Isle of Man) Order 2007**, the following height keeping performance capability is prescribed, that is to say, a capability to ensure that—

- (a) altimetry system error shall be in compliance with paragraph 2.1.1(2) of Document 7030/4-NAT Part 1 Rules of the Air, Air Traffic Services and Search and Rescue (ICAO Regional Procedures, Fourth Edition–1987);
- (b) in respect of aircraft first registered in a Contracting State on or after 1st January 1997 altitude can be automatically controlled within a tolerance band of ± 65 feet; and
- (c) in respect of aircraft first registered in a Contracting State before 1st January 1997 altitude can be automatically controlled within a tolerance band of ± 130 feet.

17. North Atlantic Minimum Navigation Performance Specification Airspace

For the purposes of **articles 30(1) and 67(1) of the Air Navigation (Isle of Man) Order 2007**, the following airspace is prescribed as North Atlantic Minimum Navigation Performance Specification airspace, that is to say, the airspace from flight level 285 to flight level 420 within the area defined by rhumb lines joining successively the following points—

Table 6 North Atlantic Minimum Navigation Performance Specification airspace

N3410.00 W01748.00	North Pole	N4152.00 W06700.00
N3630.00 W01500.00	N8200.00 W06000.00	N3900.00 W06700.00
N4200.00 W01500.00	N7800.00 W07500.00	N3835.00 W06853.00
N4300.00 W01300.00	N7600.00 W07600.00	N3830.00 W06915.00
N4500.00 W01300.00	N6500.00 W05745.00	N3830.00 W06000.00
N4500.00 W00800.00	N6500.00 W06000.00	N2700.00 W06000.00
N5100.00 W00800.00	N6400.00 W06300.00	N2700.00 W04000.00
N5100.00 W01500.00	N6100.00 W06300.00	N2218.00 W04000.00
N5400.00 W01500.00	N5700.00 W05900.00	N1700.00 W03730.00
N5434.00 W01000.00	N5300.00 W05400.00	N2400.00 W02500.00
N6100.00 W01000.00	N4900.00 W05100.00	N3000.00 W02500.00
N6100.00 00000.00	N4500.00 W05100.00	N3000.00 W02000.00
N8200.00 00000.00	N4500.00 W05300.00	N3139.00 W01725.00

N8200.00 E03000.00	N4336.00 W06000.00	
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and from there by that part of the arc of a circle radius 100 nautical miles centred on N3304.00 W01621.00 to N3410.00 W01748.00.

18. Airborne Collision Avoidance System

For the purposes of paragraph 5(1) of **Schedule 4 to the Air Navigation (Isle of Man) Order 2007** the prescribed requirements for an airborne collision avoidance system shall be the requirements for ACAS II equipment set out in Volume IV (Third Edition–July 2002), Chapter 4, of Annex 10 to the Chicago Convention.

19. Mode S Transponder

(1) For the purposes of paragraph 4 of **Schedule 4 to the Air Navigation (Isle of Man) Order 2007**, the capability and functionality prescribed for Mode S Elementary Surveillance shall be that specified for a level 2 transponder in Volumes III (First Edition–July 1995) and IV (Third Edition–July 2002) of Annex 10 (Third Edition) to the Chicago Convention together with the additional functionality specified in paragraph (3).

(2) For the purposes of paragraph 4 of **Schedule 4 to the Air Navigation (Isle of Man) Order 2007**, the capability and functionality prescribed for Mode S Enhanced Surveillance shall be that specified for a level 2 transponder in Volumes III (First Edition–July 1995) and IV (Third Edition–July 2002) of Annex 10 (Third Edition) to the Chicago Convention together with the additional functionality specified in paragraph (3) and the additional downlinked parameters specified in paragraph (4).

(3) The additional functionality referred to in paragraphs (1) and (2) is—

- (a) capability to support the Interrogator Identifier (II) Code and Surveillance Identifier (SI) Code functionality;
- (b) Extended Squitter Functionality which, for this purpose, means functionality that supports Mode S Elementary Surveillance and Mode S Enhanced Surveillance to provide Automatic Dependant Surveillance–Broadcast, using unsolicited transponder broadcasts;
- (c) ACAS Active Resolution Advisory.

(4) The additional downlinked parameters referred to in paragraph (2) are—

- (a) reporting of the Magnetic Heading Downlinked Aircraft Parameter;
- (b) reporting of the Indicated Airspeed Downlinked Aircraft Parameter;
- (c) reporting of the Mach Number Downlinked Aircraft Parameter;
- (d) reporting of the Vertical Rate Downlinked Aircraft Parameter;
- (e) reporting of the Roll Angle Downlinked Aircraft Parameter;
- (f) reporting of the Track Angle Rate Downlinked Aircraft Parameter;
- (g) reporting of the True Track Angle Downlinked Aircraft Parameter;
- (h) reporting of the Ground Speed Downlinked Aircraft Parameter;

- (i) reporting of the Selected Vertical Intent Downlinked Aircraft Parameter (including Barometric Pressure Setting).

2006 No. 1384

**Civil Aviation (Safety of Third Country Aircraft) Regulations 2006
as applied to the Isle of Man**

1. Citation and commencement

These Regulations may be cited as the Civil Aviation (Safety of Third-Country Aircraft) Regulations 2006.

2. Interpretation

In these Regulations—

"authorised person" means any person authorised by the **Department** under regulation 5(1);

"competent authority" means an authority that is authorised to regulate civil aviation activities in a State;

"the Department" means the Department of Transport;

"the Directive" means Council Directive 2004/36/CE;

"European Aviation Safety Agency" means the Agency established by Regulation (EC) No. 1592/2002 of the European Parliament and the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency;

"international safety standards" has the same meaning as in Article 2(b) of the Directive;

"ramp inspection" means the inspection of an aircraft in accordance with these Regulations;

"ramp inspection report" means a report prepared pursuant to regulation 7(2)(c) setting out the findings of a ramp inspection;

"safety report" means a record of safety information retained by the **Department** in accordance with regulation 9(3);

"State aircraft" has the same meaning as in Article 3 of the Convention on International Civil Aviation (Chicago 1944);

"State of the operator" has the same meaning as in article 155 of the Air Navigation Order 2005; and

"third-country aircraft" has the same meaning as in Article 2(d) of the Directive.

3. Application

(1) Subject to paragraph (2) these Regulations apply to any third-country aircraft that—

- (a) lands at an aerodrome in the **Isle of Man**, and
- (b) is suspected by the **Department** of non-compliance with international safety standards.

(2) These Regulations shall not apply to a State aircraft.

4. Performance of ramp inspections etc.

The **Department** shall ensure that—

- (a) an aircraft to which these Regulations apply undergoes a ramp inspection; and
- (b) any ramp inspections or other surveillance measures **prescribed by a decision of the European Commission** pursuant to Article 8(3) of the Directive are performed.

5. Authorised persons

(1) The **Department** may authorise a person (whether by name, class or description), either generally or in relation to a particular case or class of cases, to perform a ramp inspection or to carry out other surveillance measures.

(2) It shall be the duty of an authorised person to perform such an inspection, to carry out such measures, or to do both, as requested or directed by the **Department**.

6. Suspicion of non-compliance with international safety standards

In determining whether an aircraft is suspected of non-compliance with international safety standards the ~~Secretary of State~~ **Department** shall take into account—

- (a) information regarding poor maintenance of or obvious damage or defects to an aircraft;
- (b) reports that an aircraft has performed abnormal manoeuvres since entering the airspace of a member State which give rise to serious safety concerns;
- (c) safety deficiencies revealed by a previous ramp inspection which give rise to concerns that the deficiencies may not have been corrected and the relevant aircraft does not comply with international safety standards;
- (d) evidence that the State in which an aircraft is registered may not be exercising proper safety oversight;
- (e) concerns about the operator of an aircraft which have arisen from—
 - (i) information collected pursuant to regulation 9(1), or
 - (ii) safety deficiencies recorded in a ramp inspection report on any other aircraft used by that operator.

7. Requirements for the performance of ramp inspections

(1) It shall be the duty of an authorised person to perform each ramp inspection in accordance with the requirements set out in this regulation.

- (2) An authorised person shall—
 - (a) make all possible efforts to avoid unreasonable delay to an aircraft as a result of a ramp inspection;
 - (b) perform the ramp inspection activities described in Annex II to the Directive;

- (c) prepare a report on the findings of each ramp inspection containing the information specified in the "Ramp Inspection Report" in Annex II to the Directive;
 - (d) on completion of a ramp inspection, inform the commander of the aircraft, or a representative of the operator of the aircraft, of the findings of the inspection; and
 - (e) where a ramp inspection reveals that there are significant safety deficiencies on an aircraft inform the **Department**.
- (3) Where a ramp inspection report contains information provided voluntarily by an individual the ramp inspection report shall not reveal his identity.

8. *Duty to inform the operator etc. of significant safety deficiencies*

Where a ramp inspection has revealed significant safety deficiencies the ~~Secretary of State~~ **Department** shall inform:

- (a) the operator of the aircraft, and
- (b) the competent authority of the State of the operator and, where necessary, of the State in which the aircraft is registered.

9. *Collection of information*

(1) The **Department** shall collect such information as appears to him to be useful for securing the effective enforcement of international safety standards in the Community, which shall include the information described in paragraph (2).

- (2) The information referred to in paragraph (1) is—
 - (a) significant information relating to aircraft safety, including such information derived from the following sources:
 - (i) pilots' reports,
 - (ii) reports prepared by aircraft maintenance organisations,
 - (iii) reports on reportable occurrences submitted to the **Department** pursuant to **article 57 of the Air Navigation (Isle of Man) Order 2007**,
 - (iv) complaints made in relation to an aircraft or the operator of an aircraft,
 - (v) any organisation other than a competent authority of any member State;
 - (b) information on actions taken by or on behalf of the **Department** following a ramp inspection; and
 - (c) information concerning any actions taken by and the subsequent safety standards of the operator of an aircraft in respect of which a ramp inspection has revealed safety deficiencies.

(3) The **Department** shall retain a report of any information collected pursuant to paragraph (1) in the form set out in Annex I to the Directive.

10. *Use of reports*

Where—

- (a) a safety report indicates that there is a potential safety threat, or
- (b) a ramp inspection report states that an aircraft does not comply with international safety standards and may pose a potential safety threat

the **Department** shall without delay send a copy of the report **to the Secretary of State for him to forward** to the competent authority in each member State and to the Commission.

11. The **Department** shall without delay **send to the Secretary of State** a copy of every safety report or ramp inspection report other than a report set out in regulation 10 **for him to forward**:

- (a) to the Commission,
- (b) to the competent authority in each member State at the request of that authority, and
- (c) to the European Aviation Safety Agency at its request.

12. *Provision of information to competent authorities*

At the request of the competent authority in a member State the **Department** shall **send to the Secretary of State**:

- (a) a list of aerodromes in the **Isle of Man** open to international traffic, and
- (b) the number of ramp inspections and third-country aircraft movements at each such aerodrome in any year.

for him to forward to that authority and the competent authorities in all other member States.

13. *Treatment of ramp inspection reports and safety reports*

(1) Where the **Department** is in receipt of a report set out in paragraph (2) **it** may disclose such a report only for the purposes of these Regulations and the Directive and only to an authorised person.

(2) The reports referred to in paragraph (1) are any report prepared by the competent authority in another member State or retained by another member State pursuant to the Directive.

(3) Information disclosed by the **Department** pursuant to paragraph (1) shall not be disclosed by an authorised person to any other person.

14. *Amendment of the Air Navigation Order 2005*

The Air Navigation Order 2005 shall be amended as follows.

[Articles 15 to 17 amend, and are incorporated in the text of, SI 2005/1970 above.]

18. *Right of access to aerodromes etc.*

For the purposes of these Regulations an authorised person may enter upon any aerodrome and may enter and inspect an aircraft to which these Regulations apply.

SI 2006 No. 2316

**Air Navigation (Amendment) Order 2006
as applied to the Isle of Man**

[The Order amends, and is incorporated in the text of, SI 2005/1970 above.]