
STATUTORY INSTRUMENTS

2015 No. 870

CIVIL AVIATION

The Air Navigation (Isle of Man) Order 2015

Made - - - - - *19th March 2015*

Coming into force - - - - - *1st May 2015*

At the Court at Buckingham Palace, the 19th day of March 2015

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 and 61 of the Civil Aviation Act 1982⁽¹⁾, is pleased, by and with the advice of Her Privy Council, to make the following Order:

Citation and commencement

1. This Order may be cited as the Air Navigation (Isle of Man) Order 2015 and comes into force on 1st May 2015.

Revocation

2. The following Orders are revoked—
- (a) the Air Navigation (Isle of Man) Order 2007⁽²⁾;
 - (b) the Air Navigation (Isle of Man) (Amendment) Order 2008⁽³⁾.

PART 1

Registration and marking of aircraft

Aircraft to be registered

3.—(1) Subject to paragraphs (2) and (3), an aircraft must not fly in or over the Isle of Man unless it is registered in—

(1) 1982 c.16; sections 60 and 61 are extended to the Isle of Man by the Civil Aviation (Isle of Man) Order 2007 (S.I. 2007/614).
(2) S.I. 2007/1115.
(3) S.I. 2008/1487.

- (a) some part of the Commonwealth;
 - (b) a Contracting State; or
 - (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country that makes provision for the flight over the Isle of Man of aircraft registered in that country.
- (2) A glider may fly unregistered, and will be taken to be registered in the Isle of Man for the purposes of articles 32, 34 and 39 on a flight that—
- (a) begins and ends in the Isle of Man without passing over any other country; and
 - (b) is not for the purpose of commercial air transport or aerial work.
- (3) Paragraph (1) does not apply to a kite or captive balloon.
- (4) If an aircraft flies in or over the Isle of Man in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the Isle of Man an offence in respect of a contravention of a provision specified in Schedule 11 would have been committed, that same offence is to be taken to have been committed in respect of that aircraft.

Department to register aircraft in the Isle of Man

- 4.—(1) The Department is the authority for the registration of aircraft in the Isle of Man.
- (2) The Department is responsible for maintaining the register and, without prejudice to the Electronic Transactions Act 2000 (an Act of Tynwald)(4), may record in the register the information specified in article 6(2) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.
- (3) Subject to articles 5 and 7, an aircraft must not be registered or continue to be registered in the Isle of Man if it appears to the Department that—
- (a) the aircraft is registered outside the Isle of Man and that the registration would not cease by operation of law were the aircraft to be registered, or continue to be registered, in the Isle of Man;
 - (b) an unqualified person holds a legal or beneficial interest by way of ownership in the aircraft or in a share in the aircraft;
 - (c) the aircraft could more suitably be registered in some other part of the Commonwealth or in an EEA State or Switzerland; or
 - (d) it would not be in the public interest for the aircraft to be or to continue to be registered in the Isle of Man.

Who may register aircraft in the Isle of Man

- 5.—(1) Only the following persons are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Isle of Man or in a share in such an aircraft—
- (a) the Crown in right of the Isle of Man, the United Kingdom or any part of the United Kingdom;
 - (b) Commonwealth citizens;
 - (c) nationals of any EEA State or Switzerland;
 - (d) British protected persons;
 - (e) bodies incorporated in some part of the Commonwealth or having their registered office, central administration or principal place of business in a part of the Commonwealth; or

(4) 2000 c.8 (Isle of Man). Section 11 was amended by the Administration of Justice Act 2008 (c.14 Isle of Man).

- (f) undertakings formed in accordance with the law of the Isle of Man, an EEA State or Switzerland and having their registered office, central administration or principal place of business within the Isle of Man, an EEA State or Switzerland.
- (2) If an unqualified person resides or has a place of business in the Isle of Man and holds a legal or beneficial interest by way of ownership in an aircraft or in a share in an aircraft, the Department may register the aircraft in the Isle of Man if it is satisfied that the aircraft may otherwise be properly registered.
- (3) If an aircraft is chartered by demise to a person qualified under paragraph (1) the Department may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest in the aircraft, register the aircraft in the Isle of Man in the name of the charterer by demise if it is satisfied that the aircraft may otherwise be properly registered.
- (4) Subject to this Part, an aircraft registered under paragraph (3) may remain registered during the continuation of the charter.

Application for registration

6.—(1) An application for the registration of an aircraft in the Isle of Man must be made in writing to the Department and must—

- (a) include or be accompanied by such information and evidence relating to the aircraft and the ownership and chartering of the aircraft as the Department may require to enable it to determine whether the aircraft may properly be registered in the Isle of Man and to issue the certificate of registration; and
 - (b) include the proper description of the aircraft according to column 3 of the “Classification of aircraft” in Part 1 of Schedule 2.
- (2) If the Department receives an application for the registration of an aircraft in the Isle of Man and is satisfied that the aircraft may properly be so registered, the Department must register the aircraft, wherever it may be, and include in the register the following information—
- (a) the number of the certificate;
 - (b) the nationality mark of the aircraft and the registration mark assigned to it by the Department;
 - (c) the name of the constructor of the aircraft and its designation;
 - (d) the serial number of the aircraft;
 - (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or in a share of the aircraft or, in the case of an aircraft that is the subject of a charter by demise, the name and address of the charterer by demise; and
 - (f) in the case of an aircraft registered under article 5(2) or 5(3), an indication that it is so registered.
- (3) Subject to paragraph (5) the Department must supply to the registered owner a certificate of registration.
- (4) A certificate of registration must include the information specified in paragraph (2) and the date on which the certificate was issued.
- (5) The Department is not required to supply a certificate of registration if—
- (a) the registered owner is the holder of an aircraft dealer’s certificate granted under this Order; and
 - (b) the registered owner has made to the Department (and has not withdrawn) a statement of the registered owner’s intention that the aircraft is to fly only in accordance with the conditions in an aircraft dealer’s certificate set out in Part 2 of Schedule 2.

(6) If a statement under paragraph (5)(b) has been made and not withdrawn, the aircraft must be flown only in accordance with the conditions in the aircraft dealer’s certificate set out in Part 2 of Schedule 2.

(7) The Department may grant an aircraft dealer’s certificate to any person who is qualified under article 5(1) if it is satisfied that the person has a place of business in the Isle of Man for buying and selling aircraft.

Changes to the register

7.—(1) Subject to articles 5(2) and 5(3) and 8(1), if at any time after an aircraft has been registered in the Isle of Man an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or in a share in the aircraft, the registration of the aircraft becomes void and the certificate of registration must be returned immediately by the registered owner to the Department.

(2) A person who is the registered owner of an aircraft registered in the Isle of Man must immediately inform the Department in writing of—

- (a) a change in the information supplied to the Department when applying for the registration of the aircraft;
- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered under article 5(3), the termination of the charter by demise.

(3) A person who becomes the owner of an aircraft registered in the Isle of Man must within 28 days of becoming the owner inform the Department in writing to that effect.

(4) Subject to article 8(2), the Department may, whenever it appears necessary or appropriate in order to give effect to this Part or to bring up to date or otherwise correct the register, amend the register or cancel the registration of an aircraft.

(5) The Department must cancel the registration of an aircraft within two months of being satisfied that there has been a change in the ownership of the aircraft.

Aircraft that are entered in the Register of Aircraft Mortgages

8.—(1) The registration of an aircraft that is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages does not become void by virtue of article 7(1).

(2) The Department must not cancel the registration of such an aircraft under article 7(4) unless all persons shown in the Register of Aircraft Mortgages as mortgagees of the aircraft have consented to the cancellation.

General provisions concerning registration

9.—(1) In this Part and in Part 2 of Schedule 2 “the registered owner” means the person in whose name the aircraft is registered in accordance with article 6(2).

(2) The reference in article 7(2) to the registered owner of an aircraft includes, in the case of a deceased person, his or her personal representative, and in the case of a body corporate that has been dissolved, its successor.

(3) In this Part references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of the person’s membership of a flying club.

(4) Nothing in this Part requires the Department to cancel the registration of an aircraft if in its opinion it would not be in the public interest to do so.

(5) Without prejudice to the Electronic Transactions Act 2000 (an Act of Tynwald), a provision in this Part that requires the giving of information to the Department in writing may be met by means of an electronic communication if the use of such a communication results in the information contained in it being available to the Department in all material respects as it would appear if given or sent in printed form.

Nationality and registration marks

10.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) must not fly unless it has painted or fixed on it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the Isle of Man must comply with Part 3 of Schedule 2.

(3) An aircraft must not bear a mark that would indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such a mark.

PART 2

Operations and operational directives

Prohibition of use for commercial air transport or aerial work

11. Except in the case of a transfer of functions under Article 83 of the Chicago Convention, an aircraft registered in the Isle of Man must not fly on a flight for the purpose of commercial air transport or aerial work.

Offering commercial air transport flights

12. A person must not hold anyone out (whether the person who is being held out is the same person as the one who is holding out or is another person) as being one who may offer flights in an aircraft registered in the Isle of Man for the purpose of commercial air transport.

Operational directives

13.—(1) The Department may direct an aircraft operator by means of an operational directive that an operation is prohibited, or must be limited or is subject to specified conditions, in the interests of safe operations.

(2) An operational directive must state—

- (a) the reason for its issue;
- (b) its applicability and duration; and
- (c) the action required by the operator.

(3) An operational directive may be made in respect of one or more operators or one or more classes of operator.

Passenger and cargo manifest

14.—(1) This article applies to an aircraft registered in the Isle of Man for which a certificate of airworthiness is in force and that is used for international air navigation.

- (2) The commander of an aircraft to which this article applies must ensure that the following manifests are completed and carried on board-
- (a) if passengers are carried, a passenger manifest containing the passengers' names, and their places of embarkation and disembarkation; and
 - (b) if cargo is carried, a cargo manifest containing detailed declarations of the cargo.
- (3) A copy of each of these documents, where prepared, must be left at the aerodrome of departure.

PART 3

Airworthiness of aircraft

Certificate of airworthiness to be in force

- 15.**—(1) Subject to paragraph (2), an aircraft must not fly unless –
- (a) there is in force for the aircraft a certificate of airworthiness issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; and
 - (b) any conditions subject to which the certificate was issued or rendered valid are complied with.
- (2) The prohibition in paragraph (1) does not apply to flights, beginning and ending in the Isle of Man without passing over any other country, of —
- (a) a glider flying on a private flight or an aerial work flight that consists of the giving of instruction or testing in a club environment;
 - (b) a balloon flying on a private flight;
 - (c) a kite;
 - (d) an aircraft flying in accordance with the conditions set out in Schedule 1;
 - (e) an aircraft flying in accordance with a national permit to fly;
 - (f) an aircraft flying in accordance with a certificate of validation issued by the Department under article 21; or
 - (g) a microlight aeroplane that—
 - (i) is designed to carry only one person;
 - (ii) has a maximum mass without its pilot and fuel of 115 kg;
 - (iii) has a maximum wing loading without its pilot and fuel of 10 kg per square metre; and
 - (iv) is flying on a private flight.
- (3) An aircraft registered in the Isle of Man with a certificate of airworthiness must not fly otherwise than in accordance with any conditions or limitations contained in its flight manual unless otherwise permitted by the Department.

Issue and renewal of certificates of airworthiness

- 16.**—(1) Subject to paragraph (2), the Department must issue for an aircraft registered in the Isle of Man a certificate of airworthiness if it is satisfied that the aircraft is fit to fly having regard to—
- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted in the aircraft), and of any equipment carried in the aircraft that it considers necessary for the airworthiness of the aircraft; and

- (b) the results of flying trials and such other tests of the aircraft as it may require.
- (2) If the Department has issued a certificate of airworthiness for an aircraft that, in its opinion, is a prototype aircraft or a modification of a prototype aircraft, it may dispense with flying trials in the case of any other aircraft if it is satisfied that the other aircraft conforms to such prototype or modification.
- (3) A certificate of airworthiness must —
 - (a) specify the category “Private”; and
 - (b) be issued subject to the condition that the aircraft may not be flown except for the purposes (which may not include commercial air transport or aerial work) specified in the certificate.
- (4) The Department may issue a certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as it thinks fit.
- (5) The Department may issue a certificate of validation.
- (6) Nothing in this Order obliges the Department to accept an application for the issue of a certificate of airworthiness or certificate of validation or for the variation or renewal of such a certificate if the application is not supported by a report from a person approved under article 158 as the Department may specify, either generally or in a particular case or class of case.
- (7) In this article, a certificate of validation means a certificate rendering valid for the purposes of this Order a certificate of airworthiness issued for an aircraft registered elsewhere than in the Isle of Man under the law of a country other than the Isle of Man.

Certificate of airworthiness ceasing to be in force and issue of airworthiness directives

- 17.—(1) Subject to paragraph (3), a certificate of airworthiness or a certificate of validation issued for an aircraft registered in the Isle of Man ceases to be in force if—
- (a) the aircraft or a part of it or such of its equipment as is necessary for its airworthiness has been overhauled, repaired, replaced, modified or maintained;
 - (b) maintenance or an inspection of the aircraft or of equipment necessary for its airworthiness is required by a maintenance programme approved by the Department for the aircraft under article 22;
 - (c) maintenance of the aircraft or of equipment necessary for its airworthiness has been made mandatory by a directive issued by the Department;
 - (d) an inspection for the purpose of ascertaining whether the aircraft remains airworthy has been made mandatory by a directive issued by the Department; or
 - (e) any modification of the aircraft or of any equipment is necessary for its airworthiness has been made mandatory by a directive issued by the Department for the purpose of ensuring that the aircraft remains airworthy.
- (2) A certificate of airworthiness or a certificate of validation that has ceased to be in force under paragraph (1) becomes valid again on the issue of a certificate of release to service under this Order relating to the overhaul, repair, replacement, modification, maintenance or inspection.
- (3) A certificate of airworthiness that would not be in force by reason of paragraph (1) remains in force if the aircraft is flying in the circumstances specified in article 24(3) or 25.
- (4) In this article, a certificate of validation has the same meaning as in article 16(7).

Issue of national permits to fly

- 18.—(1) Subject to paragraph (2), the Department must issue for an aircraft registered in the Isle of Man a national permit to fly if it is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.

(2) The Department must refuse to issue a national permit to fly for an aircraft registered in the Isle of Man if it appears to the Department that the aircraft is eligible for, and ought to fly under and in accordance with, a certificate of airworthiness.

(3) The Department may issue a national permit to fly subject to such conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

(4) Nothing in this Order requires the Department to accept an application for the issue, variation or renewal of a national permit to fly if the application is not supported by a report from a person approved under article 158 as the Department may specify, either generally or in a particular case or class of cases.

National permits to fly ceasing to be in force and issue of airworthiness directives for permit aircraft

19.—(1) A national permit to fly ceases to be in force if—

- (a) the Department has issued a directive that requires—
 - (i) an inspection to be carried out for the purpose of ascertaining whether the aircraft remains airworthy; or
 - (ii) modification or maintenance of the aircraft or any of its equipment necessary for its airworthiness for the purpose of ensuring that the aircraft remains airworthy; or
- (b) completion of an inspection, modification or maintenance of the aircraft is required as a condition of the permit to fly.

(2) A national permit to fly that has ceased to be in force under paragraph (1) comes into force again as soon as—

- (a) any such inspection, modification or maintenance has been satisfactorily completed; and
- (b) in the case of an inspection, any consequential repair, replacement or modification has been satisfactorily carried out.

(3) A national permit to fly ceases to be in force—

- (a) if any condition (other than a condition of the permit requiring an inspection, modification or maintenance) is not complied with;
- (b) if the aircraft, engines or propellers, or such of its equipment as is necessary for its airworthiness are modified or repaired, unless the repair or modification has been approved by the Department or by a person approved by the Department for that purpose.

(4) A national permit to fly is not in force unless the permit includes a current certificate of validity issued by the Department or by a person approved by the Department for that purpose.

(5) In this article a certificate of validity means a certificate that certifies that a national permit to fly remains valid for the period specified in the certificate and a certificate of validity is current during that period.

Limitations of national permits to fly

20.—(1) Subject to paragraph (3), an aircraft flying in accordance with a national permit to fly must not fly for the purpose of—

- (a) commercial air transport; or
- (b) aerial work other than aerial work that consists of flights for flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(2) A person may not be carried during flights for flying displays or demonstration flying (except for the minimum required flight crew), unless the prior permission of the Department has been obtained.

(3) An aircraft flying in accordance with a national permit to fly may fly for aerial work that consists of instruction or testing in a club environment if it does so with the permission of the Department.

(4) A placard must be affixed to an aircraft flying in accordance with a national permit to fly in full view of the occupants that must be worded as follows—

**“Occupant warning
This aircraft has not been certificated to
an International Requirement”**

(5) An aircraft flying in accordance with a national permit to fly may only be flown by day and in accordance with the Visual Flight Rules unless the prior permission of the Department has been obtained.

(6) In paragraph (5) “day” means the time from half an hour before sunrise until half an hour after sunset, with sunset and sunrise being determined at surface level.

Issue and validity of certificates of validation of permits to fly or equivalent documents

21.—(1) In this article, a certificate of validation means a certificate authorising an aircraft registered elsewhere than in the Isle of Man to fly in or over the Isle of Man.

(2) The Department must issue a certificate of validation if it is satisfied that the aircraft has a permit to fly or equivalent document issued or validated by the competent authority of the country in which the aircraft is registered and the authority applies standards that are substantially equivalent to those required for the issue of a permit to fly by the Department.

(3) An aircraft flying in accordance with a certificate of validation must not fly for the purpose of —

- (a) commercial air transport; or
- (b) aerial work other than aerial work that consists of flights for flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(4) The Department may issue a certificate of validation subject to such conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

Requirement for an approved maintenance programme

22.—(1) An aircraft registered in the Isle of Man for which a certificate of airworthiness is in force must not fly unless the aircraft (including its engines), together with its equipment and radio station, is maintained in accordance with a maintenance programme approved by the Department for that aircraft.

(2) The design and application of the maintenance programme must observe Human Factors principles as specified in any guidance material published by the Department.

Technical log

23.—(1) This article applies to each aircraft registered in the Isle of Man for which a certificate of airworthiness is in force and which is used for international air navigation.

(2) A technical log must be kept for every aircraft to which this article applies.

(3) In the case of an aircraft that has a maximum total mass authorised of 2730kg or less, a record approved by the Department (in this article called “an approved record”) may be kept instead of a technical log.

(4) Subject to paragraph (5), at the end of every flight the commander must enter in the technical log—

- (a) the times when the aircraft took off and landed,
- (b) information about any defect that is known to him and that affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect, and
- (c) such other information about the airworthiness or operation of the aircraft as the Department may require,

and must sign and date each entry.

(5) Subject to paragraph (6), if there are two or more consecutive flights, each of which begins and ends—

- (a) within the same period of 24 hours,
- (b) at the same aerodrome, and
- (c) with the same person as commander of the aircraft,

the commander may make the entries specified in paragraph (3) at the end of the last of such consecutive flights.

(6) Paragraph (5) does not apply if the commander becomes aware of a defect during an earlier flight.

(7) When a defect entered in a technical log or approved record is rectified the person issuing a certificate of release to service issued under this Order or under Part 145 in respect of the defect must enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(8) Subject to paragraph (9) the technical log must be carried in the aircraft when article 84 so requires and a copy of the entries required by this article must be kept on the ground.

(9) In the case of an aeroplane that has a maximum total mass authorised of 2730 kg or less, or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, provided that it is removed and kept on the ground as soon as reasonably practicable.

(10) Subject to article 90, a technical log required by this article must be preserved by the operator of the aircraft to which it relates for at least two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the Department may permit in a particular case.

Requirement for a certificate of release to service for aircraft

24.—(1) This article applies to an aircraft registered in the Isle of Man that has a certificate of airworthiness.

(2) Subject to paragraph (3) and article 25, if an aircraft or a part of it or such of its equipment as is necessary for its airworthiness has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 17(1)(b) or (d), it must not be flown unless there is in force for it a certificate of release to service issued under and in accordance with this Order.

(3) If a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at a place where it is not reasonably practicable—

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service under this Order can be issued; or

(b) for such a certificate to be issued while the aircraft is at that place, it may fly to a place that satisfies each of the criteria in paragraph (5).

(4) If the aircraft flies in the circumstances referred to in paragraph (3), the commander of the aircraft must cause written information about the flight, and the reasons for making it, to be given to the Department within 10 days.

(5) A place satisfies the criteria in this paragraph if it is—

- (a) the nearest place at which a certificate of release to service under this Order can be issued;
- (b) a place to which the aircraft can, in the reasonable opinion of the commander, safely fly by a route for which it is properly equipped; and
- (c) a place to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board.

(6) Subject to paragraph (8), equipment provided in compliance with Schedule 3 (except equipment specified in paragraph 4 of the Schedule) must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected.

(7) Subject to paragraph (8), radio communication and radio navigation equipment provided for use in an aircraft or in a survival craft carried in an aircraft, whether or not the equipment is provided in compliance with Schedule 4 or any other provision of this Order or any applied regulations, must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected.

(8) Equipment specified in paragraphs (6) and (7) may be installed or placed on board for use in an aircraft if there is in force for the equipment, at the time when it is installed or placed on board, a certificate of release to service issued under this Order.

Circumstances where a certificate of release to service is not required

25.—(1) A certificate of release to service is not required to be in force for a private aircraft to which article 24 applies that has a maximum total mass authorised of not more than 2730 kg if it flies in the circumstances specified in paragraph (2).

(2) Those circumstances are—

- (a) the only repairs or replacements for which a certificate of release to service is not in force are of such a description as may be prescribed;
- (b) such repairs or replacements have been carried out personally by the holder of a pilot's licence granted or rendered valid under this Order who is the owner or operator of the aircraft;
- (c) the person carrying out the repairs or replacements keeps in the aircraft log book kept for the aircraft under article 29 a record that identifies the repairs or replacements and signs and dates the entries; and
- (d) any equipment or parts used in carrying out the repairs or replacements are of a type approved by the Department, either generally or in relation to a class of aircraft or the particular aircraft.

Contents of a certificate of release to service

26.—(1) If an aircraft or a part of the aircraft or its equipment has been overhauled, repaired, replaced, modified or maintained, a certificate of release to service issued under this Order must—

- (a) identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates;
- (b) include detailed information about the work done;

- (c) certify that the specified work has been completed with material of a type approved by the Department, either generally or in relation to a class of aircraft or the particular aircraft;
 - (d) in the case of an overhaul, removal or replacement, certify that the specified work conforms with the continuing airworthiness instructions issued by the relevant type certificate holder; and
 - (e) certify that—
 - (i) the specified work has been completed in a manner approved by the Department, either generally or in relation to a class of aircraft or the particular aircraft; or
 - (ii) in the case of a repair or modification that has been classified as minor by a person authorised to do so by the Department and approved by that person, it has been completed in accordance with the approval.
- (2) A certificate of release to service issued under this Order in relation to an inspection required in accordance with article 17(1)(b) or (d) must certify that the aircraft or the part of it or its equipment that has been required to be inspected—
- (a) has been inspected in accordance with the requirements; and
 - (b) that any consequential repair, replacement or modification has been satisfactorily carried out.
- (3) In this article, a “minor repair or modification” means one that has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, noise, fuel venting, exhaust emission or other characteristics affecting the airworthiness of the aircraft, part or equipment.

Who may issue a certificate of release to service

27. A certificate of release to service issued under this Order may be issued only by a person, whether an individual or an incorporated person, who is —

- (a) the holder of an aircraft maintenance engineer’s licence —
 - (i) granted under this Order, being a licence that entitles the holder to issue the certificate; or
 - (ii) granted under the law of a country other than the Isle of Man and rendered valid under this Order, being a licence that entitles the holder to issue the certificate in accordance with the privileges endorsed on the licence;
- (b) approved by the Department as being competent to issue the certification and who is acting in accordance with the approval;
- (c) in a particular case, authorised by the Department to issue the certificate and who is acting in accordance with the approval;
- (d) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot’s Licence (Aeroplanes) or a Flight Navigator’s Licence rendered valid under this Order;
- (e) approved in accordance with Part 145 and who is acting in accordance with the approval; or
- (f) listed in the maintenance organisation manual of a maintenance organisation approved under Part M Subpart F as a member of the certifying staff of the organisation and who is acting in accordance with the scope of the person’s approval as stated in the manual.

Validation of maintenance engineers’ licences etc.

28.—(1) The Department may, subject to any conditions as it thinks fit, issue a certificate of validation of—

- (a) an aircraft maintenance engineer's licence granted in accordance with the laws and procedures of a Contracting State;
- (b) an approval given in accordance with Part 145 or Part M Subpart F; or
- (c) an aircraft maintenance licence granted by a State that is in conformity with Annex 1 to the Chicago Convention⁽⁵⁾.

(2) Subject to paragraph (3) the holder of a licence that is valid by virtue of paragraph (1) may be either an individual or an incorporated body.

(3) If the holder is an individual, the individual must not exercise the privileges of such a licence if he or she knows or suspects that his or her physical or mental condition renders the individual unfit to exercise such privileges.

Aircraft, engine and propeller log books

29.—(1) In addition to any other log book required to be kept by or under this Order, the following log books must be kept for an aircraft registered in the Isle of Man —

- (a) an aircraft log book;
- (b) a separate log book for each engine fitted in the aircraft; and
- (c) a separate log book for each variable pitch propeller fitted to the aircraft.

(2) The log books must include the information specified in Schedule 5.

(3) With the exception of an entry of the type referred to in paragraph 3(d)(ii) or 4(d)(ii) of Schedule 5 each entry in the log book —

- (a) must be made as soon as practicable, but in no event more than 30 days, after the occurrence to which it relates;
- (b) must be made on each occasion that any overhaul, repair, replacement, modification, maintenance or inspection is undertaken on the engine or propeller.

(4) A document that is incorporated by reference in a log book is to be taken, for the purposes of this Order, to be part of the log book.

(5) The operator of an aircraft for which log books are required to be kept must keep them or cause them to be kept in accordance with this article.

(6) Subject to article 90 a log book must be preserved by the operator of the aircraft for at least two years after the aircraft, the engine or the variable pitch propeller has been destroyed or has been permanently withdrawn from use.

Aircraft mass schedule

30.—(1) This article applies to a flying machine or a glider for which a certificate of airworthiness issued by the Department or rendered valid under this Order is in force.

(2) An aircraft to which this article applies must be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Department may require.

(3) When the aircraft is weighed its operator must prepare a mass schedule showing —

- (a) either the basic mass, or such other mass as may be approved by the Department for that aircraft; and
- (b) either the position of the centre of gravity at its basic mass or such other position of the centre of gravity as may be approved by the Department for that aircraft.

(5) Annex 1 is published by the International Civil Aviation Organisation ISBN 978-92-9231-810-9.

(4) Subject to article 90, the mass schedule must be preserved by the operator of the aircraft for at least six months after the next occasion on which the aircraft is weighed for the purposes of this article.

(5) In this article “basic mass” means the empty mass of the aircraft established in accordance with the type certification basis of the aircraft.

Access and inspection for airworthiness purposes

31.—(1) The Department may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Part.

(2) A person authorised to do so by the Department may at any reasonable time inspect a part of, or material intended to be incorporated in or used in the manufacture of any part of an aircraft or its equipment or a document relating to the aircraft and may for that purpose go onto an aerodrome or enter an aircraft factory.

PART 4

Equipment of aircraft

Equipment of aircraft

32.—(1) An aircraft must not be flown unless it is so equipped as to comply with the law of the country in which it is registered and as to enable lights and markings to be displayed and signals to be made all in accordance with this Order and any applied regulations.

(2) Subject to paragraph (7), an aircraft registered in the Isle of Man must (in addition to any other equipment required by this Order or any applied regulations) carry the equipment specified in paragraph 5 of Schedule 3 in the circumstances described in the second column of the Table in paragraph 4 of that Schedule.

(3) The equipment carried must—

- (a) comply with the provisions of Schedule 3;
- (b) except for the equipment specified in paragraph 3 of that Schedule, be of a type approved by the Department either generally or in relation to a class of aircraft or in relation to that aircraft; and
- (c) be installed in a manner approved by the Department.

(4) In any particular case the Department may direct that an aircraft registered in the Isle of Man must carry such additional or special equipment or supplies as the Department may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of persons carried in the aircraft.

(5) This paragraph applies to navigational equipment capable of establishing the aircraft’s position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting on it.

(6) Navigational equipment to which paragraph (5) applies that is carried in an aircraft registered in the Isle of Man (whether or not in compliance with this Order or any regulations made under this Order) must—

- (a) be of a type approved by the Department, either generally or in relation to a class of aircraft or in relation to that aircraft; and
- (b) be installed in a manner approved by the Department.

(7) This article does not apply in relation to radio communication and radio navigation equipment except such equipment specified in Schedule 3.

Carriage and use of equipment

33.—(1) The equipment carried in compliance with article 32 must be installed or stowed and kept stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person for whose use it is intended.

(2) The position of equipment provided for emergency use must be indicated by clear markings in or on the aircraft.

(3) All equipment installed or carried in an aircraft, whether or not in compliance with article 32, must be installed or stowed and maintained and adjusted so as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

Radio communication and radio navigation equipment of aircraft

34.—(1) An aircraft must not be flown unless it is equipped with radio communication and radio navigation equipment that —

- (a) complies with the law of the country in which the aircraft is registered or the State of the operator; and
- (b) enables communications to be made and the aircraft to be navigated, in accordance with —
 - (i) the provisions of this Order;
 - (ii) any applied regulations.

(2) Without prejudice to paragraph (1) but subject to paragraph (5), an aircraft must be equipped with radio communication and radio navigation equipment in accordance with Schedule 4.

(3) In any particular case the Department may direct that an aircraft registered in the Isle of Man carries such additional or special radio communication or radio navigation equipment as the Department may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to article 35 and to any prescribed exceptions, the radio communication and radio navigation equipment provided in compliance with this article in an aircraft registered in the Isle of Man must always be maintained in serviceable condition.

(5) All radio communication and radio navigation equipment installed in an aircraft registered in the Isle of Man or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order or any applied regulations) must—

- (a) be of a type approved by the Department in relation to the purpose for which it is to be used; and
- (b) except in the case of a glider that is permitted by article 3(2) to fly unregistered, be installed in a manner approved by the Department.

(6) Neither the radio communication and radio navigation equipment referred to in paragraph (5) nor the manner in which it is installed may be modified except with the approval of the Department.

Minimum equipment requirements

35.—(1) This article applies to an aircraft registered in the Isle of Man.

(2) The Department may permit an aircraft or class of aircraft to which this article applies to commence a flight in specified circumstances even though a specified item of equipment that must

by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(3) An aircraft must not commence a private flight if any of the equipment that must by or under this Order be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless the aircraft does so under and in accordance with the terms of a permission granted under paragraph (2) to the operator.

PART 5

Crew required to be carried

Required flight crew of aircraft

36. An aircraft must not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

Flight crew required by aircraft registered in the Isle of Man

37.—(1) This article applies to an aircraft registered in the Isle of Man flying on any flight.

(2) An aircraft to which this article applies must carry a flight crew adequate in number and description to ensure the safety of the aircraft.

(3) An aircraft—

(a) that has a flight manual, must carry a flight crew of at least the number and description specified in that flight manual;

(b) that does not now have a flight manual but has done in the past, must carry a flight crew of at least the number and description specified in that flight manual.

(4) An aircraft that is required by article 34 to be equipped with radio communication equipment must carry a flight radiotelephony operator as a member of the flight crew.

Power to direct additional crew to be carried

38. The Department may, in the interests of safety, direct the operator of any aircraft registered in the Isle of Man that all or any aircraft operated by him or her, when flying in circumstances specified in the direction, must carry, in addition to the crew required to be carried by this Part, such additional persons as members of the flight crew or the cabin crew as it may specify in the direction.

PART 6

Flight Crew licensing – requirement for licence

Requirement for appropriate licence to act as member of flight crew of aircraft registered in Isle of Man

39.—(1) Subject to the exceptions set out in Part 2 of Schedule 6, a person must not act as a member of the flight crew of an aircraft registered in the Isle of Man without holding an appropriate licence rendered valid under this Order.

(2) An appropriate licence for the purposes of this Part means a licence which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the particular flight.

Requirement for appropriate licence to act as member of flight crew of aircraft registered elsewhere than in the Isle of Man

40. A person must not act as a member of the flight crew that must by or under this Order be carried in an aircraft registered in a country other than the Isle of Man unless—

- (a) in the case of an aircraft flying for the purpose of commercial air transport or aerial work, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; or
- (b) in the case of an aircraft on a private flight, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Order, and the Department does not give a direction to the contrary.

Permission required where licence does not meet relevant minimum standards

41.—(1) This article applies to a licence endorsed to the effect that its holder does not satisfy in full the relevant minimum standards established under the Chicago Convention.

(2) The holder of such a licence that has been rendered valid under this Order must not act as a member of the flight crew of an aircraft registered in the Isle of Man in or over the territory of a Contracting State, except in accordance with a permission granted by the competent authority of that State.

(3) The holder of a licence that has been granted or rendered valid under the law of a Contracting State must not act as a member of the flight crew of an aircraft in or over the Isle of Man except in accordance with a permission granted by the Department, whether or not the licence is rendered valid under this Order.

PART 7

Flight crew licensing – validation of licences and maintenance of privileges

Validation of licences

42.—(1) The Department may, subject to such conditions as it thinks fit, issue a certificate of validation rendering valid for the purposes of this Order a flight crew licence of a category specified in Part 1 of Schedule 6 granted under the law of any country.

(2) The applicant must furnish such evidence and undergo or produce current certification in respect of such examinations and tests (including in particular medical examinations) and undertake such courses of training as the Department may require for the purpose of a validation under this article.

(3) Subject to article 144, a certificate of validation under this article—

- (a) remains in force, if a period is indicated in it, for that period and may be re-validated by the Department from time to time upon such terms and subject to the satisfaction of such requirements as it thinks fit; or
- (b) if no period is indicated in the certificate, remain in force for the lifetime of the holder.

(4) The Department may by a certificate of validation under this article render valid a rating or qualification in a licence, subject to such conditions as it thinks fit, upon being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating or qualification relates, and such rating or qualification is to be taken to form part of the licence.

Requirement for a medical certificate

43.—(1) This article applies to a licence rendered valid under article 42, other than a United Kingdom National Private Pilot’s Licence (Aeroplanes) or a Flight Radiotelephony Operator’s Licence.

(2) The holder of a licence to which this article applies is not entitled to perform any of the functions to which the licence relates unless the licence includes a valid medical certificate.

(3) A medical certificate forms part of the licence.

Licence holder not to act a member of flight crew when unfit

44. A person must not act as a member of the flight crew of an aircraft registered in the Isle of Man if the person knows or suspects that his or her physical or mental condition renders him or her temporarily or permanently unfit to perform such functions or to act in such capacity.

Instruction in flying

45.—(1) This article applies to instruction in flying given to a 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; or
- (b) the inclusion or variation of a rating or qualification in a pilot’s licence.

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

- (a) he or she holds a licence, which is granted or otherwise valid by virtue of this Order, entitling the person to act as the pilot in command of the aircraft for the purpose in paragraph (1) and in the circumstances under which the instruction is to be given; and
- (b) the licence includes an instructor’s rating entitling the holder to give the instruction.

PART 8

Duties of commander

Pre-flight action by commander of aircraft

46.—(1) This article applies to the commander of any aircraft.

(2) A commander must, before taking off on a private flight, an aerial work flight or a commercial air transport flight, take all reasonable steps so as to be satisfied of the matters specified in paragraph (3).

(3) Those matters are that —

- (a) the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action that can be adopted in case the flight cannot be completed as planned;
- (b) either —
 - (i) the equipment that must by or under this Order be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or
 - (ii) the flight may commence under and in accordance with the terms of a permission granted to the operator under article 35(2);
- (c) the aircraft is in every way fit for the intended flight;

- (d) the load carried by the aircraft is of such mass, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship —
 - (i) sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies; and
 - (ii) in the case of a commercial air transport flight, the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with;
- (f) in the case of an airship or balloon, sufficient ballast is carried for the intended flight;
- (g) any pre-flight check system established by the operator and set out in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft; and
- (h) in the case of a balloon, the balloon will be able to land clear of any congested area.

Commander to be satisfied that flight can be safely completed

47. The commander of a flying machine must, before take-off, take all reasonable steps so as to be satisfied that it is capable of safely taking off, reaching and maintaining a safe height and making a safe landing at the place of intended destination having regard to —

- (a) the performance of the flying machine in the conditions to be expected on the intended flight; and
- (b) any obstructions at the places of departure and intended destination and on the intended route.

Passenger briefing by commander

48.—(1) The commander of an aircraft registered in the Isle of Man must take all reasonable steps to ensure that before take-off on a flight, all passengers are made familiar with the position and method of use of—

- (a) emergency exits;
- (b) safety belts (with diagonal shoulder strap where required to be carried);
- (c) safety harnesses (if required to be carried);
- (d) oxygen equipment, lifejackets and the floor path lighting system (where required to be carried); and
- (e) all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft.

(2) The commander of an aircraft registered in the Isle of Man must also take all reasonable steps to ensure that in an emergency during a flight, all passengers are instructed in the emergency action that they should take.

Commander to ensure demonstration of lifejackets

49.—(1) This article applies to a flight for the transport of passengers by an aircraft registered in the Isle of Man.

(2) Subject to paragraph (5), in the case of a flight in an aircraft that is not a seaplane and on which it is intended to reach a point more than 30 minutes flying time from the nearest land, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(3) Subject to paragraph (5) and if the circumstances described in paragraph (4) apply, in the case of an aircraft that is not a seaplane, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(4) The circumstances referred to in paragraph (3) are that—

- (a) it is intended to proceed beyond gliding distance from land; or
- (b) in the event of an emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination it is reasonably possible that the aircraft would be forced to land onto water.

(5) If the requirement to give a demonstration required by paragraph (2) or (3) arises only because it is reasonably possible that the aircraft would be forced to land onto water at one or more of the likely alternate destinations the demonstration need not be given until after the decision has been taken to divert to such a destination.

(6) In the case of an aircraft that is a seaplane, the commander must take all reasonable steps to ensure that before take-off all passengers are given a demonstration of the method of use of the lifejackets required by or under this Order for the use of passengers.

(7) In this article, flying time is calculated by reference to the speed specified in the relevant certificate of airworthiness or flight manual as the speed for compliance with regulations governing flights over water while flying in still air.

Commander to ensure crew, passengers, and baggage secure

50.—(1) This article applies to a flight for the transport of passengers by an aircraft registered in the Isle of Man.

(2) Before the aircraft takes off and before it lands, the commander must take all reasonable steps to ensure that —

- (a) the crew of the aircraft are properly secured in their seats; and
- (b) any cabin crew are properly secured in seats that are in a passenger compartment and that are so situated that the cabin crew can readily assist passengers.

(3) During the period and in the circumstances described in paragraph (4), the commander must take all reasonable steps to ensure that—

- (a) all passengers of two years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, if required to be carried) or safety harnesses;
- (b) all passengers under the age of two years are properly secured by means of a child restraint device; and
- (c)
 - (i) those items of baggage in the passenger compartment that the commander reasonably considers ought by virtue of their size, weight or nature to be properly secured are properly secured; and
 - (ii) in the case of an aircraft capable of seating more than 30 passengers, such baggage is either stowed in the passenger compartment stowage spaces approved by the Department for the purpose or carried in accordance with the terms of a permission granted by the Department.

(4) The period and circumstances referred to in paragraph (3) are —

- (a) after the embarkation of its passengers for the purpose of taking off, from the moment when the aircraft first moves until after it has taken off;
- (b) before it lands, until it comes to rest for the purpose of the disembarkation of its passengers; and

- (c) whenever, by reason of turbulent air or an emergency occurring during the flight, the commander considers it necessary to take the steps specified in paragraph (3).

Commander to ensure demonstration of use of oxygen

51.—(1) Subject to paragraph (2), this article applies to an aircraft registered in the Isle of Man.

(2) This article does not apply in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight.

(3) The commander of an aircraft to which this article applies must take all reasonable steps to ensure that—

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 32 and Schedule 3 is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers are recommended to use oxygen;
- (c) during any period when the aircraft is flying above flight level 100 up to and including flight level 130, oxygen is used by all the flight crew of the aircraft for that part of the flight at those altitudes that is of more than 30 minutes duration; and
- (d) during any period when the aircraft is flying above flight level 130 oxygen is used by all the flight crew of the aircraft.

Pilot to remain at controls and be secured in seat

52.—(1) This article applies to a flying machine or glider registered in the Isle of Man.

(2) The commander of an aircraft to which this article applies must cause one pilot to remain at the controls at all times while it is in flight.

(3) If the aircraft is required by or under this Order to carry two pilots, the commander must cause both pilots to remain at the controls during take-off and landing.

(4) Subject to paragraph (5), each pilot at the controls of the aircraft must be secured in his or her seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness.

(5) During take-off and landing a safety harness must be worn if it is required by article 32 and Schedule 3 to be provided.

(6) An operator must not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls who is entitled in accordance with article 39 to act as pilot in command of the helicopter.

PART 9

Loading of aircraft

Commander's duty concerning the loading of aircraft

53.—(1) This Part applies to an aircraft registered in the Isle of Man that is being loaded for a flight.

(2) The commander must not cause or permit it to be loaded except in accordance with this Part.

(3) In this Part, loading includes the suspension of a load from the aircraft.

Requirement to load in accordance with loading instructions

54.—(1) An aircraft to which this Part applies may only be loaded using instructions as to the distribution and securing of the load (in this Part called “the loading instructions”) that—

- (a) conform with paragraph (3); and
- (b) subject to article 56, conform with paragraph (4).

(2) The commander must not cause or permit the aircraft to be loaded in contravention of the loading instructions.

(3) Loading instructions conform with this paragraph if—

- (a) they are given in writing or in a form in which their contents can subsequently be rendered legible;
- (b) they ensure the load may safely be carried on the flight; and
- (c) they ensure any conditions of the certificate of airworthiness or flight manual for the aircraft relating to the loading of the aircraft are complied with.

(4) Loading instructions conform with this paragraph if they—

- (a) indicate the additional items included in the mass of the aircraft prepared for service;
- (b) show the position of the centre of gravity of the aircraft at that mass; and
- (c) indicate the mass of the aircraft prepared for service.

(5) In sub-paragraph (4)(c), the mass of the aircraft prepared for service means the aggregate of the mass of the aircraft, shown in the mass schedule referred to in article 30, and the mass of such additional items in or on the aircraft as the commander thinks fit to include.

Carriage of baggage

55.—(1) Subject to paragraph (2), the commander of an aircraft registered in the Isle of Man must not cause or permit baggage to be carried in the passenger compartment of the aircraft unless—

- (a) the baggage can be properly secured; and
- (b) in the case of an aircraft capable of seating more than 30 passengers, the amount of baggage does not exceed the capacity of the spaces in the passenger compartment approved by the Department for the purpose of stowing baggage.

(2) Paragraph (1)(b) does not apply to baggage carried in accordance with a permission issued under article 50(3)(c)(ii).

Exceptions

56. The loading instructions need not conform with article 54(4) if—

- (a) the aircraft’s maximum total mass authorised is not more than 1150kg;
- (b) the aircraft’s maximum total mass authorised is not more than 2730kg and the flight is intended not to exceed 60 minutes in duration and is either—
 - (i) a flight solely for training persons to perform duties in an aircraft; or
 - (ii) a flight intended to begin and end at the same aerodrome; or
- (c) the aircraft is a helicopter that has a maximum total mass authorised of not more than 3000kg, and a total seating capacity of not more than five persons.

PART 10

Operating minima and equipment requirements for aerial work and private aircraft

Aerial work and private aircraft – aerodrome operating minima

57.—(1) This article applies to aerial work aircraft and private aircraft.

(2) An aircraft to which this article applies must not—

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
- (b) take off when the relevant runway visual range is less than 400 metres,

otherwise than under and in accordance with the terms of an approval to do so granted in accordance with the law of the country in which it is registered.

(3) In the case of an aircraft registered in the Isle of Man, the approval referred to in paragraph (2) may be issued by the Department.

(4) Without prejudice to paragraph (2), when making a descent at an aerodrome to a runway for which there is a notified instrument approach procedure an aircraft must not descend from a height of 1000 feet or more above the aerodrome to a height less than 1000 feet above the aerodrome if the relevant runway visual range for the runway is at the time less than the specified minimum for landing.

(5) Without prejudice to paragraph (2), when making a descent to a runway for which there is a notified instrument approach procedure an aircraft must not—

- (a) continue an approach to landing on the runway by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height,

unless in either case the specified visual reference for landing is established and maintained from such height.

(6) If, according to the information available, an aircraft would be required by rule 18(1), 19(1) or 20 of the Rules of the Air Regulations 2007⁽⁶⁾ to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft must select before take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(7) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable alternate aerodrome is available must not be commenced unless—

- (a) a designated instrument approach procedure is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before to two hours after the estimated time of arrival.

(8) A flight must not be continued towards the aerodrome of intended landing unless the latest available information indicates that conditions at the aerodrome, or at least one alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.

(9) In this article—

- (a) “specified” in relation to aerodrome operating minima means such detailed information about aerodrome operating minima as have been notified for the aerodrome or, if the relevant minima have not been notified, such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima; and

(6) [S.I. 2007/734](#), to which there are amendments not relevant to this provision.

- (b) “designated” in relation to an instrument approach procedure means notified, prescribed or otherwise designated by the relevant competent authority.

Survival equipment

58.—(1) This article applies to an aircraft registered in the Isle of Man.

(2) The commander of an aircraft to which this article applies must be satisfied on reasonable grounds before take-off that the aircraft carries such additional equipment as the commander reasonably considers necessary for the purposes of facilitating the survival of the persons carried in the aircraft.

(3) In complying with paragraph (2) the commander must have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.

PART 11

Operations – general provisions

Operation of radio in aircraft

59.—(1) A radio station in an aircraft must not be operated, whether or not the aircraft is in flight, except—

- (a) in accordance with the conditions of the licence issued for that station under the law of the country in which the aircraft is registered or the State of the operator; and
- (b) by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Subject to paragraphs (3) and (4), whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communication equipment, a continuous radio watch must be maintained by a member of the flight crew listening to the signals transmitted on the frequency notified or designated for use by the aircraft by a message received from an appropriate aeronautical radio station.

(3) The radio watch may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits this.

(4) The radio watch may be kept by a device installed in the aircraft if—

- (a) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
- (b) that station is notified, or in the case of a station situated in a country other than the Isle of Man, otherwise designated as transmitting a signal suitable for that purpose.

(5) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communication or radio navigation equipment, a member of the flight crew must operate that equipment in such a manner as the appropriate air traffic control unit may instruct or as may be notified in relation to the airspace in which the aircraft is flying.

(6) The radio station in an aircraft must not be operated so as to cause interference that impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions must not be made except—

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;

- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).

Operation of airborne collision avoidance system

60. On a flight on which an airborne collision avoidance system is required to be carried in an aeroplane by article 34 and Schedule 4, the system must be operated in accordance with procedures that are suitable having regard to the purposes of the equipment.

Training in operation of airborne collision avoidance system

61.—(1) Before commencing an ACAS equipped flight, the commander must be satisfied on reasonable grounds that every member of the flight crew has had the training specified in paragraph (3).

(2) A person must not act as a member of the flight crew on an ACAS equipped flight in an aeroplane unless the person has had the training specified in paragraph (3).

(3) The training referred to in paragraphs (1) and (2) is—

- (a) suitable training in the operation of the airborne collision avoidance system in the aeroplane; and
- (b) suitable training in the use of the procedures referred to in article 60.

(4) In this article “an ACAS equipped flight” means a flight on which an airborne collision avoidance system is required to be carried by article 34 and Schedule 4.

Method of carriage of persons

62.—(1) A person must not—

- (a) subject to paragraph (2), be in or on any part of an aircraft in flight that is not a part designed for the accommodation of persons and in particular a person must not be on the wings or undercarriage of an aircraft;
- (b) be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.

(2) A person may have temporary access to—

- (a) a part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods in the aircraft; and
- (b) a part of an aircraft in which cargo or stores are carried, which part is designed to enable a person to have access to it while the aircraft is in flight.

Marking of break-in areas

63.—(1) This article applies to aircraft registered in the Isle of Man.

(2) An operator must ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on an aircraft, the areas are marked in accordance with this article.

(3) The markings on the exterior surface of the fuselage must show the areas (in this article referred to as “break-in areas”) the can, for the purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(4) The break-in areas must be marked by right angled corner markings, each arm of which must be nine centimetres in length along its outer edge and three centimetres in width.

(5) If the corner markings of the break-in area are more than two metres apart, intermediate lines nine centimetres by three centimetres must be inserted so that there is no more than two metres between adjacent marks.

(6) The colour of break-in markings must be red or yellow, and if necessary they must be outlined in white to contrast with the background.

(7) If instructions are marked on the break-in areas, the words “Cut Here in Emergency” must be marked across the centre of each break-in area in capital letters.

(8) The markings required by this article must be—

- (a) painted, or affixed by other equally permanent means; and
- (b) kept clean and unobscured at all times.

Flights over a foreign country

64.—(1) The operator and the commander of an aircraft registered in the Isle of Man (or, if the operator’s principal place of business or permanent residence is in the Isle of Man, any other aircraft) that is being flown over a foreign country, must not allow the aircraft to be used for a purpose that is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if the person neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in the paragraph.

(3) Subject to paragraph (4), the operator and the commander of an aircraft registered in the Isle of Man (or, if the operator’s principal place of business or permanent residence is in the Isle of Man, any other aircraft) that is being flown over a foreign country must comply with any directions given by the appropriate aeronautical authorities of the country whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose that is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, the country.

(4) A direction under paragraph (3) need not be complied with if to do so would endanger the lives of persons on board or the safety of the aircraft.

(5) A person does not contravene paragraph (3) if the person neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(6) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(7) In this article “appropriate aeronautical authorities” includes a person, whether a member of a country’s military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

PART 12

Height keeping and navigation

Minimum navigation performance

65.—(1) An aircraft registered in the Isle of Man must not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems that enable the aircraft to maintain the prescribed navigation performance capability.

- (2) The equipment required by paragraph (1) must—
 - (a) be approved by the Department;
 - (b) be installed in a manner approved by the Department;
 - (c) be maintained in a manner approved by the Department; and
 - (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the Department.

Height keeping performance – aircraft registered in the Isle of Man

66.—(1) Unless otherwise authorised by the appropriate air traffic control unit, an aircraft registered in the Isle of Man must not fly in Reduced Vertical Separation Minimum airspace unless it is equipped with height keeping systems that enable the aircraft to maintain the required height keeping performance capability.

- (2) The equipment required by paragraph (1) must—
 - (a) be approved by the Department;
 - (b) be installed in a manner approved by the Department;
 - (c) be maintained in a manner approved by the Department; and
 - (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the Department.

Area navigation and required navigation performance capabilities — aircraft registered in the Isle of Man

67.—(1) Subject to paragraph (3) an aircraft registered in the Isle of Man must not fly in Required Navigation Performance airspace unless it is equipped with area navigation equipment that enables the aircraft to maintain the navigation performance capability notified, prescribed or otherwise designated for that airspace.

- (2) The equipment required by paragraph (1) must—
 - (a) be approved by the Department;
 - (b) be installed in a manner approved by the Department;
 - (c) be maintained in a manner approved by the Department; and
 - (d) while the aircraft is flying in that airspace, be operated in accordance with procedures approved by the Department.
- (3) An aircraft need not comply with the requirements of this article if—
 - (a) the appropriate air traffic control unit, having been made aware of the lack of compliance, authorises the flight; and
 - (b) the aircraft complies with any instructions the air traffic control unit may give.

PART 13

Dangerous goods, weapons and munitions of war

Carriage of dangerous goods

68.—(1) This article applies to applied regulations made or having effect as if made under article 132 of the Air Navigation Order 2009(7).

(2) It is an offence to contravene or permit the contravention of or fail to comply with any regulations to which this article applies.

(3) The provisions of this article and of any regulations to which this article applies are additional to and not in derogation from articles 69 and 70.

Carriage of weapons and of munitions of war – requirement for permission and for commander to be informed

69.—(1) Subject to article 71, an aircraft must not carry any munition of war unless—

- (a) the munition of war is carried with the permission of the Department; and
- (b) the commander of the aircraft is informed in writing by the operator before the flight commences of the type, mass or quantity and location of any munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Department.

(2) Subject to article 71, it is unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

Prohibition on carrying on board sporting weapons or munitions of war

70.—(1) Subject to article 71, it is unlawful for a person to carry or have in his or her possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage on an aircraft any sporting weapon or munition of war unless the provisions of paragraph (2) are complied with.

(2) The provisions referred to in paragraph (1) are that—

- (a) the sporting weapon or munition of war—
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded;
- (b) information about the sporting weapon or munition of war has been supplied by that passenger or by the consignor to the operator before the flight commences; and
- (c) the operator consents to the carriage of the sporting weapon or munition of war by the aircraft.

Exceptions concerning carriage of weapons and munitions of war

71. Nothing in this Part applies to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the Isle of Man if the sporting weapon or munition of war may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(7) [S.I.2009/3015](#), to which there are amendments not relevant to this provision.

Definitions

72. In this Part—

(a) “munition of war” means—

- (i) any weapon or ammunition;
- (ii) any article containing an explosive, noxious liquid or gas; or
- (iii) any other thing,

that is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;

(b) “sporting weapon” means—

- (i) any weapon or ammunition;
- (ii) any article containing an explosive, noxious liquid or gas; or
- (iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article,

that is not a munition of war.

PART 14

Prohibited behaviour

Endangering safety of an aircraft

73. A person must not recklessly or negligently act in a manner likely to endanger an aircraft, or a person in an aircraft.

Endangering safety of any person or property

74. A person must not recklessly or negligently cause or permit an aircraft to endanger a person or any property.

Drunkenness in aircraft

75.—(1) A person must not enter an aircraft when drunk, or be drunk in an aircraft.

(2) A person must not, when acting as a member of the crew of an aircraft or being carried in an aircraft for the purpose of acting as a member of its crew, be under the influence of drink or a drug to such an extent as to impair his or her capacity so to act.

Smoking in aircraft

76.—(1) Notices indicating when smoking is prohibited must be exhibited in an aircraft registered in the Isle of Man so as to be visible from each passenger seat.

(2) A person must not smoke in any compartment of an aircraft registered 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.

Authority of commander of an aircraft

77. A person in an aircraft must obey all lawful commands that the commander of the aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried in the aircraft, or the safety, efficiency or regularity of air navigation.

Acting in a disruptive manner

78. A person must not while in an aircraft—

- (a) use threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of the crew member's duties.

Stowaways

79. A person must not secrete himself or herself for the purpose of being carried in an aircraft without the consent of the operator or the commander or of any other person entitled to give consent to the person being carried in the aircraft.

PART 15

Fatigue of crew and protection of crew from cosmic radiation

Application and interpretation of Part 15

80. In this Part—

- (a) “flight time” means all time spent by a person as a member of the crew in—
 - (i) a civil aircraft whether or not registered in the Isle of Man (other than such an aircraft that has a maximum total mass authorised of not more than 1600kg and that is not flying for the purpose of commercial air transport, public transport or aerial work); or
 - (ii) a military aircraft (other than a military aircraft that has a maximum total mass authorised of not more than 1600kg and that is flying on a military air experience flight),while it is in flight;
- (b) “day” means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time;
- (c) a helicopter is deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped; and
- (d) a military air experience flight is a flight by a military aircraft operated under the auspices of the Royal Air Force Air Cadet Organisation for the purpose of providing air experience to its cadets.

Fatigue of crew – responsibilities of crew

81.—(1) A person must not act as a member of the crew of an aircraft registered in the Isle of Man if the person know or suspect that he or she is suffering from or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

(2) A person must not act as a member of the flight crew of an aircraft to which this article applies without first ensuring that the operator of the aircraft is aware of the person's flight times during the period of 28 days preceding the flight.

Flight times – responsibilities of flight crew

82.—(1) Subject to paragraphs (2) and (3), a person must not act as a member of the flight crew of an aircraft registered in the Isle of Man if, at the beginning of the flight, the aggregate of all that person's previous flight times—

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This article does not apply to a flight that is a private flight in an aircraft that has a maximum total mass authorised of not more than 1600 kg.

(3) A person may act as a member of the flight crew on a private or aerial work flight where the operator does not hold a national air operator's certificate if, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since last being medically examined and found fit is not more than 25 hours.

Protection of air crew from cosmic radiation

83.—(1) A relevant undertaking must take appropriate measures to —

- (a) assess the exposure to cosmic radiation when in flight of those air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year;
- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed air crew; and
- (c) inform the workers concerned of the health risks their work involves.

(2) A relevant undertaking must ensure that in relation to a pregnant air crew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

(3) Nothing in paragraph (2) requires the undertaking concerned to take any action in relation to an air crew member until she has notified the undertaking in writing that she is pregnant.

(4) The definition in article 167 of “crew” does not apply for the purposes of this article.

(5) In this article—

- (a) “air crew” has the same meaning as in article 42 of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionising radiation⁽⁸⁾;
- (b) “undertaking” includes a natural or legal person and “relevant undertaking” means an undertaking established in the Isle of Man that operates aircraft;
- (c) “highly exposed air crew” and “milliSievert” have the same respective meanings as in article 42 of Council Directive 96/29/Euratom; and
- (d) “year” means any period of twelve months.

(8) O.J. No. L 159, 29.6.96, p.1.

PART 16

Documents and records

Documents to be carried

84.—(1) Subject to paragraph (2), an aircraft registered in the Isle of Man must, when in flight, carry documents in accordance with Schedule 7.

(2) If a flight is intended to begin and end at the same aerodrome and does not include passage over the territory of a country other than the Isle of Man, the documents may be kept at the aerodrome instead of being carried in the aircraft.

Keeping and production of records of exposure to cosmic radiation

85.—(1) A relevant undertaking must keep a record for the period and in the manner prescribed of the exposure to cosmic radiation of air crew assessed under article 83 and the names of the air crew concerned.

(2) A relevant undertaking must, within a reasonable period after being requested to do so by an authorised person, cause to be produced to the person the record required to be kept under paragraph (1).

(3) A relevant undertaking must, within a reasonable period after being requested to do so by a person for whom a record is required to be kept under paragraph (1), supply a copy of that record to the person.

(4) In this article “air crew” and “undertaking” have the same meaning as in article 83(5).

Use of flight recording systems

86.—(1) On a flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(3), (4), or (5) of the Table in Schedule 3 to be carried in an aeroplane, the recorder must always be in use from the beginning of the take-off run to the end of the landing run.

(2) On a flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 4(12) of the Table in Schedule 3 to be carried in a helicopter, the recorder must always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

Preservation of records of aeroplane flight data recorder

87.—(1) Subject to article 90, the operator of an aeroplane must at all times—

- (a) preserve the last 25 hours of recording made by a flight data recorder that must by or under this Order be carried in an aeroplane; and
- (b) preserve a record of at least one representative flight made within the last 12 months.

(2) The representative flight referred to in paragraph (1)(b) must include a take-off, climb, cruise, descent, approach to landing and landing.

(3) The record required by paragraph (1)(b) must include a means of identifying the flight to which it relates.

(4) The operator of an aeroplane must preserve the records required by this article for such period as the Department may direct.

Production of documents and records

88.—(1) The operator of an aircraft registered in the Isle of Man must, within a reasonable time after being requested to do so by an authorised person, cause to be produced to the person any of the documents or records specified in paragraph (2) that have been requested by the person.

(2) The documents and records are—

- (a) the documents referred to in Schedule 7 as Documents A, B, F, G and K;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the mass schedule, if any, required to be preserved under article 30(4);
- (d) the record made by a flight data recorder required to be carried by or under this Order.

(3) The holder of a licence granted or rendered valid under this Order or of a medical certificate required under article 43(2) must, within a reasonable time after being requested to do so by an authorised person, cause the licence to be produced to the person.

Power to inspect and copy documents and records

89. An authorised person may inspect and copy any certificate, licence, log book, document or record that the person has the power to require to be produced under this Order.

Preservation of documents, etc.

90.—(1) A person who is required by this Order to preserve a document or record by reason of being the operator of an aircraft is in this article called “the first operator”.

(2) Subject to paragraph (3), if the first operator ceases to be the operator of an aircraft that operator must continue to preserve the document or record until paragraph (4) has been complied with.

(3) If the first operator dies the duty to preserve the document or record falls on the first operator’s personal representative.

(4) If another person becomes the operator of the aircraft, the first operator or the first operator’s personal representative must deliver to that other person on demand—

- (a) the certificates of maintenance review and release to service;
- (b) the log books;
- (c) the mass schedule; and
- (d) any record made by a flight data recorder and preserved in accordance with article 87,

that is in force or required to be preserved for the aircraft.

(5) If an engine or variable pitch propeller is removed from an aircraft and installed in another aircraft operated by another person, the first operator of the aircraft or the first operator’s personal representative must deliver to that other person on demand the log book relating to the engine or propeller.

(6) It is the duty of the other person referred to in paragraphs (4) and (5) to deal with the documents or records delivered under those provisions as if the person were the first operator.

PART 17

Aircraft in flight

Rules of the Air

91.—(1) In this article “Rules of the Air” means applied regulations made or having effect as if made under article 160 of the Air Navigation Order 2009⁽⁹⁾.

(2) Subject to paragraphs (3) and (4), it is an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It is lawful for the Rules of the Air to be departed from to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of a country other than the Isle of Man within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

(4) It is lawful for the Rules of the Air to be departed from by an aircraft of which the commander is acting as such in the course of the commander’s duty as a member of any of Her Majesty’s naval, military or air forces.

(5) If a departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft must cause written detailed information about the departure, and of the circumstances giving rise to it, to be given within 10 days of the departure to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Department.

(6) Nothing in the Rules of the Air exonerates a person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying

92.—(1) If the Department decides that it is 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 specified in paragraph (2) flying in the circumstances specified in paragraph (2).

(2) The aircraft and circumstances are—

- (a) aircraft, whether or not they are registered in the Isle of Man, in airspace over the Isle of Man or in the neighbourhood of an offshore installation; and
- (b) aircraft that are registered in the Isle of Man, in any other airspace, being airspace for which the Isle of Man has, under international arrangements, undertaken to provide navigation services for aircraft.

(3) Regulations made under this article may apply either generally or in relation to any class of aircraft.

(9) [S.I.2009/3015](#), to which there are amendments not relevant to this provision. Information concerning these Rules of the Air can be found at: www.aircraft.im.

(4) It is an offence to contravene, permit the contravention of or fail to comply with regulations made under this article.

(5) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any regulations that have been made for a reason referred to in paragraph (1)(c), the commander must, 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 the area and the aircraft must 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 a reason referred to in paragraph (1)(c) or within airspace notified as a Danger Area must immediately 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.

Flying displays

93.—(1) Subject to paragraphs (15), (16) and (18), a person may not act as the organiser of a flying display (in this article referred to as “the flying display director”) without first obtaining the permission of the Department for the flying display.

(2) Subject to paragraphs (16) and (18), the commander of an aircraft who is intending to participate in a flying display must take all reasonable steps to be satisfied, before participating, that —

- (a) the flying display director has been granted an appropriate permission under paragraph (6);
- (b) the intended flight can comply with any relevant conditions subject to which that permission may have been granted; and
- (c) the pilot has been granted an appropriate pilot display authorisation.

(3) Subject to paragraphs (16) and (18), the commander of an aircraft who is participating in a flying display for which a permission has been granted must comply with any conditions subject to which that permission may have been granted.

(4) Subject to paragraphs (16) and (18), the pilot of an aircraft participating in a flying display must hold an appropriate pilot display authorisation and comply with any conditions subject to which the authorisation may have been given.

(5) Subject to paragraphs (16) and (18), the flying display director must not permit a person to act as pilot of an aircraft that participates in a flying display unless the person holds an appropriate pilot display authorisation.

(6) The Department must grant a permission required by paragraph (1) if it is satisfied that the applicant is fit and competent to organise safely the proposed flying display, having regard in particular to the applicant’s —

- (a) previous conduct and experience; and
- (b) organisation, staffing and other arrangements.

(7) The Department may grant such a permission subject to such conditions, which may include conditions concerning military aircraft, as the Department thinks fit.

(8) The Department must, for the purposes of this article, grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display if it is satisfied that the applicant is—

- (a) a fit person to hold the authorisation; and
- (b) qualified by having the knowledge, experience, competence, skill and physical and mental fitness to fly in accordance with the authorisation.

(9) For the purposes of paragraph (8) the applicant must supply such evidence and undergo such examinations and tests as the Department may require.

(10) The Department may authorise a person to conduct such examinations or tests for the purposes of this article as it may specify.

(11) Subject to article 144, a pilot display authorisation granted in accordance with this article remains in force for the period indicated in it.

(12) Subject to paragraph (13), for the purposes of this article, an appropriate pilot display authorisation means an authorisation that is valid and appropriate to the intended flight and that has been—

- (a) granted by the Department under paragraph (8); or
- (b) granted by the competent authority of a JAA Full Member State.

(13) A pilot display authorisation granted by the competent authority of a JAA Full Member State is not an appropriate pilot display authorisation for the purposes of this article if the Department has given a direction to that effect.

(14) A direction may be issued under paragraph (13) either for a particular authorisation, a specified category of authorisation or generally.

(15) Paragraph (1) does not apply to—

- (a) a flying display that takes place at an aerodrome in the occupation of the Ministry of Defence or of a visiting force or any other premises in the occupation or under the control of the Ministry of Defence; or
- (b) a flying display at which the only participating aircraft are military aircraft.

(16) Paragraphs (1), (2), (3), (4) and (5) do not apply to a flying display at which the only participating aircraft are balloons.

(17) Subject to paragraph (18), the flying display director must not permit military aircraft to participate in a flying display unless the director complies with any conditions concerning military aircraft subject to which the permission for the flying display may have been granted.

(18) Nothing in this article applies to an aircraft race or contest or to an aircraft taking part in an aircraft race or contest or to the commander or pilot whether or not the race or contest is held in association with a flying display.

Balloons

94.—(1) This article applies to and in relation to balloons within the Isle of Man.

(2) A balloon in captive or tethered flight must not be flown within 60 metres of a vessel, vehicle or structure except with the permission of the person in charge of the vessel, vehicle or structure.

(3) Except with the permission of the Department—

- (a) a balloon in captive flight must not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of the aerodrome; and
- (b) a balloon in captive or tethered flight must not be flown at a height measured to the top of the balloon of more than 60 metres above ground level.

(4) Except with the permission of the Department, an uncontrollable balloon in captive or released flight must not be flown in airspace notified for the purposes of this paragraph.

(5) Except during the day and in Visual Meteorological Conditions, a controllable balloon must 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 the aerodrome.
- (6) Except with the permission of the appropriate air traffic control unit, a controllable balloon must 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.
- (7) When in captive flight, a balloon must be securely moored and must not be left unattended unless it is fitted with a device that ensures its automatic deflation if it breaks free of its moorings.
- (8) A person must not cause or permit—
 - (a) a group of small balloons of more than 1000 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 the aerodrome unless that person has given to the Department at least 28 days previous notice in writing of the release;
 - (b) a group of small balloons of more than 2000 but not more than 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 the aerodrome,except with the permission of the Department; and
 - (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.
- (9) In this article—
 - (a) “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; and
 - (b) “simultaneously released at a single site” means the release of a specified number of balloons during a period of not more than 15 minutes from within an area not more than 1 km square.

Gliders, kites and parascending parachutes

- 95.**—(1) This article applies to gliders, kites and parascending parachutes within the Isle of Man.
- (2) Except with the permission of the Department—
- (a) a glider or parascending parachute must not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level;
 - (b) a kite must 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 the aerodrome;
 - (c) a kite must not be flown at a height of more than 60 metres above ground level; and
 - (d) a parascending parachute must 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 the aerodrome.

Airships

- 96.**—(1) This article applies to airships within the Isle of Man.

(2) An airship with a capacity of more than 3000 cubic metres must not be moored other than on a notified aerodrome except with the permission of the Department.

(3) An airship with a capacity of 3000 cubic metres or less must not be moored within 2 km of a congested area or within the aerodrome traffic zone of a notified aerodrome unless—

- (a) it is moored on a notified aerodrome; or
- (b) it has the permission of the Department.

(4) An airship when moored in the open must be securely moored and must not be left unattended.

Small unmanned aircraft

97.—(1) A person must not cause or permit an article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.

(4) The person in charge of a small unmanned aircraft that has a mass of more than 7kg excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, must not fly the aircraft—

- (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
- (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at the aerodrome unless the permission of any such air traffic control unit has been obtained; or
- (c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for the airspace.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the Department.

Small unmanned surveillance aircraft

98.—(1) The person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in paragraph (2) except in accordance with a permission issued by the Department.

(2) The circumstances referred to in paragraph (1) are—

- (a) over or within 150 metres of a congested area;
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
- (c) within 50 metres of a vessel, vehicle or structure that is not under the control of the person in charge of the aircraft; or
- (d) subject to paragraphs (3) and (4), within 50 metres of a person.

(3) Subject to paragraph (4), during take-off or landing, a small unmanned surveillance aircraft must not be flown within 30 metres of a person.

(4) Paragraphs (2)(d) and (3) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(5) In this article “a small unmanned surveillance aircraft” means a small unmanned aircraft that is equipped to undertake any form of surveillance or data acquisition.

Rockets

- 99.**—(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 does not apply to—
- (a) an activity to which the Outer Space Act 1986(10) applies; or
 - (b) a military rocket.
- (3) A person may not launch a small rocket unless the conditions in paragraph (4), and any of the conditions in paragraphs (5), (6) and (7) that are applicable, are satisfied.
- (4) The person launching the rocket must be satisfied on reasonable grounds 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 person launching the rocket on a flight within controlled airspace has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace.
- (6) The person launching the rocket on a flight within an aerodrome traffic zone of an aerodrome during its notified operating hours—
- (a) has obtained the permission of the air traffic control unit at the aerodrome; or
 - (b) if 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 safely; or
 - (c) if there is no air traffic control unit and no aerodrome flight information service unit, has obtained information from the air/ground communications service unit at the aerodrome to enable the flight to be conducted safely.
- (7) A flight for aerial work purposes must not be carried out except under and in accordance with a permission granted by the Department to the person launching the rocket.
- (8) A flight by a large rocket must not be carried out except under and in accordance with a permission granted by the Department to the person launching the rocket.

PART 18

Air traffic services

Requirement for an air traffic control approval

- 100.**—(1) A person in charge of the provision of an air traffic control service must not provide such a service for Isle of Man airspace (excluding airspace for which the United Kingdom has, under international arrangements, undertaken to provide air navigation services) unless the person has been given and complies with the terms of an air traffic control approval granted by the Department.
- (2) The Department must grant an air traffic control approval if it is satisfied that the applicant is competent to provide a service that is safe for use by aircraft, having regard to the applicant's organisation, staffing, equipment, maintenance and other arrangements.

Duty of person in charge to be satisfied as to competence of controllers

101. The holder of an approval granted under article 100 must not permit a 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) the person holds an appropriate licence; and
- (b) the approval holder is satisfied that the person is competent to perform the duties of an air traffic controller or a student air traffic controller.

Manual of air traffic services

102. A person must not provide an air traffic control service at a place unless—

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services for the 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) amendments or additions are made to the manual as the Department may from time to time require.

Provision of air traffic services

103. In the case of an aerodrome (other than a Government aerodrome) for 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 must—

- (a) inform 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 person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

Making of an air traffic direction in the interests of safety

104.—(1) The Department may, in the interests of safety, direct the person in charge of an aerodrome that there must be provided for the aerodrome (other than a Government aerodrome) such an air traffic control service, a flight information service or a means of two way radio communication as the Department considers appropriate.

(2) The Department may specify in the direction the periods during which, the times at which, the manner in which and the airspace within which such service or such means must be provided.

(3) The person who has been directed must cause such a service or means to be provided in accordance with the direction.

(4) The Department may, pending inquiry into or consideration of the case, make a provisional air traffic direction.

(5) A provisional air traffic direction —

- (a) may contain any of the requirements that may be included in an air traffic direction made in accordance with paragraph (1);
- (b) has effect as though it were an air traffic direction made in accordance with paragraph (1).

Use of radio call signs at aerodromes

105. The person in charge of an aerodrome provided with means of two-way radio communication must 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.

Approval of instrument flight procedures

106.—(1) An instrument flight procedure within the Isle of Man must not be notified unless the procedure has been approved by the Department.

(2) The Department must not notify or approve an instrument flight procedure unless it is satisfied that the procedure is safe for use by aircraft.

(3) Subject to paragraph (5), the Department may approve an instrument flight procedure where an application for approval of the procedure has been made.

(4) An applicant for approval of an instrument flight procedure must supply such evidence and reports as the Department may require.

(5) The Department is not obliged to accept an application for the approval of an instrument flight procedure where that application is not supported by a report submitted by a person approved under paragraph (6).

(6) The Department must grant an approval to submit reports supporting an application for approval of an instrument flight procedure if it is satisfied that the applicant is competent having regard to the applicant's organisation, staffing, equipment, knowledge, experience, competence, skill and other arrangements to design an instrument flight procedure that is safe for use by aircraft.

(7) The applicant for an approval under paragraph (6) must supply such evidence and undergo such examinations and tests and undertake such courses of training as the Department may require.

(8) For the purpose of this article, the Department may subject to such conditions as it thinks fit —

- (a) approve a course of training;
- (b) authorise a person to conduct examinations or tests as it may specify; and
- (c) approve a person to provide a course of training.

PART 19

Licensing of air traffic controllers

Prohibition of unlicensed air traffic controllers

107.—(1) Subject to paragraph (3) and article 109 a person must not act as an air traffic controller, or hold himself or herself out, whether by use of a radio call sign or in any other way, as an air traffic controller unless—

- (a) the person holds and complies with the privileges and conditions of a licence specified in paragraph (2);
- (b) the licence contains a valid medical certificate; and
- (c) the person has identified himself or herself in such a manner as may be notified.

(2) The licence referred to in paragraph (1)(a) is an appropriate air traffic controller's licence granted in a Member State and revalidated by the Department in accordance with article 122.

(3) A person may act as an air traffic controller if the person holds a valid air traffic controller's licence validated under this Order which is not an appropriate licence if that person is supervised in the same manner as the holder of a student air traffic controller's licence

(4) A licence is an appropriate air traffic controller's licence if it includes valid ratings, endorsements and certificates that authorise the holder of the licence to provide at the aerodrome or place the type of air traffic control service for the sector for which, or the operational position at which, it is being provided.

Prohibition of unlicensed student air traffic controllers

108.—(1) Subject to article 109, a person must not act as a student air traffic controller, or hold himself or herself out, whether by use of a radio call sign or in any other way, as a student air traffic controller unless—

- (a) the person holds and complies with the privileges and conditions of a licence specified in paragraph (2);
- (b) the licence contains a valid medical certificate; and
- (c) the person has identified himself or herself in such a manner as may be notified.

(2) The licence referred to in paragraph (1)(a) is a valid student air traffic controller's licence granted in a Member State and validated by the Department in accordance with article 122.

Acting as an air traffic controller: exceptions

109. A licence is not required by a person who acts in the course of the person's duty as a member of Her Majesty's naval, military or air forces or a visiting force.

Acting as an air traffic controller and a student air traffic controller

110. For the purposes of this Part and Schedule 10 —

- (a) a person acts as an air traffic controller —
 - (i) by providing an air traffic control service; or
 - (ii) by supervising a student air traffic controller, or by doing both; and
- (b) a person acts as a student air traffic controller by providing an air traffic control service under the supervision of an air traffic controller.

Language proficiency: additional requirements

111.—(1) The Department may require the applicant to attain level 5 on the language proficiency rating scale where the operational circumstances of a particular rating or endorsement warrant a higher level of language proficiency for reasons of safety.

(2) The applicant must demonstrate language proficiency by providing to the Department a certificate issued by an approved person stating the applicant's proficiency level in accordance with the language proficiency rating scale.

Language proficiency: ongoing requirements

112.—(1) Subject to paragraph (3), the Department must ensure that it, or an approved person, assesses the English language proficiency of the holder of an air traffic controller's licence or a student air traffic controller's licence at regular intervals.

(2) Subject to paragraph (3), the interval at which the language proficiency of the holder of an air traffic controller's licence or a student air traffic controller's licence must be assessed must be no longer than —

- (a) three years for a licence holder who demonstrates proficiency in English language to level 4 on the language proficiency rating scale; and
 - (b) six years for a licence holder who demonstrates proficiency in English language to level 5 on the language proficiency rating scale.
- (3) Paragraphs (1) and (2) do not apply to a licence holder who has demonstrated proficiency in English language to level 6 on the language proficiency rating scale.

Privileges of an air traffic controller's licence and a student air traffic controller's licence

- 113.**—(1) An air traffic controller's licence entitles the holder to—
- (a) exercise the privileges specified in paragraph 1 of Part 1 of Schedule 10; and
 - (b) exercise the privileges of any rating or endorsement included in the licence as specified in Part 2 of that Schedule.
- (2) A student air traffic controller's licence entitles the holder to exercise the privileges specified in paragraph 2 of Part 1 of Schedule 10.

Maintenance of validity of ratings and endorsements

- 114.**—(1) The holder of an air traffic controller's licence is not entitled to exercise the privileges of a rating or endorsement contained in the licence unless the licence includes a current unit endorsement specifying that the rating or endorsement is valid for—
- (a) the aerodrome or place at which the holder so acts;
 - (b) the sector on which or the operational position at which the holder so acts; and
 - (c) the surveillance equipment (if any) with which the holder so acts.
- (2) A unit endorsement may be entered in a licence by the holder of an air traffic controller's licence that includes an Examiner Licence Endorsement relating to the matters set out in paragraph (1)(a) to (1)(c) (a "relevant licence").
- (3) A unit endorsement is valid for an initial period of one year.
- (4) If an air navigation service provider demonstrates to the holder of a relevant licence that a licence holder—
- (a) has been exercising the privileges of the licence for at least the minimum number of hours set out in the unit competence scheme throughout the preceding 12 months;
 - (b) has demonstrated competence in accordance with Part C of Annex II of [Directive 2006/23/EC](#) of the European Parliament and of the Council; and
 - (c) holds a valid medical certificate,

the validity of a unit endorsement must be extended by the holder of a relevant licence for a further 12 months.

(5) The minimum number of hours required to maintain the validity of the unit endorsement may be reduced for an on-the-job training instructor in proportion to the time spent instructing trainees on the working positions for which the extension is applied.

(6) If a unit endorsement ceases to be valid, a licence holder must in order to revalidate the endorsement, successfully complete a unit training plan to the satisfaction of the holder of a relevant licence.

(7) The holder of a rating or rating endorsement who has not been providing air traffic control services associated with that rating or rating endorsement for a period of four years may only commence unit training in that rating or rating endorsement after the holder of a relevant licence —

- (a) has assessed whether the person continues to satisfy the conditions of that rating or rating endorsement; and
- (b) is satisfied that any training requirements that result from this assessment have been successfully completed.

Obligation to notify rating ceasing to be valid and change of unit

115.—(1) When a rating ceases to be valid for a sector or operational position the holder of the licence must —

- (a) inform the air navigation service provider responsible for that sector or position, and
 - (b) if a rating ceases to be valid for a sector or operational position and is not valid for any other sector or operational position, notify the licence issuing National Authority and forward the licence to the Authority or to a person approved by the Authority, where it must be endorsed accordingly and returned to the holder.
- (2) A person who ceases to act as an air traffic controller at a particular unit must—
- (a) notify the licence issuing National Authority; and
 - (b) forward their licence to the licence issuing National Authority or to a person approved by that Authority, where it must be endorsed accordingly and returned to the holder.

Air navigation service provider: maintenance of records

116. An air navigation service provider must keep records for each licence holder working in a unit of the hours worked in a sector, group of sectors or in a working position and must provide the records to the licence issuing National Authority on request.

Requirement for medical certificate

117.—(1) Following an examination of the holder of a licence, an approved medical examiner may subject to paragraph (2) issue a medical certificate if the examiner considers that the holder is fit to perform the functions to which the licence relates.

- (2) The examiner may issue a certificate subject to such conditions as the examiner thinks fit.
- (3) The issue of a medical certificate must be consistent with the provisions of Annex I to the Chicago Convention and the Requirements for European Class 3 Medical Certification of Air Traffic Controllers laid down by the European Organisation for the Safety of Air Navigation (Eurocontrol)(**11**).
- (4) The certificate is to be taken to form part of the licence.
- (5) A medical certificate is valid for —
 - (a) two years from the date of the medical examination in the case of an air traffic controller or student air traffic controller of up to (and including) the age of 40; and
 - (b) one year for an air traffic controller or student air traffic controller over the age of 40.

Incapacity of air traffic controllers

118.—(1) A holder of an air traffic controller's licence or a student air traffic controller's licence who—

- (a) suffers a personal injury or illness involving incapacity to undertake the functions to which his or her licence relates throughout a period of 20 consecutive days; or

(11) Published by Eurocontrol, Brussels, 8 February 2006, 2nd edition, HUM.ET2.ST08.1000.STD.02.

(b) in the case of a woman, has reason to believe that she is pregnant, must inform his or her employer and the licence issuing National Authority as soon as possible.

(2) A medical certificate ceases to be valid on the expiry of the period of injury or illness referred to in paragraph (1)(a) and becomes valid again (provided it has not expired) —

- (a) upon the holder being medically examined under arrangements made by the licence issuing National Authority and pronounced fit to resume his or her functions under the licence; or
- (b) upon the licence issuing National Authority exempting the holder from the requirement of a medical examination subject to such conditions as the Authority may think fit.

Fatigue of air traffic controllers

119. A person must not act as an air traffic controller or a student air traffic controller if the person know or suspect that he or she 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 an aircraft to which an air traffic control service may be provided.

Acting under the influence of psychoactive substances or medicines

120.—(1) A person must not exercise the privileges of a student air traffic controller’s licence or an air traffic controller’s licence whilst under the influence of any psychoactive substance or medicines which might render the person unable to exercise the privileges of his or her licence safely and properly.

Failing exams, assessments or tests

121. A person who, when last examined, assessed or tested for the purposes of this Part, failed the examination, assessment or test must not act in the capacity for which the examination, assessment or test would have qualified the person had it been passed.

Validation of air traffic controller’s licences

122.—(1) An application by the holder of an air traffic controller’s or a student air traffic controller’s licence issued by the national supervisory authority of a Member State to have the licence, rating, endorsement or medical certificate validated by the Department must be made in writing to the Department.

- (2) The Department must validate a —
- (a) licence and any associated rating;
 - (b) rating endorsement;
 - (c) language endorsement; and
 - (d) medical certificate,

issued in accordance with the provisions of the air traffic controllers’ directive by the national supervisory authority of a Member State if it is satisfied that the holder meets the requirements of the air traffic controllers’ directive.

(3) The Department must issue a certificate of validation to the air traffic controller upon being satisfied as set out in paragraph (2).

(4) An air traffic controller whose licence has been validated by the Department must make an application in writing to the Department for approval of a unit training plan.

(5) The Department must inform the applicant within six weeks of receipt of the application whether it approves the plan.

(6) When establishing the unit training plan referred to in paragraph (4), the training provider must take account of the competencies and experience of the licence holder.

Definitions relevant to this Part and Schedule 10

123.—(1) In this Part and Schedule 10—

“language proficiency rating scale” means the language proficiency rating scale set out in Annex III of the air traffic controllers’ directive;

“on-the-job training instructor” means a person who holds an on-the-job training instructor endorsement;

“on-the-job training instructor endorsement” means the endorsement described in article 9 of the air traffic controllers’ directive;

“unit competence scheme” means a scheme indicating the method by which the unit maintains the competence of its licence holders;

“unit training plan” means a plan detailing the processes and timing required to allow the unit procedures to be applied to the local area under the supervision of an on-the-job training instructor;

“valid medical certificate” means a medical certificate issued under article 117(1) or validated by the Department under article 122.

(2) A reference in this Part to the holder of an air traffic controller’s licence or a student air traffic controller’s licence includes a reference to the holder of a licence that has been validated by the Department under article 122.

(3) The following expressions defined in article 2 of the air traffic controllers’ directive have the same meaning when used in this Part: “air traffic control service”, “air navigation service provider”, “language endorsement”, “rating endorsement”, “sector” and “unit endorsement”.

(4) References in this Part to the provisions of articles 6 and 7 of, and the Annexes to, the air traffic controllers’ [Directive 2006/23/EC](#) of the European Parliament and of the Council are references to those provisions as amended from time to time.

PART 20

Air traffic service equipment

Air traffic service equipment

124.—(1) A person must not cause or permit 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 must be granted under paragraph (1) if the Department is 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 public use licence has been granted must cause to be notified in relation to the aeronautical radio station the type and availability of operation of a service that is available for use by an 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 include such other conditions as the Department thinks fit including—

(a) 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

(b) 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 for one or more persons or generally.

Air traffic service equipment records

125.—(1) The person in charge of air traffic service equipment and any associated apparatus required under paragraph (2) or (3) must—

(a) keep records for such equipment or apparatus in accordance with Part 1 of Schedule 8; and

(b) preserve the records for 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 that is used for the provision of an air traffic control service by an air traffic control unit must 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) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must ensure that—

(a) 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; and

(b) 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.

(5) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must—

(a) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service intended to facilitate the navigation of aircraft;

(b) ensure that each record made by the apparatus complies with Part 2 of Schedule 8;

(c) not cause or permit the apparatus to be used unless it is approved by the Department; and

(d) comply with the terms of such an approval.

(6) In considering whether or not to grant an approval, the Department may have regard to the matters specified in Part 3 of Schedule 8.

(7) An approval may be granted —

(a) in addition to any other conditions that may be imposed, subject to conditions relating to the matters to which the Department may have had regard under paragraph (6); and

(b) for one or more persons or generally.

(8) 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 must ensure that, so far as practicable—

(a) a record is kept that complies with Part 2 of Schedule 8; and

(b) in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and an aircraft are recorded.

(9) If apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment must ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(10) The person in charge of air traffic service equipment must preserve a record made in compliance with paragraph (5) or (8) for 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.

(11) A person required by this article to preserve a record by reason of being the person in charge of the air traffic service equipment is in this paragraph called “the first person in charge”.

(12) If the first person in charge ceases to be in charge of the air traffic service equipment, the person must continue to preserve the record until paragraph (14) is complied with.

(13) In the event of the death of the first person in charge, the duty to preserve the record falls on his or her personal representative.

(14) If another person becomes the person in charge of the air traffic service equipment, the first person in charge or his or her personal representative must deliver the record to that other person on demand, and it is the duty of that other person to deal with any such record as if they were the first person in charge.

(15) The person in charge of air traffic service equipment must 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 21

Aerodromes, aeronautical lights and dangerous lights

Requirement to use licensed aerodrome

126.—(1) Subject to paragraph (4), this article applies to an aircraft defined in article 127 flying on a flight specified in that article.

(2) An aircraft to which this article applies must not take off or land at a place in the Isle of Man other than an aerodrome licensed under this Order for the take-off and landing of such aircraft.

(3) When taking off or landing at an aerodrome specified in paragraph (2), an aircraft to which this article applies must do so 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.

(4) This article does not apply to an aircraft flying under and in accordance with the terms of a police air operator’s certificate

Flights which must use licensed aerodrome

127.—(1) Article 126 applies to an aeroplane that has a maximum total mass authorised of more than 2730kg flying on a flight —

- (a) for the purpose of the commercial air transport of passengers;
- (b) for the purpose of instruction in flying given to a 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
- (c) for the purpose of carrying out flying tests for the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence.

(2) Article 126 applies to an aeroplane that has a maximum total mass authorised of not more than 2730kg flying on a flight that is —

- (a) a scheduled journey for the purpose of the commercial air transport of passengers;
- (b) for the purpose of the commercial air transport of passengers that begins and ends at the same aerodrome;
- (c) for the purpose of instruction in flying given to a 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;
- (d) for the purpose of a flying test 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
- (e) for the purpose of the commercial air transport of passengers at night.

(3) Article 126 applies to a helicopter or gyroplane flying on a flight —

- (a) that is a scheduled journey for the purpose of the commercial air transport of passengers; or
- (b) for instruction in flying given to a 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.

(4) Article 126 applies to a 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—

- (a) the commercial air transport of passengers; or
- (b) instruction in flying.

Helicopters flying for commercial air transport at night

128.—(1) The person in charge of an area in the Isle of Man intended to be used for the take-off or landing of helicopters at night must cause there to be in operation, whenever a helicopter flying for the commercial air transport of passengers is taking off or landing at the area at night, such lighting as will enable the pilot of the helicopter —

- (a) when landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing; and
- (b) when taking off, to make a safe take-off.

(2) A helicopter flying for the commercial air transport of passengers at night must not take off or land at a place to which paragraph (1) applies unless there is in operation such lighting.

(3) Paragraph (1) does not apply to an aerodrome specified in article 126(2).

Licensing of aerodromes

129.—(1) The Department must grant a licence for an aerodrome in the Isle of Man if the Department is satisfied that—

- (a) the applicant is competent, having regard to the applicant's previous conduct and experience, and 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;
- (c) an effective safety management system is in place; and
- (d) the aerodrome manual submitted under paragraph (7) is adequate.

(2) If the Department grants an aerodrome licence it may do so subject to such conditions as it thinks fit and, subject to article 144, the licence remains in force for the period specified.

(3) An aerodrome licence holder must supply to a person on request information concerning the terms of the licence.

(4) An aerodrome licence holder must not contravene or cause or permit to be contravened a condition of the aerodrome licence at any time in relation to an aircraft in respect of which article 127 applies flying on a flight specified in that article, but the licence does not cease to be valid by reason only of such a contravention.

(5) An aerodrome licence holder must 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) On making an application for an aerodrome licence the applicant must submit to the Department an aerodrome manual for the aerodrome.

(7) An aerodrome manual required under this article must 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 9.

(8) An aerodrome licence holder must—

- (a) supply 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) An aerodrome licence holder must make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of each part of the aerodrome manual that is relevant to their duties and ensure that each such copy is kept up to date.

(10) An aerodrome licence holder must take all reasonable steps to secure that all members of the aerodrome operating staff—

- (a) are aware of the contents of each part of the aerodrome manual that is relevant to their duties; and
- (b) undertake their duties in conformity with the relevant provisions of the manual.

(11) In this article—

“aerodrome licence holder” means a person who has been granted a licence under paragraph (1)

“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;

“visual traffic pattern” means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome that is not notified for the purposes of rule 45 of the Rules of the Air Regulations 2007⁽¹²⁾, the airspace that would comprise the aerodrome traffic zone of the aerodrome if it were so notified.

Public use licence

130.—(1) If the applicant for an aerodrome licence 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, the Department may grant an aerodrome licence with a public use condition in addition to any other conditions.

(2) A public use condition is a condition that the aerodrome is to be available to all persons on equal terms and conditions at all times when it is available for the take-off or landing of aircraft.

(3) An aerodrome licence with a public use condition is in this Order referred to as “a public use licence”.

(4) The holder of a public use licence must cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft flying on flights for the purpose of the commercial air transport of passengers or instruction in flying.

Charges at aerodromes with a public use licence

131. The holder of a public use licence must, when required by the Department, supply to the Department such information as it may require about 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.

Use of aerodromes by aircraft of Contracting States and of the Commonwealth

132. The person in charge of any aerodrome in the Isle of Man that is open to public use by aircraft registered in the Isle of Man (whether or not the aerodrome is a licensed aerodrome) must cause the aerodrome and all of its air navigation facilities to be available for use by aircraft registered in 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.

Noise and vibration caused by aircraft on aerodromes

133.—(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⁽¹³⁾ applies to an aerodrome in relation to which the Department has prescribed conditions in accordance with paragraph (1).

⁽¹²⁾ S.I. 2007/734 as applied to the Isle of Man.

⁽¹³⁾ 1982 c.16.

Aviation fuel at aerodromes

134.—(1) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit fuel to be delivered to the installation unless satisfied that—

- (a) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
- (b) 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
- (c) in the case of delivery from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation and is fit for use in aircraft.

(2) Subject to paragraph (3), an aviation fuel installation manager must not cause or permit fuel to be dispensed from the installation to an aircraft unless satisfied as the result of sampling that the fuel is fit for use in aircraft.

(3) Paragraphs (1) and (2) do not apply to fuel that 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.

(4) An aviation fuel installation manager must keep a written record for each installation of which the manager has the management, which record must include detailed information about—

- (a) the grade and quantity of aviation fuel delivered and the date of delivery;
- (b) all samples taken of the aviation fuel and of the results of tests of those samples; and
- (c) the maintenance and cleaning of the installation.

(5) An aviation fuel installation manager must—

- (a) preserve the written record required under paragraph (4) for 12 months or such longer period as the Department may in a particular case direct; and
- (b) within a reasonable time after being requested to do so by an authorised person, produce such record to the person.

(6) A person must not cause or permit aviation fuel to be dispensed for use in an aircraft if the person knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(7) If it appears to the Department or an authorised person that aviation fuel is intended or likely to be delivered in contravention of a provision of this article, the Department or the authorised person may direct the aviation fuel installation manager not to permit aviation fuel to be dispensed from the installation until the direction has been revoked by the Department or by an authorised person.

(8) In this article—

“an aviation fuel installation manager” means a person who has the management of an aviation fuel installation on an aerodrome in the Isle of Man;

“aviation fuel” means fuel intended for use in aircraft;

“aviation fuel installation” means 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 22

Lights and lighting

Aeronautical lights

135.—(1) Except with the permission of the Department and in accordance with any conditions subject to which the permission may be granted, a person must not establish, maintain or alter the character of —

- (a) an aeronautical beacon within the Isle of Man; or
- (b) an aeronautical ground light (other than an aeronautical beacon) at a licensed aerodrome, or that 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 that is or may be visible from the waters within an area of a general lighthouse authority, the Department must not give its permission for the purpose of this article except with the consent of that authority.

(3) A person must not intentionally or negligently damage or interfere with an aeronautical ground light established by or with the permission of the Department.

Lighting of en-route obstacles

136.—(1) The person in charge of an en-route obstacle must 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 of not more than 52 metres.

(2) The person in charge of an en-route obstacle must, subject to paragraph (3), ensure that by night the lights required to be fitted by this article are displayed.

(3) In the event of the failure of a light that is required by this article to be displayed by night, the person in charge must repair or replace the light as soon as reasonably practicable.

(4) At each level on the obstacle where lights are required to be fitted, sufficient lights must be fitted and arranged so as to show when displayed in all directions.

(5) In any particular case the Department may direct that an en-route obstacle must be fitted with and must display such additional lights in such positions and at such times as the Department may specify.

(6) This article does not apply to an en-route obstacle for which the Department has granted a permission to the person in charge permitting the person not to fit and display lights in accordance with this article

(7) Permission under paragraph (6) may be granted for a particular obstacle or group of obstacles or generally.

(8) In this article, an “en-route obstacle” means a building, structure or erection, the height of which is 150 metres or more above ground level, but it does not include a building, structure or erection that is in the vicinity of a licensed aerodrome.

Lights liable to endanger

137.—(1) A person must not exhibit in the Isle of Man a light that —

- (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 a light that appears to the Department to be a light described in paragraph (1) is exhibited, the Department may direct the person who is the occupier of the place where the light is exhibited or who has charge of the light, to take such steps within a reasonable time as are specified in the direction —

(a) to extinguish or screen the light; and

(b) to prevent in the future the exhibition of any other light that may similarly endanger aircraft.

(3) The direction 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 that is or may be visible from waters within the area of a general lighthouse authority, the power of the Department under this article must not be exercised except with the consent of that authority.

Lights that dazzle or distract

138. A person must not in the Isle of Man direct or shine a light at an aircraft in flight so as to dazzle or distract the pilot of the aircraft.

PART 23

Commercial air transport and aerial work by foreign registered aircraft

Restriction on carriage for valuable consideration in aircraft registered in a foreign country

139.—(1) An aircraft registered in a foreign country must not take on board or discharge a passengers or cargo in the Isle of Man where valuable consideration is given or promised for the carriage of the person or cargo unless it complies with paragraph (2) or is exempt from this paragraph under paragraph (3).

(2) This paragraph is complied with if the operator or the charterer of the aircraft or the Government of the country in which the aircraft is registered has been granted permission by the Department under this article and any conditions subject to which the a permission may be subject are complied with.

(3) An aircraft is exempt from the requirement to comply with paragraph (1) if it is exercising the privileges of an Air Operators Certificate issued by the United Kingdom CAA.

(4) An operator or a charterer of an aircraft that is required to comply with paragraph (2) may not hold itself out as a person who may offer to take on board or discharge a passenger or cargo in the Isle of Man for valuable consideration except in accordance with—

(a) a permission granted under this article; and

(b) any conditions to which such a permission may be subject.

(5) Paragraph (4) does not apply to a person who reasonably believes that they will hold such a permission by the time the relevant flight is made.

Filing and approval of tariffs

140.—(1) If a permission granted under article 139(2) contains a tariff provision and the Department so requires, the operator or charterer of the aircraft concerned must file with the

Department the tariff that it proposes to apply on flights to which the said permission relates and the Department must consider the proposed tariff and may approve or disapprove it.

- (2) In this article, “tariff provision”—
- (a) means a condition as to any of the following matters—
- (i) the price to be charged for the carriage of a passenger, baggage or cargo on flights to which a permission granted under article 139(2) relates;
 - (ii) any additional goods, services or other benefits to be provided in connection with such carriage;
 - (iii) the prices, if any, to be charged for any such additional goods, services or benefits; and
 - (iv) the commission, or rates of commission, to be paid in relation to the carriage of a passenger, baggage or cargo; and
- (b) 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.

Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the Isle of Man

141. An aircraft registered other than in the Isle of Man, must 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 for the flight or the purpose of the flight) or for the purpose of any other form of aerial work unless—

- (a) it has the permission of the Department granted under this article to the operator or the charterer of the aircraft; and
- (b) it complies with any conditions to which that permission may be subject.

PART 24

Mandatory reporting

Mandatory reporting of occurrences

142.—(1) The objective of this article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) This article applies to occurrences that endanger or that, if not corrected, would endanger an aircraft, its occupants or any other person.

(4) Without prejudice to the generality of paragraph (3), a list of examples of these occurrences is set out in Annexes I and II (and their Appendices) of the Occurrence Reporting Directive(14).

(5) A person listed below must report to the Department any event that constitutes an occurrence for the purposes of paragraph (3) and that comes to the person’s attention in the exercise of the person’s functions —

(14) OJ No. L 167, 4.7.2003, p.23.

- (a) the operator and the commander of a turbine-powered aircraft that has a certificate of airworthiness issued by the Department;
 - (b) a person who carries on the business of maintaining or modifying a turbine-powered aircraft that has a certificate of airworthiness issued by the Department, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
 - (c) a person who signs a certificate of release to service for a turbine-powered aircraft that has a certificate of airworthiness issued by the Department, and a person who signs a certificate of release to service for any equipment or part of such an aircraft;
 - (d) a licensee and a manager of a licensed aerodrome;
 - (e) a person who performs a function that requires the person to be authorised by the Department as an air traffic controller or as a flight information service officer;
 - (f) a person who performs a function concerning the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities that are utilised by a person who provides an air traffic control service under an approval issued by the Department.
- (6) Reports of occurrences must be made within such time, by such means and containing such information as may be prescribed and must be presented in such form as the Department may in any particular case approve.
- (7) A person listed in paragraph (5) must make a report to the Department within such time, by such means, and containing such information as the Department may specify in a notice in writing served on the person, being information that is in the person's possession or control and which relates to an occurrence that has been reported by the person or another person to the Department in accordance with this article.
- (8) A person must not make a report under this article if the person knows or has reason to believe that the report is false in any particular.
- (9) The Department must put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraphs (5) to (7).
- (10) The Department and the Chief Inspector of Air Accidents must use any information received in accordance with the terms of this article solely for the purposes set out in this article.
- (11) The names or addresses of individual persons must not be recorded under paragraph (9).
- (12) Without prejudice to the rules of criminal law, proceedings may not be instituted in respect of unpremeditated or inadvertent infringements of the law that come to the attention of the relevant authorities only because they have been reported under this article, except in cases of gross negligence.
- (13) Paragraphs (10) to (12) are without prejudice to the right of access to information by judicial authorities.
- (14) If a report is made voluntarily to the Department of a perceived actual or potential hazard that is not required to be reported under the system of mandatory reporting, it must be subjected to a process of disidentification by the Department if the person making the report requests that his or her identity is not recorded under paragraph (9).
- (15) The Department must ensure that relevant safety information deriving from the analysis of reports that have been subjected to disidentification is stored and made available to all parties so that it can be used for improving safety in aviation.

Mandatory reporting of birdstrikes

143.—(1) Subject to the provisions of this article, the commander of an aircraft must make a report to the Department of any birdstrike occurrence that occurs whilst the aircraft is in flight in or over the Isle of Man.

(2) The report must be made within such time, by such means and contain such information as may be prescribed and it must be presented in such form as the Department may in any particular case approve.

(3) Nothing in this article requires a person to report any occurrence that the person has reported under article 142 or that the person has reason to believe has been or will be reported by another person to the Department in accordance with that article.

(4) A person must not make a report under this article if the person 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 birds.

PART 25

Powers and penalties

Revocation, suspension and variation of certificates, licences and other documents

144.—(1) Subject to paragraph (5), the Department may provisionally suspend or vary a certificate, licence, approval, permission, exemption, authorisation or other document issued, granted, rendered valid 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 a person having the possession or custody of a certificate, licence, approval, permission, exemption or other document that has been revoked, suspended or varied under this Order must surrender it to the Department within a reasonable time after being required to do so by the Department.

(4) The breach of a condition subject to which a certificate, licence, approval, permission, exemption or other document has been issued, granted, rendered valid or which has effect under this Order, in the absence of provision to the contrary in the document, renders the document invalid during the continuance of the breach.

(5) A flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Department, whether or not after due inquiry.

Revocation, suspension and variation of permissions, etc. granted under article 139 or article 141

145.—(1) The permits to which this article applies are permissions granted by the Department under article 139 or article 141 and any approvals or authorisations of, or consents to, any matter that the Department has granted, or is to be taken to have granted, in pursuance of a permission that it has so granted.

(2) Subject to the provisions of this article, the Department may revoke, suspend or vary a permit to which this article applies.

(3) Subject to paragraph (4), the Department may exercise the powers under paragraph (2) only after notifying the permit holder of the intention to do so and after due consideration of the case.

(4) If, by reason of the urgency of the matter, it appears to the Department to be necessary to do so, the Department may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (3) but the Department must in any such case comply with those requirements as soon as is reasonably practicable and must then, in the light of due consideration of the case, either—

- (a) revoke the provisional suspension or variation of the permit; or
- (b) substitute a definitive revocation, suspension or variation, that, 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).

(5) The powers vested in the Department by paragraphs (2) and (4) may be exercised when in the judgement of the Department 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 by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Department may determine.

(6) In particular, and without limitation, the Department may exercise the powers under paragraphs (2) and (4) if it appears that—

- (a) the permit holder has committed a breach of a condition to which it is subject;
- (b) an 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 of the agreement;
- (c) the permit holder, or a Government of another country that is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, has—
 - (i) acted in a manner that is inconsistent with or prejudicial to the operation in good faith, according to its object and purpose, of any such agreement; or
 - (ii) 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(15) or the holder of a route licence granted under that section as applied by section 69A of that Act in the operation of air services to or from points in the country concerned; or
- (d) the permit holder, having been granted the permit as a person designated by the Government of a country other than the United Kingdom for the purposes of an agreement referred to in sub-paragraph (b), is no longer so designated or that permit holder's conduct, or circumstances which have arisen in relation to the permit holder, make it necessary or expedient to disregard or qualify the consequences of being so designated.

(7) The holder of a permit or a person having the possession or custody of a permit that has been revoked, suspended or varied under this article must surrender it to the Department within a reasonable time of being required by it to do so.

(8) The breach of a condition subject to which a permit to which this article applies has been granted renders the permit invalid during the continuance of the breach.

(15) 1982 c. 16.

Prohibitions in relation to documents and records

- 146.**—(1) A person must not with intent to deceive—
- (a) use a certificate, licence, approval, permission, exemption or other document issued or required by or under this Order that has been forged, altered, revoked or suspended, or to which the person is not entitled;
 - (b) lend a certificate, licence, approval, permission, exemption or 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 a false representation for the purpose of procuring for a person the grant, issue, renewal or variation of any such certificate, licence, approval, permission, exemption or other document.
- (2) In paragraph (1) a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.
- (3) A person must not intentionally damage, alter or render illegible —
- (a) a log book or other record required to be maintained by or under this Order.
 - (b) an entry made in such a log book or record.
- (4) A person must not —
- (a) knowingly make, or procure or assist in the making of, a false entry in or material omission from a log book or record referred to in paragraph (3); or
 - (b) destroy any such log book or record during the period for which it is required under this Order to be preserved.
- (5) All entries made in writing in a log book or record referred to in paragraph (3) must be made in ink or indelible pencil.
- (6) A person must not knowingly make in a load sheet an entry that is incorrect in a material particular or make a material omission from such a load sheet.
- (7) A person must not purport to issue a certificate for the purposes of this Order or any applied regulations unless authorised to do so by the relevant legislation.
- (8) A person must not issue a certificate referred to in paragraph (7) unless satisfied that all statements in the certificate are correct.

Department's power to prevent aircraft flying

- 147.**—(1) If it appears to the Department or an authorised person that an aircraft is intended or likely to be flown in any of the circumstances specified in paragraph (2), the Department or the authorised person may give a direction in accordance with paragraph (3).
- (2) The circumstances referred to in paragraph (1) are —
- (a) if any provision of article 3, 10, 11, 15, 37, 39, 64, 68, 69, 70, 75(2), 84, 86, 139 or 141 would be contravened in relation to the flight;
 - (b) if the flight would be in contravention of any other provision of this Order or of any applied regulations, and be a cause of danger to a person or property whether or not in the aircraft; or
 - (c) if the aircraft is in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of a provision of this Order or of any such regulations.
- (3) If paragraph (1) applies the Department or the authorised person may direct the operator or the commander of the aircraft 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.

(4) If the Department or an authorised person has directed under paragraph (3), the Department or an authorised person may take such steps as are necessary to detain the aircraft.

(5) For the purposes of this article the Department or an authorised person may enter an aerodrome and may enter and inspect an aircraft.

Power to prevent third-country aircraft taking off

148. If 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,

the authorised person must give to the person appearing to be in command of the aircraft a direction in writing not to permit the aircraft to take off until further notice and take such steps as may be necessary to detain the aircraft.

Notifying competent authority of the detention of a third-country aircraft

149. If an authorised person detains a third-country aircraft the person must 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.

Revocation of article 148 direction when validity of certificate of airworthiness affected

150. If an aircraft has been prohibited from taking off pursuant to article 148 and—

- (a) the safety deficiency affects the validity of the certificate of airworthiness of the aircraft; and
- (b) the Department has granted the operator of the aircraft an exemption from the requirement that the aircraft must have a valid certificate of airworthiness,

an authorised person must not revoke a direction issued pursuant to article 148 without first being satisfied that the operator has obtained permission for the flight from all States over which it is intended to fly the aircraft.

Directions to operators of aircraft to make data available

151.—(1) The Department may give a direction to a person who is an operator of an aircraft referred to in paragraph (2) requiring the operator to take the action referred to in paragraph (3).

(2) The aircraft is one that (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 that is outside the European Economic Area and is specified in the direction.

(3) The action 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 that is or are specified in the direction.

(5) A direction must 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 only has effect in relation to data that are collected and contained in the operator's automated reservation system or departure control system.

Right of access to aerodromes and other places

152. The Department and an authorised person each has the right of access at all reasonable times—

- (a) to an aerodrome for the purpose of inspecting the aerodrome;
- (b) to an aerodrome for the purpose of inspecting an aircraft on the aerodrome or a document that it or the authorised person has power to demand under this Order, or for the purpose of detaining an aircraft under the provisions of this Order;
- (c) to a place where an aircraft has landed, for the purpose of inspecting the aircraft or a document that it or the authorised person has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order;
- (d) to a building or place from which an air traffic control service is being provided or where air traffic service equipment requiring approval under article 124 is situated for the purpose of inspecting—
 - (i) 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) a document or record that it or the authorised person has power to demand under this Order.

Obstruction of persons

153. A person must not intentionally obstruct or impede a person who is exercising a power or performing a duty under this Order.

Directions and directives

154.—(1) A person who without reasonable excuse fails to comply with a direction or directive given to the person under a provision of this Order is to be taken for the purposes of article 155 to have contravened the provision.

(2) If a provision of this Order or any applied regulations gives to a person the power to direct, the person to whom such a power is given also has the power to revoke or vary any such direction or directive.

Offences and penalties

155.—(1) Subject to paragraph (2), if a provision of this Order or of any applied regulations is contravened in relation to an aircraft, the operator of the aircraft and the commander are (without prejudice to the liability of any other person for the contravention) to be taken for the purposes of the following provisions of this article to have contravened the provision.

(2) A person will not be taken to have contravened a provision specified in paragraph (1) if the person proves that the contravention occurred without the person's consent or connivance and that the person exercised all due diligence to prevent the contravention.

(3) If it is proved that an act or omission of a person that would otherwise have been a contravention by the person of a provision specified in paragraph (1) was due to any cause not avoidable by the exercise of reasonable care by the person, the act or omission is to be taken not to be a contravention by the person of the provision.

(4) If a person is charged with contravening a provision of this Order or under applied regulations by reason of the person having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work, the flight is to be treated (without prejudice to the liability of any other person under this Order or under applied regulations) as not having been for that purpose if the person proves that he or she neither knew nor suspected that the flight was for that purpose.

(5) A person who contravenes a provision specified in Part 1 of Schedule 11 is guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(6) A person who contravenes a provision specified in Part 2 of Schedule 11 is guilty of an offence and liable on summary conviction to a fine not exceeding £2,500.

(7) A person who contravenes a provision specified in Part 3 of Schedule 11 is 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.

(8) A person who contravenes a provision specified in Part 4 of Schedule 11 is 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.

(9) In this article "custody" has the same meaning as in the Custody Act 1995 (an Act of Tynwald)(16).

Exemption from Order

156. The Department may exempt from any of the provisions of this Order (other than articles 64, 85, 139, 140, 141, 145 and 157) or any regulations referred to in article 155, an aircraft or person or class of aircraft or person, subject to such conditions as it thinks fit.

Appeal to High Court

157.—(1) Subject to paragraph (3), an appeal lies to the High Court of Justice of the Isle of Man from a decision of the Department under article 21 or 42.

(2) If the court is satisfied that on the evidence submitted to the Department the decision was wrong, the court may reverse the decision and the Department must give effect to the court's determination.

(3) An appeal does not lie from a decision of the Department that a person is not qualified to hold a licence rendered valid by reason of a deficiency in the person's knowledge, experience, competence, skill or physical or mental fitness.

(4) The Department is to be a respondent to any appeal under this article.

(5) For the purposes of a provision relating to the time within which an appeal may be brought, the Department's decision is to be taken to have been taken on the date on which the Department supplied a statement of its reasons for the decision to the applicant for the licence or the holder or former holder of it.

(16) 1995 c. 1 (Isle of Man).

Approval of persons to supply reports

158. In relation to any of its functions under any of the provisions of this Order the Department may approve a person as qualified to supply reports to it and may accept such reports.

Certificates, authorisations, approvals and permissions

159. 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) must 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 144, for such periods as the Department thinks fit.

PART 26

Application of the Order

Extra-territorial effect of the Order

160.—(1) Except where the context otherwise requires, the provisions of this Order, in so far as they apply (whether by express reference or otherwise) —

- (a) to aircraft registered in the Isle of Man, apply to such aircraft wherever they may be; and
- (b) to such other aircraft when they are within the Isle of Man.

(2) Except where the context otherwise requires, the provisions of this Order in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything —

- (a) by persons in, or by any of the crew of, an aircraft registered in the Isle of Man, apply to such persons and crew, wherever they may be;
- (b) in relation to an aircraft registered in the Isle of Man by other persons, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be.

(3) Nothing in this article is to be construed as extending to make a person guilty of an offence in a case in which it is provided by section 3(1) of the British Nationality Act 1948⁽¹⁷⁾ that the person will not be guilty of an offence.

Application of Order to certain aircraft registered elsewhere

161.—(1) The Department may direct that such of the provisions of this Order and of any regulations having effect under this Order as may be specified in the direction have effect as if reference in those provisions to aircraft registered in the Isle of Man included references to the aircraft specified in the direction.

(2) A direction under paragraph (1) may only specify an aircraft registered elsewhere than in the Isle of Man but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Isle of Man.

⁽¹⁷⁾ 1948 c.56. Section 3(1) was amended by section 314(2) of and paragraph 22 of Schedule 13 to the Merchant Shipping Act 1995 (c.21).

Application of Order to the Crown

162.—(1) Subject to the provisions of this article, the provisions of this Order 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 is to be taken 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 renders liable to any penalty an authority responsible on behalf of Her Majesty for the management of an aircraft.

Application of the Order to visiting forces

163.—(1) This article applies to the naval, military and air force authorities and members of a visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters.

(2) Except as otherwise expressly provided in this Order, every body and person and any property to which this article applies is exempt from the provisions of this Order and of any applied regulations to the same extent as if it formed part of the forces of Her Majesty raised in the Isle of Man and for the time being serving there.

Application of the Order to military aircraft

164.—(1) Except as otherwise provided by paragraph (2), and articles 91(2) and 93(7), nothing in this Order applies to or in relation to a military aircraft.

(2) If a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of that person's 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, the provisions specified in paragraph (3) apply to the flight.

(3) The provisions referred to in paragraph (2) are articles 73, 74 and 75 and in addition article 91 (so far as applicable) applies 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.

Exceptions from application of provisions of the Order for certain classes of aircraft

165.—(1) This article applies to—

- (a) a small balloon;
- (b) a kite weighing not more than 2 kg;
- (c) a small unmanned aircraft; and
- (d) a parachute including a parascending parachute.

(2) Except as provided by paragraph (3), nothing in this Order applies to or in relation to an aircraft to which this article applies.

(3) Articles 74, 93, 94, 95, 147 except 147(2)(a) and 167 apply to or in relation to an aircraft to which this article applies.

Saving

166.—(1) Nothing in this Order confers a right to land in a place as against the owner of the land or any other persons interested in the land.

(2) Nothing in this Order obliges the Department to accept an application from the holder of a current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of the document, or for the grant 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.

PART 27

Interpretation

Interpretation

167.—(1) In this Order —

“Aerial work” has the meaning given by article 171;

“Aerial work aircraft” means an aircraft (other than a commercial air transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“Aerial work flight” means a flight for the purpose of aerial work;

“Aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

“Aerodrome”—

(a) means an area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft; and

(b) includes an area or space, whether on the ground, on the roof of a building or elsewhere, that is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically,

but does not include an 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—

(a) that is on the manoeuvring area or apron of the aerodrome for which the service is being provided;

(b) that is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface; or

(c) that has been transferred from approach control in accordance with procedures approved by the Department;

“Aerodrome operating minima” in respect of 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 that are the minimum for the operation of the aircraft at the aerodrome;

“Aerodrome traffic zone” has the meaning assigned to that expression by article 170;

“Aeronautical beacon” means an aeronautical ground light that is visible either continuously or intermittently to designate a particular point on the surface of the earth;

“Aeronautical ground light” means a 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 that transmits or receives signals for the purpose of assisting aircraft;

“Airborne collision avoidance system (ACAS)” means an aircraft system based on secondary surveillance radar (SSR) transponder signals which operate independently of ground-based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with SSR transponders;

“Aircraft rating” includes a type rating and a class rating;

“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” is to be construed accordingly;

“Air traffic control service” means a service provided for the purpose of preventing collisions between aircraft and, on the manoeuvring area, between aircraft and obstructions, and expediting and maintaining an orderly flow of air traffic;

“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 being equipment 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 is not air traffic service equipment for the purposes of articles 124 and 125;

“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;

“Annual costs”, in respect of the operation of an aircraft, means the best estimate reasonably practicable at the time of a particular flight for 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 for the year commencing on the first day of January preceding the date of the flight;

“Applied regulations” means regulations made or having effect as if made under the Civil Aviation Act 1982⁽¹⁸⁾ or the Air Navigation Order 2009⁽¹⁹⁾ and applied to the Isle of Man;

“Applied to the Isle of Man” means applied to the Isle of Man under the Airports and Civil Aviation Act 1987 (an Act of Tynwald)⁽²⁰⁾;

“Approach control service” means an air traffic control service for an aircraft that is not receiving an aerodrome control service but which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome for 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 an aircraft when approaching to land in which it is descending below a height of 1000 feet above the relevant specified decision height or minimum descent height;

⁽¹⁸⁾ 1982 c. 16.

⁽¹⁹⁾ S.I. 2009/3015 amended by S.I. 2010/770, S.I. 2011/2432 and S.I. 2012/1751.

⁽²⁰⁾ 1987 c.10 (Isle of Man).

“Appropriate aeronautical radio station” means, in respect of 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 respect of an aircraft, as the context requires—

- (a) the air traffic control unit serving the area in which the aircraft currently is; or
- (b) the air traffic control unit serving the area that the aircraft intends to enter and with which unit the aircraft is required to communicate before entering the area;

“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 navigation equipment” means equipment carried on board an aircraft that enables the aircraft to navigate on a desired flight path within the coverage of appropriate ground based navigation aids or within the limits of the on-board equipment or a combination of the two;

“Authorised person” means—

- (a) a constable; or
- (b) a 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 case;

“Beneficial interest” includes interests arising under contract and other equitable interests;

“British protected person” has the same meaning as in section 50 of the British Nationality Act 1981(21);

“CAA” means the Civil Aviation Authority of the United Kingdom;

“Cabin crew” in respect of an aircraft means those persons on a commercial air transport flight carried for the purpose of performing duties to be assigned by the operator or the commander of the aircraft in the interests of the safety of passengers but who do 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 animals;

“Category I approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height of 200 feet; and
- (b) a runway visual range of not less than 550 metres;

“Category II approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height below 200 feet but not less than 100 feet; and
- (b) a runway visual range of not less than 300 metres;

“Category IIIA approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

- (a) a decision height lower than 100 feet; and
- (b) a runway visual range of not less than 200 metres;

“Category IIIB approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—

(a) a decision height lower than 50 feet or no decision height; and

(b) a runway visual range of less than 200 metres but not less than 75 metres;

“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 the certificate relating to the certificate of airworthiness;

“Certificate of release to service issued under this Order” means a certificate issued in accordance with article 26 by a person specified in article 27;

“Certificate of validity” has the meaning given by article 19(5);

“Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace” mean airspace respectively notified as such;

“Class rating” means a rating that entitles the holder of a pilot licence to act as pilot of an aircraft of a specified class that does not require a type rating;

“Cloud ceiling”, in respect of an aerodrome, means the vertical distance from the elevation of the aerodrome to the lowest part of a cloud visible from the aerodrome that is sufficient to obscure more than one-half of the sky so visible;

“Commander”, in respect of an aircraft, means the member of the flight crew designated as commander of the aircraft by the operator, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“Commercial air transport” means a flight that is carrying passengers, cargo or mail for remuneration or hire where the principal purpose for their carriage is to transport them, and where a seat on the flight or the right to have cargo or mail carried is available to any member of the public, and includes a flight that carries passengers for remuneration or hire that begins and ends at the same aerodrome;

“Commercial air transport aeroplane” means an aeroplane flying, or intended by the operator of the aeroplane to fly, for the purpose of commercial air transport;

“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” is to be construed accordingly;

“Conditional sale agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974(22);

“Contracting State” means a State (including the United Kingdom) that is party to the Chicago Convention;

“Controlled airspace” means airspace that has been notified as Class A, Class B, Class C, Class D or Class E airspace;

“Controllable balloon” means a balloon that is not a small balloon and that is capable of free controlled flight;

“Control area” means controlled airspace that has been further notified as a control area and that extends upwards from a notified altitude or flight level;

“Control zone” means controlled airspace that has been further notified as a control zone and that extends upwards from the surface;

“Country” includes a territory;

“Crew” means persons carried in an aircraft who are —

(a) members of the flight crew;

(b) persons carried on the flight deck who are appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required for the flight crew in accordance with the law of the country in which the aircraft is registered or the State of the operator; or

(c) members of the cabin crew;

“Decision height”, in respect of 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 the approach has not been established;

“Declared distance” has the meaning that has been notified;

“the Department” means the Department of Economic Development of the Isle of Man Government;

“Direct costs” means the costs actually and necessarily incurred in connection with a flight without a view to profit but excluding any remuneration payable to the pilot for services as such;

“Director” has the same meaning as in section 250 of the Companies Act 2006⁽²³⁾;

“Disidentification” means removing from reports submitted all personal details pertaining to the reporter and technical details that might lead to the identity of the reporter or of third parties being inferred from the information;

“EASA” means the European Aviation Safety Agency established under the Basic EASA Regulation;

“Flight” and “to fly” have the meanings given by article 168;

“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 the aerodrome; and

(ii) the grant or refusal of a permission under rule 40(b) or 41(2) of the Rules of the Air Regulations 2007⁽²⁴⁾; and

(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” is to be construed accordingly;

“Flight information service unit” means a person appointed by the Department or by any other person maintaining an aerodrome or area control centre to provide a flight information service and “aerodrome flight information service unit” is to 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 that would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

(23) 2006 c.46.

(24) S.I. 2007/734, to which there are amendments not relevant to this provision.

“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 recording system” means a system comprising either a flight data recorder or a cockpit voice recorder or both;

“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 SLMG, a helicopter or a gyroplane;

“Free balloon” means a balloon that when in flight is not attached by a form of restraining device to the surface;

“Free controlled flight” means flight during which—

- (a) a balloon is not attached to the surface by a form of restraining device (other than a tether of not more than five metres in length that may be used as part of the take-off procedure); and
- (b) 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” has the same meaning as in section 193 of the Merchant Shipping Act 1995(25);

“Glider” means—

- (a) a non-power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces that remain fixed under given conditions of flight;
- (b) a self-sustaining glider; and
- (c) a self-propelled hang-glider;

“Government aerodrome” means an aerodrome in the Isle of Man that is in the occupation of a Government Department;

“Hire-purchase agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974(26);

“Holding” means, in the case of an aircraft approaching an aerodrome to land, a manoeuvre in the air that keeps the 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 approach procedure” means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply;

“Instrument flight procedure” means—

- (a) a standard instrument arrival;

(25) 1995 c.21. section 193 was amended by section 29(1) of and paragraph 6(a) of Schedule 6 to the Merchant Shipping and Maritime Security Act 1997 (c.28) and section 314(3) of and paragraph 9(1) of Schedule 14 to the Merchant Shipping Act 1995 (c.21).

(26) 1974 c.39.

- (b) an instrument approach procedure;
- (c) a standard instrument departure; or
- (d) a planned departure route;

“Instrument Flight Rules” means Instrument Flight Rules prescribed by Section 6 of the Rules of the Air Regulations 2007⁽²⁷⁾;

“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 air navigation” means a flight that includes passage over the territory of a country other than the Isle of Man but does not include passage over the United Kingdom, any of the Channel Islands, or any other relevant overseas territory to which there is power to extend the Civil Aviation Act 1982 under section 108(1) of that Act⁽²⁸⁾;

“International headquarters” means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964⁽²⁹⁾;

“International safety standards” means the safety standards contained in the Chicago Convention as in force from time to time;

“JAA” means the body that was known as the Joint Aviation Authorities, until its dissolution on 30th June 2009, which was previously an associated body of the European Civil Aviation Conference;

“JAA Full Member State” means a State that was a full member of the JAA on 30th June 2009;

“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 that had been assessed as satisfactory following an inspection by a licensing medical standardisation team of the JAA;

“JAR-FCL 1” means, unless otherwise specified, the Joint Aviation Requirement of the JAA bearing that title including Amendment 5 adopted by the JAA on 1st March 2006;

“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;

“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 the case of an aircraft approaching an aerodrome to land, a defined procedure designed to enable an aircraft to descend safely to a point at which it can continue the approach visually;

“Licence” includes in relation to a flight crew licence 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;

⁽²⁷⁾ S.I. 2007/734.

⁽²⁸⁾ 1982 c.16. Section 108(1) was amended by section 83(1) of and paragraph 8(2) of Schedule 4 to the Airports Act 1986 (c.31).

⁽²⁹⁾ 1964 c.5.

“Licensed aerodrome” means an aerodrome licensed under article 211 of the Air Navigation Order 2009⁽³⁰⁾ as applied to the Isle of Man;

“Lifejacket” includes a device designed to support a person individually in or on the water;

“Log book” includes in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, a record kept either in a book, or by any other means approved by the Department 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;

“Maximum approved passenger seating configuration” means the maximum number of passengers that may be carried in the aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Order;

“Maximum total mass authorised” means in relation to an aircraft the maximum total mass of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force for the aircraft;

“Medium intensity steady red light” means a red light that 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⁽³¹⁾;

“Member State” means a State that is a member of the European Union;

“Microlight aeroplane” means an aeroplane designed to carry not more than two persons that has—

- (a) a maximum total mass authorised not exceeding—
 - (i) 300 kg for a single seat landplane, (or 390 kg for a single seat landplane of which at least 51% was built by an amateur, or non-profit making association of amateurs, for their own purposes and without any commercial objective, in respect of which a permit to fly 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;
 - (iv) 495 kg for a two-seat amphibian or floatplane;
 - (v) 315 kg for a single seat landplane equipped with an airframe mounted total recovery parachute system; or
 - (vi) 472.5 kg for a two-seat landplane equipped with an airframe mounted total recovery parachute system; and
- (b) a stalling speed, or minimum steady flight speed in the landing configuration, at the maximum total mass 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—

⁽³⁰⁾ S.I. 2009/3015, to which there are amendments not relevant to this provision.

⁽³¹⁾ Annex 14 is published by the International Civil Aviation Organisation ISBN 978-92-9249-281-6.

- (a) the naval, military or air force aircraft of any country;
- (b) an aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Secretary of State; and
- (c) an aircraft for 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) a 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) a rocket for 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 article 16;

“National permit to fly” means a permit to fly issued under article 18;

“Nautical mile” means the International Nautical Mile, that is to say, a distance of 1852 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-precision approach” means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

“North Atlantic Minimum Navigation Performance Specification airspace” means the airspace prescribed as such;

“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 “United Kingdom Aeronautical Information Publication” and for the time being in force;

“Notified aerodrome” means an aerodrome that is notified for the purposes of rule 45 of the Rules of the Air Regulations 2007;

“Notified operating hours” means the times notified for an aerodrome during which rule 45 of the Rules of the Air Regulations 2007 applies;

“Obstacle limitation surfaces” has the same meaning as in the document entitled “CAP 168 Licensing of aerodromes” published by the CAA in December 2008;

“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⁽³²⁾;

“Occurrence Reporting Directive” means Directive 2003/42 of the European Parliament and of the Council of 13th June 2003 on occurrence reporting in civil aviation⁽³³⁾;

“Operating staff” means the persons employed by an operator of 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;

⁽³²⁾ S.I. 1996/2798. Regulation 2 was amended by section 78(2)(c) and (d) of the Police (Northern Ireland) Act 2000 (c.32).

⁽³³⁾ O.J. No. L 167, 4.7.2003, p.23.

“Operator” has the meaning given by article 169;

“Parascending parachute” means a parachute that is towed by cable in such a manner as to cause it to ascend;

“Part 21” means the Annex so entitled to the EASA Aircraft Certification Regulation(34), as amended;

“Part 145” means Annex II so entitled to the EASA Continuing Airworthiness Regulation;

“Part M” means Annex I(35) so entitled to the EASA Continuing Airworthiness Regulation as amended, and “Part M Subpart F” means Subpart F of Part M;

“Passenger” means a person other than a member of the crew;

“Performance Class 3 operations” means flights where, in the event of the failure of a power unit at any time during the flight, the helicopter will be required to carry out a forced landing;

“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 on to perform, any of the functions specified in a rating included in the controller’s licence;

“Personal representative” means the person constituted as the executor, administrator, or other representative, of a deceased person;

“Pilot in command” means a person who for the time being is in charge of the piloting of an aircraft without being under the direction of any other pilot in the aircraft;

“Planned departure route” means a departure route for use by an aircraft flying in accordance with the Instrument Flight Rules that links an aerodrome or a specific runway of an aerodrome with a notified significant point from which the flight may safely continue and that is not wholly contained within controlled airspace;

“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 the pilot to manoeuvre the aircraft relative to a defined approach path;

“Prescribed” means prescribed by applied regulations;

“Pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“Private aircraft” means an aircraft that is not an aerial work aircraft or a commercial air transport aircraft;

“Private flight” means a flight that is not an aerial work or commercial air transport flight;

“Record” includes (in addition to a record in writing) —

- (a) 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);
- (b) 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);

(34) O.J. No. L 243, 27.9.2003, p.6, amended by Commission regulation (EC) No. 375/2007 O.J. No. L 94, 4.4.2007, p.3 and to which there are other amendments not relevant to this Order.

(35) Annex I was amended by Commission Regulation (EC) No. 707/2006, O.J. No. L 122, 5.5.2006, p.17 and by Commission Regulation (EC) No. 1056/2008 of 27th October 2008 O.J. No. L283, 28.10.2008, p.5.

(c) a photograph.

“Reduced Vertical Separation Minimum airspace” means any airspace between flight level 290 and flight level 410 inclusive that has been notified, prescribed or otherwise designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1000 feet or 300 metres must be applied;

“Register of Aircraft Mortgages” means the Register of Aircraft Mortgages kept by the Department under the Mortgaging of Aircraft Order 1972⁽³⁶⁾ made or having effect as if made under the Civil Aviation Act 1982⁽³⁷⁾, as applied to the Isle of Man by the Civil Aviation (Subordinate Legislation)(Application) Order 2006⁽³⁸⁾ made pursuant to the Airports and Civil Aviation Act 1987⁽³⁹⁾ (an Act of Tynwald);

“Relevant overseas territory” means a colony or a country or a place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;

“Replacement” in respect of a part of an aircraft or its equipment—

- (a) includes the removal and replacement of the part whether or not by the same part, and whether or not any work is done on it; but
- (b) does not include the removal and replacement of a part that 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;

“Required Navigation Performance airspace” means airspace that 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;

“Rocket” means a device that is propelled by ejecting expanding gases generated in its motor from self contained propellant and that 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 respect of 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) if 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 must be taken to be the runway visual range for the time being;

“Safety management system” means a systematic approach to managing safety including the necessary organisational structure, accountabilities, policies and procedures;

“Scheduled journey” means one of a series of journeys that are undertaken between the same two places and that together amount to a systematic service;

“Seaplane” has the same meaning as in section 97 of the Civil Aviation Act 1982⁽⁴⁰⁾;

“Sector” means part of a control area or part of a flight information region or upper region;

“Self-launching motor glider” means an aircraft with the characteristics of a non-power-driven glider that is fitted with one or more power units and that is designed or intended to take off under its own power;

⁽³⁶⁾ S.I. 1972/1268.

⁽³⁷⁾ 1982 c.16.

⁽³⁸⁾ SD 909/06.

⁽³⁹⁾ 1987 c.10 (Isle of Man).

⁽⁴⁰⁾ Section 97 was amended by section 314(1) and (2) of and Schedule 12 and paragraph 64(c) of Schedule 13 to the Merchant Shipping Act 1995 (c.21).

“Self-propelled hang-glider” means an aircraft comprising an aerofoil wing and a mechanical propulsion device that —

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed; and
- (c) has a maximum unladen mass, including full fuel, of 70 kg;

“Self-sustaining glider” means an aircraft with the characteristics of a non-power-driven glider that 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;

“SLMG” means a self-launching motor glider;

“Small balloon” means a balloon of not more than two 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 is not more than 10,240 Newton-seconds;

“Small unmanned aircraft” means an unmanned aircraft, other than a balloon or a kite, having a mass of 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;

“Special VFR flight” means a flight that is a special VFR flight for the purposes of the Rules of the Air Regulations 2007;

“Standard instrument arrival” means an arrival route for use by an aircraft flying in accordance with the instrument flight rules that links a notified significant point with a point from which an instrument approach procedure may be commenced;

“Standard instrument departure” means a departure route for use by an aircraft flying in accordance with the Instrument Flight Rules that links an aerodrome or a specific runway of an aerodrome with a notified significant point from which the flight may safely continue and that is wholly contained within controlled airspace;

“State aircraft” means an aircraft carrying out military, customs, police, search and rescue, firefighting, coastguard or similar activities or services;

“State of the operator” means the State in which the operator of an aircraft has its principal place of business or, if it has no such place of business, its 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 the aircraft is registered has, by agreement with the State in which the operator of the aircraft has its principal place of business or, if it has no such place of business, its permanent residence, agreed to transfer to it its functions and duties as State of registry for that aircraft in relation to —
 - (i) in the case of article 15(1), airworthiness,
 - (ii) in the case of article 34(1), aircraft radio equipment, or
 - (iii) in the case of article 59, 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;

“Tethered flight” means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device that attaches the balloon to the surface;

“Type rating” means a rating that entitles the holder of a pilot licence to act as pilot of an aircraft of the type specified in the rating;

“Uncontrollable balloon” means a balloon that is not a small balloon and that is not capable of free controlled flight;

“Valuable consideration” means a right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement that is of more than a nominal nature;

“Visiting force” means any such body, contingent or detachment of the forces of a country as is a visiting force for the purposes of the Visiting Forces Act 1952(41) —

- (a) that apply to the country by virtue of paragraph (a) of section 1(1) of that Act; or
- (b) that from time to time apply to the country by virtue of paragraph (b) of section 1(1) and of any Order in Council made or hereafter to be made under section 1 designating the country for the purposes of that Act following section 1(2) of that Act;

“Visual Flight Rules” means Visual Flight Rules prescribed by Section 5 of the Rules of the Air Regulations 2007(42);

“Visual Meteorological Conditions” means weather permitting flight in accordance with the Visual Flight Rules;

“With the surface in sight” means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to a flight instrument and “when the surface is not in sight” is to be construed accordingly.

(2) 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, SLMG, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples of the same unless otherwise stated.

(3) The expressions appearing in the “Classification of Aircraft” in Part 1 of Schedule 2 have the meanings given in that Part.

Meaning of in flight

168.—(1) An aircraft is 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 to the surface or comes to rest on the surface;

(41) 1952 c.57. This Act was extended to the Isle of Man by S.I. 1962/170. The Schedule to that Act, as the Act has effect in the Isle of Man, was substituted by paragraph 7 of Schedule 3 to the Sexual Offences Act 1992 (an Act of Tynwald); the substituted Schedule was subsequently amended as it has effect in the Isle of Man by SI 1998/1509.

(42) S.I. 2007/734.

- (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 on the surface; 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 on the surface.
- (2) The expressions “a flight” and “to fly” are to be construed in accordance with paragraph (1).

Meaning of operator

169. 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 a particular aircraft, references to the person who at the relevant time has the management of the aircraft.

Meaning of aerodrome traffic zone

170.—(1) Subject to paragraphs (3) and (8), the aerodrome traffic zone of a notified aerodrome that is not on an offshore installation and at which the length of the longest runway is notified as 1850 metres or less is that specified in paragraph (2).

(2) The aerodrome traffic zone at an aerodrome referred to in paragraph (1) is the airspace extending from the surface to a height of 2000 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 two nautical miles.

(3) Paragraph (4) applies if—

- (a) the aerodrome traffic zone specified in paragraph (2) would extend less than 1½ nautical miles beyond the end of a runway at the aerodrome; and
- (b) this paragraph is notified as being applicable.

(4) The aerodrome traffic zone is that specified in paragraph (5) as though the length of the longest runway at the aerodrome were notified as greater than 1850 metres.

(5) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome that is not on an offshore installation and at which the length of the longest runway is notified as greater than 1850 metres is that specified in paragraph (6).

(6) The aerodrome traffic zone is the airspace extending from the surface to a height of 2000 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.

(7) Subject to paragraph (8), the aerodrome traffic zone of a notified aerodrome that is on an offshore installation is the airspace extending from mean sea level to 2000 feet above mean sea level and within 1½ nautical miles of the offshore installation.

(8) The aerodrome traffic zone of a notified aerodrome excludes any airspace that is within the aerodrome traffic zone of another aerodrome that is notified for the purposes of this article as being the controlling aerodrome.

Meaning of aerial work

171.—(1) Subject to Part 28, aerial work means a purpose, other than commercial air transport, for which an aircraft is flown if valuable consideration is given or promised for the flight or the purpose of the flight.

(2) Aerial work consists of instruction or testing in a club environment if it consists of the giving of instruction in flying or the conducting of flying tests for the purposes of this Order in an

aircraft owned by, operated by or operated under arrangements entered into by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

PART 28

Commercial air transport and aerial work

Application of Part

172. This Part applies to a commercial air transport flight.

Commercial air transport – special rules for hire of aircraft

173.—(1) Subject to the provisions of this article and this Part, an aircraft in flight is to be taken to fly for the purpose of commercial air transport for the purposes of Part 3 and Part 4 (other than articles 32(2) and 34(2), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on the flight.

(2) Paragraph (1) does not apply to a single-seat aircraft that has a maximum total mass authorised of not more than 910kg otherwise than under a hire-purchase or conditional sale agreement.

(3) Paragraph (1) does not apply if the only such valuable consideration is paid under a hire-purchase or conditional sale agreement.

(4) Notwithstanding that an aircraft may be flying for the purpose of commercial air transport by reason of paragraph (1), it is not flying for the purpose of the commercial air transport of passengers unless valuable consideration is given or promised for the carriage of the passengers.

(5) A glider is not flying for the purpose of commercial air transport for the purposes of Part 3 and Part 4 by virtue of paragraph (1) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on the flight is given or promised by a member of a flying club and the glider is owned or operated by the flying club.

(6) Notwithstanding the giving or promising of valuable consideration specified in paragraph (1) for the flight or the purpose of the flight, it is a private flight —

- (a) subject to sub-paragraph (b), for all purposes other than Part 3 and Part 4; and
- (b) for the purposes of articles 32(2) and 34(2).

Commercial air transport – special rule for associations of persons

174.—(1) A transaction is effected in accordance with this paragraph if, under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member of the association on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected in a different manner.

(2) If a transaction is effected in accordance with paragraph (1) valuable consideration is, for the purposes of this Order, to be taken to have been given or promised, notwithstanding any rule of law as to such transactions.

Commercial air transport – special rule for groups of companies

175.—(1) In considering if valuable consideration is given or promised for a flight there is to be disregarded any valuable consideration given or promised for a flight or for the purpose of a flight by one company to another company that is—

- (a) its holding company;
- (b) its subsidiary; or
- (c) another subsidiary of the same holding company.

(2) For the purposes of this article two or more companies are to be treated as subsidiaries of the same holding company if one (and only one) individual is in such a relationship to them that, if that individual were a holding company, they would be subsidiaries of that company.

(3) In this article “holding company” and “subsidiary” have the meanings respectively specified in section 1159 of the Companies Act 2006(43).

Commercial air transport and aerial work – exceptions – flying displays

176.—(1) A flight is, for the purposes of Part 7, a private flight if —

- (a) the flight is of a sort described in paragraph (2); and
- (b) the only valuable consideration for the flight or for the purpose of the flight is of a sort described in paragraph (3).

(2) A flight is of a sort described in this paragraph if it is—

- (a) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;
- (b) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (a) and is made with the intention of carrying out such a flight; or
- (c) for the purpose of returning after such a flight as is specified in sub-paragraph (a) to a place at which the aircraft is usually based.

(3) Valuable consideration is of a sort described in this paragraph if it is one or more of the following—

- (a) valuable consideration specified in article 173(1);
- (b) in the case of an aircraft owned in accordance with article 180(2), valuable consideration which falls within article 180(3);
- (c) valuable consideration given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such valuable consideration is not more than the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution must bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
- (d) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value that must not exceed £500 for any one race or contest except with the permission of the Department granted to the organiser of the race or contest.

(4) A prize falling within paragraph (3)(d) is to be taken for the purposes of this Order not to constitute remuneration for services as a pilot.

Commercial air transport and aerial work – exceptions – charity flights

177.—(1) Subject to paragraph (2), a flight is a private flight if the only valuable consideration given or promised for the flight or the purpose of the flight is one or more of the following—

- (a) valuable consideration specified in article 173(1);
- (b) in the case of an aircraft owned in accordance with article 180(2), valuable consideration that falls within article 180(3); or

(43) 2006 c.46.

- (c) valuable consideration given or promised to a registered charity that is not the operator of the aircraft and the flight is made with the permission of the Department and in accordance with any conditions specified in it.
- (2) If valuable consideration specified in article 173(1) is given or promised the flight is a commercial air transport flight for the purposes of Part 3 and Part 4 (other than articles 32(2) and 34(2)).

Commercial air transport and aerial work – exceptions – cost sharing

- 178.**—(1) Subject to paragraph (4), a flight is a private flight if—
- (a) the only valuable consideration given or promised for the flight or the purpose of the flight is of a sort described in paragraph (2); and
 - (b) the criteria in paragraph (3) are satisfied.
- (2) Valuable consideration is of a sort described in this paragraph if it is one or more of the following—
- (a) valuable consideration specified in article 173(1);
 - (b) in the case of an aircraft owned in accordance with article 180(2), valuable consideration that falls within article 180(3); or
 - (c) a contribution to the direct costs of the flight otherwise payable by the pilot in command.
- (3) The criteria in this paragraph are satisfied if —
- (a) no more than four persons (including the pilot) are carried;
 - (b) the proportion that the contribution referred to in paragraph (2)(c) bears to the direct costs is not more than the proportion that the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);
 - (c) no information has been published or advertised before the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of the flying club in which case all the persons carried on such a flight who are aged 18 years or over must be members of that flying club; and
 - (d) no person acting as a pilot is employed as a pilot by, or is a party to a contract for the provision of services as a pilot with, the operator of the aircraft that is being flown.
- (4) If valuable consideration specified in article 173(1) is given or promised the flight is a commercial air transport flight for the purposes of Part 3 and Part 4 (other than articles 32(2) and 34(2)).

Commercial air transport and aerial work – exceptions – recovery of direct costs

- 179.**—(1) Subject to paragraphs (2) and (3), a flight is a private flight if the only valuable consideration given or promised for the flight or the purpose of the flight is one or more of the following—
- (a) valuable consideration specified in article 173(1);
 - (b) in the case of an aircraft owned in accordance with article 180(2), valuable consideration that falls within article 180(3);
 - (c) the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, or by or on behalf of a body corporate of which the pilot in command is a director.
- (2) Neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried on the flight.

(3) If valuable consideration specified in article 173(1) is given or promised the flight is a commercial air transport flight for the purposes of Part 3 and Part 4 (other than articles 37(2) and 39(2)).

Commercial air transport and aerial work – exceptions – jointly owned aircraft

180.—(1) A flight is a private flight if the aircraft falls within paragraph (2) and the only valuable consideration given or promised for the flight or the purpose of the flight falls within paragraph (3).

(2) An aircraft falls within this paragraph if it is owned —

(a) jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and—

(i) the aircraft is registered in the names of all the joint owners; or

(ii) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the Department of the names of all the persons beneficially entitled to a share in the aircraft; or

(b) by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5% of the shares in that company.

(3) Valuable consideration falls within this paragraph if it is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company that owns the aircraft and is either or both —

(a) in respect of and no greater than the direct costs of the flight; or

(b) in respect of the annual costs.

Richard Tilbrook
Clerk of the Privy Council

SCHEDULE 1

Article 15(2)(d)

Conditions referred to in article 15(2)(d)

1. An aircraft registered in the Isle of Man may fly for a purpose set out in paragraph 2 or 3 subject to the conditions contained in paragraphs 4 to 7 when either—
 - (a) it does not have a certificate of airworthiness duly issued or rendered valid under the law of the Isle of Man; or
 - (b) the certificate of airworthiness or the certificate of validation issued under article 16 issued for the aircraft has ceased to be in force by virtue of any of the matters specified in article 17.
2. The purposes in the case of an aircraft falling within paragraph 1(a) are that the aircraft may fly only so as to enable it to—
 - (a) qualify for the issue, renewal or validation of a certificate of airworthiness after an application has been made for such issue, renewal or validation, or carry out a functional check of a previously approved modification of the aircraft;
 - (b) proceed to or from a place at which any inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place or has taken place for a purpose referred to in sub-paragraph (a), after any relevant application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
 - (c) proceed to or from a place at which the aircraft is to be or has been stored.
3. The purposes in the case of an aircraft falling within paragraph 1(b) are that the aircraft may fly only so as to enable it to—
 - (a) proceed to a place at which any maintenance or inspection required by article 17(1)(b) is to take place; or
 - (b) proceed to a place at which any maintenance, inspection or modification required by article 17(1)(c), (d) or (e) is to take place and for which flight the Department has given permission in writing; or
 - (c) carry out a functional check, test or in-flight adjustment in connection with the carrying out in a manner approved by the Department of any overhaul, repair, previously approved modification, inspection or maintenance required by article 17.
4. The aircraft, including any modifications, must be of a design which previously has been approved by the Department, or by an organisation approved for that purpose by the Department, as being compliant with a standard accepted by the Department as appropriate for the issue of a certificate of airworthiness.
5. The aircraft and its engines must be certified as fit for flight by the holder of an aircraft maintenance engineer's licence granted under this Order, being a licence which entitles the holder to issue that certificate or by a person approved by the Department for the purpose of issuing certificates under this condition, and in accordance with that approval.
6. The aircraft must carry the minimum flight crew specified in any certificate of airworthiness or validation or flight manual which has previously been in force under this Order for the aircraft, or is or has previously been in force for any other aircraft of identical design.
7. The aircraft must not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose specified in paragraph 2 or 3.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

8. For the purpose of this Schedule “a previously approved modification” means a modification which has previously been approved by the Department or by an organisation approved for that purpose by the Department for that aircraft or another aircraft of the same type.

SCHEDULE 2

Classification and marking of aircraft and dealer certification
Articles 6(1)(b) and 167(3)

PART 1

Classification of aircraft

<i>Col.1</i>	<i>Col.2</i>	<i>Col.3</i>
(1) Lighter than air aircraft	(a) non-power driven	(i) Free balloon
		(ii) Captive balloon
	(b) power-driven	(i) Airship
(2) Heavier than air aircraft	(a) non-power driven	(i) Glider
		(ii) Kite
	(b) power-driven flying machines	(i) Aeroplane (landplane)
		(ii) Aeroplane (seaplane)
		(iii) Aeroplane (amphibian)
		(iv) Aeroplane (self-launching motor glider)
		(v) Powered Lift (tilt rotor)
		(vi) Rotorcraft—
		(aa) Helicopter
(bb) Gyroplane		

Article 6(5)(b) and 6(6)

PART 2

Conditions in aircraft dealer’s certificate

- 1.** The operator of the aircraft must be the registered owner of the aircraft and the holder of an aircraft dealer’s certificate granted under this Order.
- 2.** The aircraft may fly only for the purpose of—
 - (a) testing the aircraft;
 - (b) demonstrating the aircraft with a view to the sale of that aircraft or of other similar aircraft;

- (c) proceeding to or from a place at which the aircraft is to be tested or demonstrated as aforesaid, or overhauled, repaired or modified;
 - (d) delivering the aircraft to a person who has agreed to buy, lease or sell it; or
 - (e) proceeding to or from a place for the purpose of storage.
3. Without prejudice to article 46 the operator of the aircraft must be satisfied before the aircraft takes off that the aircraft is in every way fit for the intended flight.
4. The aircraft may fly only within the Isle of Man.
- Article 10(2)

PART 3

Nationality and registration marks of aircraft registered in the Isle of Man

General

- 1.—(1) The nationality mark of the aircraft is the capital letter “M” in Roman character.
- (2) The registration mark is a group of four capital letters in Roman character assigned by the Department on the registration of the aircraft.
- (3) The letters must be without ornamentation.
- (4) A hyphen must be placed between the nationality mark and the registration mark.
- (5) The nationality and registration marks must be displayed to the best advantage, taking into consideration the constructional features of the aircraft and must always be kept clean and visible.
- (6) The letters constituting each group of marks must—
- (a) be of equal height; and
 - (b) together with the hyphen, all be of the same single colour which must clearly contrast with the background on which they appear.
- (7) The nationality and registration marks must also be inscribed on a fire-proof metal plate affixed in a prominent position—
- (a) in the case of a microlight aeroplane, either on the fuselage or car or on the wing;
 - (b) in the case of a balloon, on the basket or envelope;
 - (c) in the case of any other aircraft on the fuselage or car.
- (8) The nationality and registration marks must be painted on the aircraft, or affixed to the aircraft by any other means ensuring a similar degree of permanence, in the manner specified in paragraphs 2, 3 and 4 of this Part.

Position and size of marks – heavier than air aircraft

- 2.—(1) The position and size of marks on heavier than air aircraft (excluding kites) must be as specified in this paragraph.
- (2) On such aircraft having a fixed wing surface—
- (a) the marks must appear on the lower horizontal surface of the wing structure and on the port wing unless they extend across the whole surface of both wings;
 - (b) so far as is possible the marks must be located equidistant from the leading and trailing edges of the wings;
 - (c) the tops of the letters of its marks must be towards the leading edge of the wing;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) the height of the letters of its marks must be—
 - (i) subject to sub-paragraph (ii), at least 500 millimetres;
 - (ii) if the wings are not large enough for the marks to be 500 millimetres in height, of the greatest height practicable in the circumstances.
- (3) On the fuselage (or equivalent structure) and vertical tail surfaces of such aircraft—
 - (a) the marks must also appear either—
 - (i) on each side of the fuselage (or equivalent structure), and must, in the case of fixed wing aircraft be located between the wings and the horizontal tail surface; or
 - (ii) on the vertical tail surfaces;
 - (b) when located on a single vertical tail surface, the marks must appear on both sides;
 - (c) when located on multi-vertical tail surfaces, the marks must appear on the outboard sides of the outer-surfaces;
 - (d) subject to sub-paragraphs (f) and (g), the height of the letters constituting each group of marks must be at least 300 millimetres;
 - (e) if one of the surfaces authorised for displaying the required marks is large enough for those marks to be 300 millimetres in height (whilst complying with sub-paragraph (g)) and the other is not, marks of 300 millimetres in height must be placed on the largest authorised surface;
 - (f) if neither authorised surface is large enough for marks of 300 millimetres in height (whilst complying with sub-paragraph (g)), marks of the greatest height practicable in the circumstances must be displayed on the larger of the two authorised surfaces;
 - (g) marks on the vertical tail surfaces must be such as to leave a margin of at least 50 millimetres along each side of the vertical tail surface.
- (4) On rotary wing aircraft where owing to the structure of the aircraft the greatest height practicable for the marks on the side of the fuselage (or equivalent structure) is less than 300 millimetres —
 - (a) the marks must also appear on the lower surface of the fuselage as close to the line of symmetry as practicable;
 - (b) they must be placed with the tops of the letters towards the nose;
 - (c) the height of the letters constituting each group of marks must be—
 - (i) subject to sub-paragraph (ii), at least 500 millimetres; or
 - (ii) if the lower surface of the fuselage is not large enough for the marks to be of 500 millimetres in height, of the greatest height practicable in the circumstances.
- (5) Wherever in this paragraph marks of the greatest height practicable in the circumstances are required, that height must be such as is consistent with compliance with paragraph 4 of this Part.

Position and size of marks – airships and free balloons

- 3.—(1) The position and size of marks on airships and free balloons must be as specified in this paragraph.
- (2) In the case of airships the marks must be—
 - (a) placed on each side of the airship; and
 - (b) placed horizontally either on the hull near the maximum cross-section of the airship or on the lower vertical stabiliser.

(3) In the case of free balloons, the marks must be in two places on diametrically opposite sides of the balloon.

(4) In the case of both airships and free balloons—

- (a) the side marks must be so placed as to be visible from the sides and from the ground; and
- (b) the height of the letters must be at least 500 millimetres.

Width, spacing and thickness of marks

4.—(1) For the purposes of this paragraph—

- (a) “standard letter” means any letter other than the letters I, M and W;
- (b) the width of each standard letter and the length of the hyphen between the nationality mark and the registration mark must be two thirds of the height of a letter;
- (c) the width of the letters M and W must be neither less than two thirds of their height nor more than their height; and
- (d) the width of the letter I must be one sixth of the height of the letter.

(2) The thickness of the lines comprising each letter and hyphen must be one sixth of the height of the letters forming the marks.

(3) Each letter and hyphen must be separated from the letter or hyphen which it immediately precedes or follows by a space equal to either one quarter or one half of the width of a standard letter.

(4) Each such space must be equal to every other such space within the marks.

SCHEDULE 3

Article 24(6) and 32(2)

Aircraft equipment

1.—(1) Every aircraft of a description specified in the first column of the Table in paragraph 4 which must carry equipment specified in this Schedule must be provided, if flying in the circumstances specified in the second column of the said Table, with adequate equipment.

(2) For the purpose of this paragraph the expression “adequate equipment” means, subject to sub-paragraphs (3) and (4), the scales of equipment respectively indicated in the third column of that Table.

(3) If the aircraft is flying in a combination of such circumstances, the scales of equipment are not on that account required to be duplicated.

(4) Equipment carried in an aircraft that is necessary for the airworthiness of the aircraft is to be taken into account in determining whether this Schedule is complied with for that aircraft.

2.—(1) For the purposes of the Table in paragraph 4 flying time in relation to a helicopter or gyroplane is to be calculated on the assumption that it is flying in still air at the speed specified in the relevant flight manual as the speed for compliance with regulations governing flights over water.

(2) In this Schedule “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.

3. The following items of equipment are not required to be of a type approved by the Department —

- (a) the equipment referred to in Scale A(2);
- (b) first aid equipment and handbook, referred to in Scale A(3);

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) time-pieces, referred to in Scale F;
- (d) torches, referred to in Scales G and K;
- (e) whistles and survivor locator lights, referred to in Scale H;
- (f) sea anchors, referred to in Scales J and K;
- (g) rocket signals, referred to in Scale J;
- (h) equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale J;
- (i) paddles, referred to in Scale K;
- (j) food and water, referred to in Scales K, U and V;
- (k) first aid equipment, referred to in Scales K, U and V;
- (l) stoves, cooking utensils, snow shovels, ice saws, sleeping bags and Arctic suits, referred to in Scale V;
- (m) megaphones, referred to in Scale Y.

4. Table

<i>Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of Equipment required</i>
(1) Aeroplanes	flying on any flight—	A, B(1), (2), (3), (4), (5) and (6)
	(i) by night	C, D, G(2) and (3) and GG
	(ii) flying under Instrument Flight Rules—	
	(aa) outside controlled airspace	D
	(bb) within Class A, B or C airspace	E with E(4) duplicated and F
	(cc) within Class D or E airspace	E and F
	(iii) carrying out aerobatic manoeuvres	B(8) and (9)
	(iv) flying at a height of 13,000ft or more above mean sea level	L1 or L2
	(v) flying over water—	
	(aa) beyond gliding distance from land suitable for an emergency landing	H
	(bb) at a greater distance from land suitable for making an emergency landing than that corresponding to 30 minutes at cruising speed or 100 nautical miles, whichever is the less	H and K
(cc) at a distance of more than 10 minutes flying time at normal cruising speed away from land suitable for making an emergency landing	KK(1) or KK(2)	
(vi) flying over areas which have been designated by the State concerned as areas in	KK(2)	

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of Equipment required</i>
	<p>which search and rescue would be especially difficult, and where —</p> <p>(aa) in the event of an emergency landing, tropical conditions are likely to be met</p> <p>(bb) in the event of an emergency landing, polar conditions are likely to be met</p> <p>(vii) on all flights which involve manoeuvres on water</p> <p>(viii) with a certificate of airworthiness</p> <p>(ix) on flights when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met</p> <p>(x) on all flights by a pressurised aircraft</p> <p>(xi) flying at an altitude of more than 49,000 ft</p>	<p>U (except U(1))</p> <p>V (except V(1))</p> <p>H, J and K(1), (2) and (3)</p> <p>A(3) and (5)</p> <p>M</p> <p>R</p> <p>W</p>
(2) Turbine-jet aeroplanes having a maximum total mass authorised of more than 5700 kg or pressurised aircraft having a maximum total mass authorised of more than 11,400 kg	flying on any flight	O
(3) Turbine-engined aeroplanes having a maximum total mass authorised of more than 5700 kg and piston-engined aeroplanes having a maximum total mass authorised of more than 27,000 kg except aeroplanes falling within paragraph (4) or (5)	flying on any flight	P
(4) Aeroplanes — (a) having a maximum total mass authorised of more than 5700 kg but not more than 11,400 kg, (b) in respect of which there is in force a certificate of airworthiness,	flying on any flight	S(1)

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of Equipment required</i>
<p>or an application for a certificate of airworthiness has been made and not withdrawn or refused, and</p> <p>(c) which conform to a type first issued with a type certificate on or after 1st April 1971</p>		
<p>(5) Aeroplanes for which a certificate of airworthiness was first issued on or after 1st June 1990 and which have a maximum total mass authorised of more than 27,000 kg</p>	<p>flying on any flight</p>	<p>S(2)</p>
<p>(6) Aeroplanes —</p> <p>(a) having a maximum total mass authorised of more than 27,000 kg,</p> <p>(b) in respect of which there is in force a certificate of airworthiness, or an application for a certificate of airworthiness has been made and not withdrawn or refused, and</p> <p>(c) which conform to a type first issued with a type certificate on or after 1st April 1971 (or 1st January 1970 in the case of an aeroplane having a maximum total mass authorised of more than 230,000 kg)</p>	<p>flying on any flight</p>	<p>T</p>
<p>(7) Aeroplanes —</p> <p>(a) having a maximum total mass authorised of more than 5700 kg or with a maximum</p>	<p>flying on any flight</p>	<p>X(1) or X(2)</p>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of Equipment required</i>
<p>approved passenger seating configuration of more than 9;</p> <p>(b) in respect of which there is in force a certificate of airworthiness; and</p> <p>(c) which are powered by one or more turbine jets or one or more turbine propeller engines</p>		
<p>(8) Aeroplanes —</p> <p>(a) having a maximum total mass authorised of more than 22,700 kg and powered by one or more turbo-jets; or</p> <p>(b) having a maximum total mass authorised of more than 5700 kg and conforming to a type for which a certificate of airworthiness was first applied for after 30th April 1972, but not including any aeroplane which in the opinion of the Department is identical in all matters affecting the provision of emergency evacuation facilities to an aeroplane in respect of which an application for a certificate of airworthiness was first made before that date; or</p> <p>(c) having a maximum approved passenger seating configuration of more than 19</p>	<p>flying by night</p> <p>flying by night</p> <p>flying by night</p>	<p>Z(1) and (2)</p> <p>Z(1) and (2)</p> <p>Z(1)</p>
<p>(9) Aeroplanes —</p> <p>(a) powered by one or more turbine jets; or</p>	<p>flying on any flight</p>	<p>AA</p>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of Equipment required</i>
(b) powered by one or more turbine propeller engines, having a maximum total mass authorised of more than 5700 kg and first issued with a certificate of airworthiness in the Isle of Man or the United Kingdom on or after 1st April 1989		
(10) Helicopters and gyroplanes	flying on any flight — (i) flying by day under Visual Flight Rules— (aa) with the surface in sight (bb) when the surface is not in sight (ii) flying by day under Instrument Flight Rules — (aa) with the surface in sight (bb) when the surface is not in sight outside controlled airspace (cc) when the surface is not in sight within controlled airspace (iii) flying by night — (aa) with the surface in sight (bb) when the surface is not in sight outside controlled airspace (cc) when the surface is not in sight within controlled airspace (iv) flying at a height of 13,000 ft or more above mean sea level (v) flying over water — (aa) beyond autorotational gliding distance from land suitable for an emergency landing (bb) on all flights on which in the event of any emergency occurring during the take-off or during the landing at the intended destination or any likely alternate destination	A(1), (2), (3) and (5) and B(1), (2), (3), (4), (5) and (6) D E E E with E(2) duplicated E with both E(2) and E(4) duplicated and F C, E and G(3), (5) and (6) C, E with E(2) duplicated and G(3), (5) and (6) C, E with both E(2) and E(4) duplicated , F and G(3), (5) and (6) L1 or L2 H H

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of Equipment required</i>
	<p>it is reasonably possible that the helicopter or gyroplane would be forced to land onto water</p> <p>(cc) at a distance of more than 10 minutes flying time at normal cruising speed away from land suitable for making an emergency landing</p> <p>(vi) flying over areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult, and where —</p> <p>(aa) in the event of an emergency landing, tropical conditions are likely to be met</p> <p>(bb) in the event of an emergency landing, polar conditions are likely to be met</p> <p>(vii) where the flight involves manoeuvres on water</p> <p>(viii) when the weather reports or forecasts available at the aerodrome at the time of departure indicate that conditions favouring ice formation are likely to be met</p> <p>(ix) flying over substantially uninhabited land areas where, in the event of an emergency landing, tropical conditions are likely to be met</p> <p>(x) flying over substantially uninhabited land or other areas where, in the event of an emergency landing, polar conditions are likely to be met</p>	<p>KK(1) or KK(2)</p> <p>KK(2)</p> <p>U (except U(1))</p> <p>V (except V(1))</p> <p>H, J and K</p> <p>M</p> <p>U</p> <p>V</p>
<p>(11) Helicopters and gyroplanes -</p> <p>(a) having a certificate of airworthiness first issued before 1st January 1989; or</p> <p>(b) having a certificate of airworthiness first issued on or after 1st January 1989</p>	<p>flying at a height of 10,000ft or more above mean sea level</p>	<p>L1 or L2</p> <p>L2</p>
<p>(12) Helicopters and gyroplanes -</p> <p>(a) having a maximum total mass authorised of more than 5700 kg and conforming to a type</p>	<p>flying by night</p>	<p>Z(1) and (2)</p>

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Description of aircraft</i>	<i>Circumstances of flight</i>	<i>Scale of Equipment required</i>
<p>for which a certificate of airworthiness was first applied for on or after 30th April 1972, but not including any helicopter or gyroplane which in the opinion of the Department is identical in all matters affecting the provision of emergency evacuation facilities to a helicopter or gyroplane for which a certificate of airworthiness was first applied for before that date;</p>		
<p>(b) having a maximum approved passenger seating configuration of more than 19, but not including a helicopter or gyroplane falling within (a) above; or</p>		Z(1)
<p>(c) which are public transport helicopters or gyroplanes for which there is in force a certificate of airworthiness; and</p>		
<p>(i) which have a maximum total mass authorised of more than 2730kg but not more than 7000kg or with a maximum approved passenger seating configuration of more than 9 or both; or</p>	flying on any flight	SS(1) or SS(3)
<p>(ii) which have a maximum total mass authorised of more than 7000kg</p>	flying on any flight	SS(1) or SS(3)

5. The scales of equipment indicated in the Table at paragraph 4 are as follows—

Scale A

(1) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent of the number of each rating or three of each rating, whichever is the greater.

(2) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under this Order, for the intended flight of the aircraft including any diversion which may reasonably be expected.

(3) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following—

- (a) roller bandages;
- (b) triangular bandages;
- (c) adhesive plaster;
- (d) absorbent gauze or wound dressings;
- (e) cotton wool or wound dressings;
- (f) burn dressings;
- (g) safety pins;
- (h) haemostatic bandages or tourniquets;
- (i) scissors;
- (j) antiseptic;
- (k) oral drugs as follows: analgesic, central nervous system stimulant, circulatory stimulant, coronary vasodilator, antidiarrhoeic and motion sickness medications;
- (l) splints, in the case of aeroplanes the maximum total mass authorised of which exceeds 5700 kg;
- (m) a handbook on first aid;
- (n) a ground-air visual signal code for use by survivors;
- (o) ophthalmic ointment;
- (p) a decongestant nasal spray;
- (q) insect repellent;
- (r) emollient eye drops;
- (s) sunburn cream;
- (t) water-miscible antiseptic / skin cleanser;
- (u) materials for treatment of extensive burns;
- (v) artificial plastic airway.

(4) A hand fire extinguisher for each enclosed passenger and crew compartment, so installed that at least one extinguisher is conveniently located for use by a member of the flight crew.

Scale AA

(1) Subject to paragraph (1), an altitude alerting system capable of alerting the pilot on approaching a preselected altitude in either ascent or descent, by a sequence of visual and aural signals in sufficient time to establish level flight at that preselected altitude and when deviating above or below that preselected altitude, by a visual and an aural signal.

(2) If the system becomes unserviceable, the aircraft may fly or continue to fly, until it first lands at a place at which it is reasonably practicable for the system to be repaired or replaced.

Scale B

(1) If the maximum total mass authorised of the aircraft is 2730 kg or less, for every pilot's seat and for any seat situated alongside a pilot's seat, either a safety belt with one diagonal shoulder strap or a safety harness, or with the permission of the Department, a safety belt without a diagonal

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

shoulder strap for which permission may be granted if the Department is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap or a safety harness.

(2) If the maximum total mass authorised of the aircraft exceeds 2730 kg, either a safety harness for every pilot's seat and for any seat situated alongside a pilot's seat, or with the permission of the Department, a safety belt with one diagonal shoulder strap which permission may be granted if the Department is satisfied that it is not reasonably practicable to fit a safety harness.

(3) For every seat in use (not being a seat referred to in paragraphs (1), (2), (5) and (6)) a safety belt with or without one diagonal shoulder strap or a safety harness.

(4) In addition, and to be attached to or secured by the equipment required in paragraph (3) or (6), a child restraint device for every child under the age of two years on board.

(5) On all flights for the commercial air transport of passengers by aircraft, for each seat for use by cabin crew who are required to be carried under this Order, a safety harness.

(6) On all flights in aeroplanes for which a certificate of airworthiness was first issued on or after 1st February 1989, the maximum total mass authorised of which is not more than 5700 kg and with a maximum approved passenger seating configuration of 9 or less, (otherwise than for seats referred to under paragraph (1) or (2)), a safety belt with one diagonal shoulder strap or a safety harness for each seat intended for use by a passenger.

(7) If the commander cannot, from the commander's own seat, see all the passenger seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.

(8) Subject to paragraph (9), a safety harness for every seat in use.

(9) In the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Department may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale C

(1) Equipment for displaying the lights required by Section 8 of the Rules of the Air Regulations 2007⁽⁴⁴⁾.

(2) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight.

(3) Unless the aircraft is equipped with radio, devices for making the visual signal specified in Rule 61 of the Rules of the Air Regulations 2007 as indicating a request for permission to land.

Scale D

(1) In the case of a helicopter or gyroplane, a slip indicator.

(2) In the case of any other flying machine either—

(a) a turn indicator and a slip indicator; or

(b) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator.

(3) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

(4) A means of measuring and displaying magnetic heading.

Scale E

(1) In the case of—

(a) a helicopter or gyroplane, a slip indicator;

⁽⁴⁴⁾ S.I. 2007/734, to which there are amendments not relevant to this provision.

- (b) any other flying machine, a slip indicator and either a turn indicator or, at the option of the operator, an additional gyroscopic bank and pitch indicator.
- (2) A gyroscopic bank and pitch indicator.
- (3) A gyroscopic direction indicator.
- (4) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale EE

- (1) Subject to paragraph (2), a radio altimeter with an audio voice warning operating below a preset height and a visual warning capable of operating at a height selectable by the pilot.
- (2) A helicopter flying under and in accordance with the terms of a police air operator's certificate may instead be equipped with a radio altimeter with an audio warning and a visual warning each capable of operating at a height selectable by the pilot.

Scale F

- (1) A timepiece indicating the time in hours, minutes and seconds.
- (2) A means of indicating whether the power supply to the gyroscopic instrument is adequate.
- (3) A rate of climb and descent indicator.
- (4) A means of indicating in the flight crew compartment the outside air temperature calibrated in degrees Celsius.
- (5) If the maximum total mass authorised of the aircraft exceeds 5700 kg, two air speed indicators.

Scale G

- (1) In the case of an aircraft other than a helicopter or gyroplane, landing lights consisting of two single filament lamps, or one dual filament lamp with separately energised filaments.
- (2) An electrical lighting system to provide illumination in every passenger compartment.
- (3) Either—
 - (a) one electric torch for each member of the crew of the aircraft; or
 - (b) one electric torch—
 - (i) for each member of the flight crew of the aircraft; and
 - (ii) affixed adjacent to each floor level exit intended for the disembarkation of passengers whether normally or in an emergency, provided that such torches must—
 - (aa) be readily accessible for use by the crew of the aircraft at all times; and
 - (bb) number in total not less than the minimum number of members of the cabin crew required to be carried with a full passenger complement.
- (4) In the case of an aircraft other than a helicopter or gyroplane which has a maximum total mass authorised exceeding 5700 kg, means of observing the existence and build up of ice on the aircraft.
- (5) In the case of a helicopter carrying out Performance Class 1 or 2 operations (as defined by The Air Navigation (General) Regulations 2006⁽⁴⁵⁾ as applied to the Isle of Man) or a gyroplane for which there is in force a certificate of airworthiness designating the gyroplane as being of performance group A⁽⁴⁶⁾, either—

⁽⁴⁵⁾ S.I. 2006/601.

⁽⁴⁶⁾ A gyroplane is designated as performance group A or B according to its ability to continue a flight in the event of engine failure.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) two landing lights both of which are adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane and one of which is adjustable so as to illuminate the ground on either side of the helicopter or gyroplane; or
 - (b) one landing light or, if the maximum total mass authorised of the helicopter or gyroplane exceeds 5700 kg, one dual filament landing light with separately energised filaments, or two single filament lights, each of which is adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane, and two parachute flares.
- (6) In the case of a helicopter carrying out Performance Class 3 operations or a gyroplane for which there is in force a certificate of airworthiness designating the gyroplane as being of performance group B—
- (a) one landing light and two parachute flares;
 - (b) if the maximum total mass authorised of the helicopter or gyroplane exceeds 5700 kg, either one dual filament landing light with separately energised filaments or two single filament landing lights, and two parachute flares; or
 - (c) if the maximum total mass authorised of the helicopter or gyroplane is 5700 kg or less and the flight is for a purpose other than commercial air transport—
 - (i) two landing lights, one of which is adjustable in flight so as to illuminate the ground in front of, below and on either side of the helicopter; or
 - (ii) two landing lights in addition to the helicopter standard equipment, which must be adjusted so as to illuminate the ground in front of the helicopter.

Scale GG

A landing light.

Scale H

(1) Subject to paragraph (2), for each person on board, a lifejacket equipped with a whistle and survivor locator light.

(2) Lifejackets constructed and carried solely for use by children less than three years of age need not be equipped with a whistle.

Scale J

(1) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine.

(2) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in Rule 61 of the Rules of the Air Regulations 2007 and complying with the requirements of Schedule 7, Part 2 of the Merchant Shipping Notice (MSA) 1676(M)(47).

(3) An anchor, a sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropriate to its size, mass and handling characteristics.

(4) Equipment for making the sound signals prescribed in the International Regulations for Preventing Collisions at Sea.

Scale K

(1) In the case of—

- (a) a flying machine, other than a helicopter or gyroplane carrying 20 or more persons, liferafts sufficient to accommodate all persons on board;

(47) Merchant Shipping Notice is defined in regulation 2(2) of the Merchant Shipping (Life-Saving Appliances for Ships other than Ships of Class III to VI(A)) Regulations 1999 (S.I. 199/2721) as a notice described as such and issued by the Maritime and Coast Guard Agency, an Executive Agency of the Department for Transport.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) a helicopter or gyroplane carrying 20 or more persons, a minimum of two liferafts sufficient together to accommodate all persons on board.
- (2) Each liferaft must contain the following equipment—
 - (a) means of maintaining buoyancy;
 - (b) a sea anchor;
 - (c) life-lines, and means of attaching one liferaft to another;
 - (d) paddles or other means of propulsion;
 - (e) means of protecting the occupants from the elements;
 - (f) a waterproof torch;
 - (g) marine type pyrotechnical distress signals;
 - (h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (i);
 - (i) for each four or proportion of four persons the liferaft is designed to carry—
 - (i) 100 grammes of glucose toffee tablets; and
 - (ii) ½ litre of fresh water in durable containers or in any case in which it is not reasonably practicable to carry the quantity of water above specified, as large a quantity of fresh water as is reasonably practicable in the circumstances;

provided that in no case must the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in sub-paragraph (h), to provide ½ litre of water for each four or proportion of four persons the liferaft is designed to carry; and
 - (j) first aid equipment.
- (3) Items (2)(f) to (j) inclusive must be contained in a pack.
- (4) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of liferafts specified in Column 1 of the following Table must be not less than the number specified in, or calculated in accordance with, Column 2.

<i>Column 1</i>	<i>Column 2</i>
Not more than 8 liferafts	2 survival beacon radio apparatus
For every additional 4 or proportion of 4 liferafts	1 additional survival beacon radio apparatus

Scale KK

- (1) A survival emergency locator transmitter which complies with paragraph (4).
- (2) An automatic emergency locator transmitter which complies with paragraph (4).
- (3) An automatically deployable emergency locator transmitter which complies with paragraph (4).
- (4) The transmitter must be capable of operating in accordance with the relevant provisions of Annex 10 to the Chicago Convention, Volume III (Second Edition July 2007)(48) and transmitting on 121.5 MHz and 406 MHz.

Scale L1 Part 1

(48) Annex 10 is published by the International Civil Aviation Organisation.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(1) In every flying machine which is provided with means for maintaining a pressure greater than 700 hectopascals throughout the flight in the flight crew compartment and in the compartments in which the passengers are carried—

(a) in the event of a failure to maintain such pressure occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part 2, a supply of oxygen sufficient for continuous use during the periods specified in column 3 of the Table, by the persons for whom oxygen is to be provided in accordance with column 4 of the Table; and

(b) in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of two passengers, together with suitable and sufficient apparatus to enable such persons to use the oxygen.

(2) In any other flying machine—

(a) a supply of oxygen sufficient for continuous use by all the crew other than the flight crew and, if passengers are carried, by 10% of the number of passengers, for any period of more than 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130; and the flight crew must be supplied with oxygen sufficient for continuous use for any period during which the flying machine flies above flight level 100; and

(b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130,

together with suitable and sufficient apparatus to enable such persons to use the oxygen.

Scale L1 Part 2

Column 1	Column 2	Column 3	Column 4
Vertical displacement of the flying machine in relation to flight levels	Capability of flying machine to descend (where relevant)	Period of supply of oxygen	Persons for whom oxygen is to be provided
Above flight level 100	—	30 minutes or the period specified at A below whichever is the greater	In addition to any passengers for whom oxygen is provided as specified below, all the crew
Above flight level 100 but not above flight level 300	Flying machine is either flying at level 150 or is capable of descending and continuing to destination as specified at X below	30 minutes or the period specified at A below whichever is the greater	10% of number of passengers
	Flying machine is flying above flight level 150 and is not capable of descending and continuing to destination specified at X below	10 minutes or the period specified at B below whichever is the greater and 30 minutes or the period specified at C	All passengers 10% of number of passengers

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Column 1	Column 2	Column 3	Column 4
Vertical displacement of the flying machine in relation to flight levels	Capability of flying machine to descend (where relevant)	Period of supply of oxygen	Persons for whom oxygen is to be provided
		below whichever is the greater	
Above flight level 300 but not above flight level 350	Flying machine is capable of descending and continuing to destination as specified at Y below	30 minutes or the period specified at A below whichever is the greater	15% of number of passengers
	Flying machine is not capable of descending and continuing to destination as specified at Y below	10 minutes or the period specified at B below whichever is the greater	All passengers
		and	15% of passengers
		30 minutes or the period specified at C below whichever is the greater	
Above flight level 350	—	10 minutes or the period specified at B below whichever is the greater	All passengers
		and	15% of number of passengers
		30 minutes or the period specified at C below whichever is the greater	

(A) The whole period during which, after a failure to maintain a pressure greater than 700 hectopascals in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.

(B) The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 150.

(C) The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.

(X) The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual, to flight level 150 within six minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

(Y) The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the flight manual and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

without flying below the minimum altitudes for safe flight specified in the operations manual, to flight level 150 within four minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L2

(1) A supply of oxygen and the associated equipment to meet the requirements set out in Part 1 of this Scale in the case of unpressurised aircraft and Part 2 of this Scale in the case of pressurised aircraft.

(2) The duration for the purposes of this Scale is whichever is the greater of—

- (a) that calculated in accordance with Part 1 of Scale L1, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply, and in calculating the duration, account must be taken of—
 - (i) in the case of pressurised aircraft, the possibility of depressurisation when flying above flight level 100;
 - (ii) the possibility of failure of one or more of the aircraft engines;
 - (iii) restrictions due to required minimum safe altitude;
 - (iv) fuel requirement; and
 - (v) the performance of the aircraft; or
- (b) the period or periods during which the aircraft is actually flown in the circumstances specified in those Parts.

Part 1 Unpressurised aircraft

- (1) When flying at or below flight level 100, nil.
- (2) When flying above flight level 100 but not above flight level 120—

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 100
(b) Members of the cabin crew and 10% of passengers	For any continuous period of more than 30 minutes during which the aircraft flies above flight level 100 but not above flight level 120, the duration is the period by which 30 minutes is exceeded

(3) When flying above flight level 120—

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 120
(b) Members of the cabin crew and all passengers	Any period during which the aircraft flies above flight level 120

Part 2 Pressurised aircraft

- (1) When flying at or below flight level 100, nil.
- (2) When flying above flight level 100 but not above flight level 250—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Supply for	Duration
(a) Members of the flight crew	30 minutes or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
(b) Members of the cabin crew and 10% of passengers	(i) When the aircraft is capable of descending and continuing to its destination as specified at A below, 30 minutes or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater (ii) When the aircraft is not so capable, whenever the cabin pressure altitude is greater than 10,000 ft but is not more than 12,000 ft
(c) Members of the cabin crew and all passengers	(i) When the aircraft is capable of descending and continuing to its destination as specified at A below, no requirement other than that at (2)(b)(i) of this Part of this Scale (ii) When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 ft, the duration is the period when the cabin pressure altitude exceeds 12,000 ft or 10 minutes, whichever is the greater

(3) When flying above flight level 250—

Supply for	Duration
(a) Members of the flight crew	2 hours or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
(b) Members of the cabin crew	Whenever the cabin pressure altitude exceeds 10,000 ft, and a portable supply for 15 minutes
(c) 10% of passengers	Whenever the cabin pressure altitude exceeds 10,000 ft but is not more than 12,000 ft
(d) 30% of passengers	Whenever the cabin pressure altitude exceeds 12,000 ft but is not more than 15,000 ft
(e) All passengers	If the cabin pressure altitude exceeds 15,000 ft, the duration is the period when the cabin pressure altitude exceeds 15,000 ft or 10 minutes, whichever is the greater
(f) 2% of passengers or two passengers, whichever is the greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2% or two passengers wherever they are seated in the aircraft	Whenever, after decompression, the cabin pressure altitude exceeds 8000 ft

A. The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within five minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale M

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

Scale O

(1) Subject to paragraphs (2) and (3), a radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions.

(2) A flight may commence if the set is unserviceable or continue if the set becomes unserviceable in flight so as to give the warning only to one pilot, if the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired.

(3) A flight may commence if the set is unserviceable or continue if the set becomes unserviceable in flight if—

- (a) the weather report or forecasts available to the commander of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions, which can be detected by the set when in working order, are unlikely to be encountered on the intended route or any planned diversion from the route; or
- (b) the commander is satisfied that any such weather conditions will be encountered in daylight and can be seen and avoided; and
- (c) the aircraft is operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

(1) Subject to paragraphs (2) and (5), a flight data recorder which is capable of recording, by reference to a time-scale, the following data—

- (a) indicated airspeed;
- (b) indicated altitude;
- (c) vertical acceleration;
- (d) magnetic heading;
- (e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
- (f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
- (g) flap position; and
- (h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded.

(2) Subject to paragraph (5), any aeroplane having a maximum total mass authorised of not more than 11,400 kg may be provided with—

- (a) a flight data recorder capable of recording the data specified in paragraph (1); or
- (b) a four channel cockpit voice recorder.

(3) Subject to paragraph (5), in addition, on all flights by turbine-powered aeroplanes having a maximum total mass authorised of more than 11,400 kg, a four channel cockpit voice recorder.

(4) The flight data recorder and cockpit voice recorder referred to above must be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane.

(5) An aeroplane is not required to carry the equipment specified in paragraphs (1), (2) and (3) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Department.

Scale R

(1) For aeroplanes having a maximum total mass authorised of more than 5700 kg—

- (a) equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by Part 5 for a period of not less than 15 minutes; and
- (b) if under Part 5 the minimum flight crew required to be carried is more than one and a member of the cabin crew is not required to be carried, portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes.

(2) For aeroplanes having a maximum total mass authorised of not more than 5700 kg—

- (a) either the equipment specified in paragraph (1); or
- (b) in the case of such aeroplanes which are restricted by virtue of the operator's operations manual to flight at or below flight level 250 and are capable of descending as specified at paragraph (5), such equipment sufficient to protect the eyes only.

(3) For—

- (a) aeroplanes having a maximum total mass authorised of more than 5700 kg, portable equipment to protect the eyes, nose and mouth of all members of the cabin crew required to be carried by Part 5 for a period of not less than 15 minutes;
- (b) aeroplanes having a maximum total mass authorised of not more than 5700 kg, subject to paragraph (4), the equipment specified in sub-paragraph (3)(a);

(4) Sub-paragraph (3)(b) does not apply to such aeroplanes which are restricted by virtue of the operator's operations manual to flight at or below flight level 250 and are capable of descending as specified at paragraph (5).

(5) The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within four minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale S

(1) Subject to paragraph (4), either a four channel cockpit voice recorder or a flight data recorder which complies with paragraph (3) and capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—

- (a) the flight path;
- (b) attitude; and
- (c) the basic lift, thrust and drag forces acting on it.

(2) Subject to paragraph (4), a cockpit voice recorder and a flight data recorder which comply with paragraph (3) and capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—

- (a) the flight path;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) speed;
- (c) attitude;
- (d) engine power;
- (e) outside air temperature;
- (f) instrument landing system deviations;
- (g) marker beacon passage;
- (h) radio altitude;
- (i) configuration of the landing gear and lift and drag devices;
- (j) position of primary flying controls;
- (k) pitch trim position;
- (l) use of automatic flight control systems;
- (m) use of VHF transmitters;
- (n) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the aeroplane is of such a nature as to enable this information to be recorded with reasonable practicability;
- (o) cockpit warnings relating to ground proximity; and
- (p) the master warning system.

(3) Any cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder required to be carried by paragraphs (1) and (2) must be so constructed that the record would be likely to be preserved in the event of an accident.

(4) An aircraft is not required to carry the equipment specified in paragraphs (1) and (2) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Department.

Scale SS

(1) A four channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last eight hours of its operation being the data required to determine by reference to a time scale the following matters accurately in respect of the helicopter or gyroplane—

- (a) flight path;
- (b) speed;
- (c) attitude;
- (d) engine power;
- (e) main rotor speed;
- (f) outside air temperature;
- (g) position of pilot's primary flight controls;
- (h) use of VHF transmitters;
- (i) use of automatic flight controls (if any);
- (j) use of stability augmentation system (if any);
- (k) cockpit warnings relating to the master warning system; and
- (l) selection of hydraulic system and cockpit warnings of failure of essential hydraulic systems.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) (2) (a) A four channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation; and
 - (b) a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation, being the data required to accurately determine by reference to a time scale the information specified in paragraph (1) together with the following matters in respect of the helicopter or gyroplane—
 - (i) landing gear configuration;
 - (ii) indicated sling load force if an indicator is provided in the helicopter or gyroplane of such a nature as to enable this information to be recorded with reasonable practicability;
 - (iii) radio altitude;
 - (iv) instrument landing system deviations;
 - (v) marker beacon passage;
 - (vi) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the helicopter or gyroplane is of such a nature as to enable this information to be recorded with reasonable practicability; and
 - (vii) main gear box oil temperature and pressure.
- (3) Subject to paragraphs (4) and (7), a combined cockpit voice recorder/flight data recorder which meets the following requirements—
- (a) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (1) the flight data recorder must be capable of recording the data specified in paragraph (1) and retaining it for the duration specified in paragraph (1);
 - (b) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (2) the flight data recorder must be capable of recording the data specified in paragraph (2) and retaining it for the duration specified in paragraph (2); and
 - (c) the cockpit voice recorder must be capable of recording and retaining at least the last hour of cockpit voice recording information on not less than three separate channels.
- (4) (a) Subject to sub-paragraph (b), in any case when a combined cockpit voice recorder/ flight data recorder specified at paragraph (3)(a) is required to be carried by or under this Order, the flight data recorder must be capable of retaining—
- (i) as protected data the data recorded during at least the last five hours of its operation or the maximum duration of the flight, whichever is the greater; and
 - (ii) additional data as unprotected data for a period which together with the period for which protected data is required to be retained amounts to a total of eight hours.
- (b) The flight data recorder need not be capable of retaining the additional data specified in sub-paragraph (a)(ii) if—
- (i) other additional data is retained which relates to the period immediately preceding the period to which the required protected data relates; and
 - (ii) the other additional data is retained in accordance with arrangements approved by the Department.
- (5) With the exception of flight data which it is expressly stated above may be unprotected, the cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder required to be carried on the helicopter or gyroplane must be so constructed and installed that the data recorded (in this Scale referred to as “protected data”) would be likely to be preserved in the event of an accident.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(6) Each cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder required to be carried on the helicopter or gyroplane must have attached an automatically activated underwater sonar location device or an emergency locator radio transmitter.

(7) A helicopter or gyroplane is not required to carry the equipment specified in paragraphs (1) to (3) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Department.

(8) A vibration health monitoring system capable of monitoring the vibration of critical helicopter rotor and rotor drive system components.

Scale T

An underwater sonar location device.

Scale U

- (1) One survival beacon radio apparatus.
- (2) Marine type pyrotechnical distress signals.
- (3) For each four or proportion of four persons on board, 100 grammes of glucose toffee tablets.
- (4) For each four or proportion of four persons on board, ½ litre of fresh water in durable containers.
- (5) First aid equipment.

Scale V

- (1) One survival beacon radio apparatus.
- (2) Marine type pyrotechnical distress signals.
- (3) For each four or proportion of four persons on board, 100 grammes of glucose toffee tablets.
- (4) For each four or proportion of four persons on board, ½ litre of fresh water in durable containers.
- (5) First aid equipment.
- (6) For every 75 or proportion of 75 persons on board, 1 stove suitable for use with aircraft fuel.
- (7) One cooking utensil, in which snow or ice can be melted.
- (8) Two snow shovels.
- (9) Two ice saws.
- (10) Single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board.
- (11) One arctic suit for each member of the crew of the aircraft.

Scale W

- (1) Subject to paragraph (2), cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate.
- (2) An aircraft is not required to carry the equipment if—
 - (a) before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure; and
 - (b) the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion from that route.

Scale X

- (1) Subject to paragraph (3), a Terrain Awareness and Warning System known as Class A, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

water, including excessive closure rate to terrain, flight into terrain when not in landing configuration, excessive downward deviation from an instrument landing system glideslope, a predictive terrain hazard warning function and a visual display.

(2) Subject to paragraph (3), a Terrain Awareness and Warning System known as Class B, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including a predictive terrain hazard warning function.

(3) If the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

Scale Z

(1) An emergency lighting system to provide illumination in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (2) of Scale G.

(2) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.

SCHEDULE 4

Article 34

Radio communication and radio navigation equipment of aircraft

1. Subject to paragraph 2, every aircraft which must carry equipment specified in this Schedule must be provided, when flying in the circumstances specified in the first column of the Table in paragraph 5 of this Schedule, with the scales of equipment respectively indicated in the second column of that Table.

2. In the case of sub-paragraphs (1), (3), (4), (5), (6), (8) and (9) of paragraph 5, the specified equipment need not be carried if the appropriate air traffic control unit permits flight to commence without that equipment and the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

3. An aircraft which is not a commercial air transport aeroplane or a commercial air transport aircraft and which is flying in Class D or Class E airspace need not carry distance measuring equipment in accordance with paragraph (b) of Scale F when flying in the circumstances specified in sub-paragraph (1)(a) of paragraph 5.

4. If an aircraft is flying in a combination of circumstances specified in the first column of the Table in paragraph 5 the scales of equipment are not on that account required to be duplicated.

5. Table

<i>Aircraft and circumstances of flight</i>	<i>Scale of equipment required</i>									
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>J</i>	
(1) All aircraft (other than gliders) within the Isle of Man—										
(a) flying under Instrument Flight Rules within controlled airspace	A				E2	F				
(b) flying within controlled airspace	A									
(c) making an approach to landing at an aerodrome notified for the purpose of this sub-paragraph							G			

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Aircraft and circumstances of flight</i>	<i>Scale of equipment required</i>									
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>	<i>J</i>
(d) flying within controlled airspace of Class A, B or C					E2					
(e) flying at night	A									
(f) conducting extended flights over water	A									
(g) conducting flights over land areas where search and rescue would be especially difficult	A									
(2) All multi-engined aircraft within the Isle of Man when flying under Visual Flight Rules	A									
(3) All aircraft within the Isle of Man —										
(a) flying at or above flight level 195	A									
(b) flying within airspace notified for the purpose of this sub-paragraph	A									
(4) All gliders and SLMGs within the Isle of Man —										
(a) flying at or above flight level 100 except when flying within airspace notified for the purposes of this sub-paragraph,					E2					
(b) flying under Instrument Flight Rules within controlled airspace,					E2					
(c) flying within controlled airspace of Class A, B or C except when flying within airspace notified as a Temporary Reserved Area (Gliding), or					E2					
(d) flying within airspace notified for the purposes of this sub-paragraph					E2					
(5) All aircraft (other than gliders) within the Isle of Man —										
(a) flying at or above flight level 245,					E2	F				
(b) flying within airspace notified for the purpose of this sub-paragraph, or					E2					
(c) flying at or above flight level 100					E2					
(6) When flying under Instrument Flight Rules within airspace notified for the purposes of this paragraph—										
(a) all aeroplanes having a maximum take-off mass authorised of not more than 5700 kg and a maximum cruising true airspeed capability of not more than 250 knots					E2					
(b) all rotorcraft					E2					
(c) all aeroplanes having either a maximum take-off mass authorised of more than 5700 kg or a					E3					

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Aircraft and circumstances of flight</i>	<i>Scale of equipment required</i>									
	<i>A</i>	<i>B</i>	<i>C</i>	<i>D</i>	<i>E</i>	<i>F</i>	<i>G</i>	<i>H</i>	<i>I</i>	<i>J</i>
maximum cruising true airspeed capability of more than 250 knots										
(7) All aircraft required to carry Scale E2 or E3					EE					
(8) All aeroplanes—							G			
(a) registered in the Isle of Man, and										
(b) wherever registered, when flying in the Isle of Man,										
while making an approach to landing										
(9) All aircraft (other than gliders and SLMGs) registered in the Isle of Man, wherever they may be, when flying under Instrument Flight Rules	A			D				H		
(10) All aeroplanes registered in the Isle of Man, wherever they may be, and all aeroplanes wherever registered when flying in the Isle of Man, powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off mass of more than 15,000 kg or with a maximum approved passenger seating configuration of more than 30										J
(11) All aeroplanes powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off mass of more than 5,700 kg or with a maximum approved passenger seating configuration of more than 19, which are —										J
(a) registered in the Isle of Man and flying within the airspace of the member states of the European Civil Aviation Conference, or										
(b) flying in the Isle of Man.										

6. The scales of radio communication and radio navigation equipment indicated in the Table at paragraph 3 are as follows—

Scale A

Radio communication equipment capable of maintaining direct two-way communication with the appropriate air traffic control units on the intended route using the frequencies notified or otherwise designated by the competent authority for that purpose.

Scale D

Radio navigation equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Scale E2

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Elementary Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E3

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Enhanced Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale EE

The aircraft must, in the circumstances specified in paragraph 2.1.5.3 of Volume IV (Fourth Edition July 2007) of Annex 10 to the Chicago Convention, comply with the requirements for antenna diversity set out in that paragraph.

Scale F

Radio communication and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including—

- (a) automatic direction finding equipment;
- (b) distance measuring equipment; and
- (c) VHF omni-range equipment.

Scale G

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale H

(1) Subject to paragraphs (2) and (3), radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including—

- (a) distance measuring equipment;
- (b) duplicated VHF omni-range equipment; and
- (c) a 75 MHz marker beacon receiver.

(2) An aircraft may fly notwithstanding that it does not carry the equipment specified in this Scale if it carries alternative radio navigation equipment or navigational equipment approved in accordance with article 32(6).

(3) Where only one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if—

- (a) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight;
- (b) the aircraft has not made more than one flight since the item was last serviceable; and
- (c) the commander of the aircraft is satisfied that the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit, taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion) and the weather conditions likely to be encountered.

Scale J

An airborne collision avoidance system.

7. In this Schedule—

- (a) “Airborne collision avoidance system” means an aeroplane system which—
 - (i) conforms to requirements prescribed for the purpose;
 - (ii) is based on secondary surveillance radar transponder signals;
 - (iii) operates independently of ground based equipment; and
 - (iv) is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar and are in undue proximity;
- (b) “Automatic direction finding equipment” means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;
- (c) “Distance measuring equipment” means radio equipment capable of providing a continuous indication of the aircraft’s distance from the appropriate aeronautical radio stations;
- (d) “Mode A” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for identity and surveillance with identity provided in the form of a four digit identity code;
- (e) “Mode C” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for automatic pressure-altitude transmission and surveillance;
- (f) “Secondary surveillance radar equipment” means such type of radio equipment as may be notified as being capable of—
 - (i) replying to an interrogation from secondary surveillance radar units on the surface; and
 - (ii) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;
- (g) “VHF omni-range equipment” means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

SCHEDULE 5

Article 29

Aircraft, engine and propeller log books

Aircraft log book

- 1. The following entries must be included in the aircraft log book—
 - (a) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;
 - (b) the nationality and registration marks of the aircraft;
 - (c) the name and address of the operator of the aircraft;
 - (d) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) subject to paragraph 2, detailed information about all maintenance work carried out on the aircraft or its equipment;
 - (f) subject to paragraph 2, detailed information about any defects occurring in the aircraft or in any equipment required to be carried by or under this Order, and of the action taken to rectify such defects; and
 - (g) subject to paragraph 2, detailed information about any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid.
2. Entries are not required to be made under paragraph 1(e), (f) and (g) for any engine or variable pitch propeller.

Engine log book

3. The following entries must be included in the engine log book—
- (a) the name of the constructor, the type of engine, the number assigned to it by the constructor and the date of the construction of the engine;
 - (b) the nationality and registration marks of each aircraft in which the engine is fitted;
 - (c) the name and address of the operator of each such aircraft;
 - (d) either—
 - (i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or
 - (ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the engine;
 - (e) detailed information about all maintenance work done on the engine;
 - (f) detailed information about any defects occurring in the engine, and of the rectification of such defects; and
 - (g) detailed information about all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

Variable pitch propeller log book

4. The following entries must be included in the variable pitch propeller log book—
- (a) the name of the constructor, the type of propeller, the number assigned to it by the constructor and the date of the construction of the propeller;
 - (b) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;
 - (c) the name and address of the operator of each such aircraft;
 - (d) either—
 - (i) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or
 - (ii) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the propeller;

- (e) detailed information about all maintenance work done on the propeller;
- (f) detailed information about any defects occurring in the propeller, and of the rectification of such defects; and
- (g) detailed information about any overhauls, repairs, replacements and modifications relating to the propeller.

SCHEDULE 6

Articles 39 and 42

Flight crew licences

Article 42(1)

PART 1

Categories

Aeroplane pilots

United Kingdom National Private Pilot's Licence (Aeroplanes)

Private Pilot's Licence (Aeroplanes)

Commercial Pilot's Licence (Aeroplanes)

Airline Transport Pilot's Licence (Aeroplanes)

Helicopter pilots

Private Pilot's Licence (Helicopters)

Commercial Pilot's Licence (Helicopters)

Airline Transport Pilot's Licence (Helicopters)

Other flight crew

Flight Navigator's Licence

Flight Engineer's Licence

Flight Radiotelephony Operator's Licence

Article 39(1)

PART 2

Exceptions to flight licence requirement

Exception to act as flight radiotelephony operator

1.—(1) A person may act as a flight radiotelephony operator within the Isle of Man without being the holder of an appropriate licence rendered valid under this Order, if the conditions in sub-paragraph (2) apply.

(2) The conditions referred to in sub-paragraph (1) are that the person is—

- (a) the pilot of a glider on a private flight and does not communicate by radiotelephony with any air traffic control unit, flight information unit or air/ground communications service unit; or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) being trained in an aircraft registered in the Isle of Man to perform duties as a member of the flight crew of an aircraft and is authorised to operate the radiotelephony station by the holder of the licence granted for that station under any enactment.

Exception for solo flying training

2.—(1) A person may act as the pilot in command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence within the Isle of Man, without being the holder of an appropriate licence rendered valid under this Order, if the conditions in sub-paragraph (2) are satisfied.

(2) The conditions referred to in sub-paragraph (1) are that—

- (a) the person is at least 16 years of age;
- (b) the person is the holder of a valid medical certificate to the effect that the person is fit to act as pilot in command, issued by a person approved by the Department;
- (c) the person complies with any conditions subject to which that medical certificate was issued;
- (d) no other person is carried in the aircraft;
- (e) the aircraft is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests; and
- (f) the person acts in accordance with instructions given by another person holding a pilot's licence rendered valid under this Order or a JAA licence, in each case being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling that other person to give instruction in flying the type of aircraft being flown.

Exception for dual flying training

3.—(1) A person may act as the pilot of an aircraft of which the flight crew required to be carried by or under this Order is not more than one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence within the Isle of Man, without being the holder of an appropriate licence rendered valid under this Order, if the conditions in sub-paragraph (2) are satisfied.

(2) The conditions referred to in sub-paragraph (1) are that—

- (a) the aircraft is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests;
- (b) the person acts in accordance with instructions given by another person holding a pilot's licence rendered valid under this Order or a JAA licence, in each case being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling that other person to give instruction in flying the type of aircraft being flown; and
- (c) either —
 - (i) the aircraft is fitted with dual controls and the person is accompanied in the aircraft by the instructor who is seated at the other set of controls; or
 - (ii) the aircraft is fitted with controls designed for and capable of use by two persons and the person is accompanied in the aircraft by the instructor who is seated so as to be able to use the controls.

Exception for gyroplanes at night

4.—(1) A person may act as pilot in command of a gyroplane at night within the Isle of Man without being the holder of an appropriate licence rendered valid under this Order if the conditions in sub-paragraph (2) are satisfied.

- (2) The conditions referred to in sub-paragraph (1) are that—
- (a) the person is the holder of an appropriate licence rendered valid under this Order in all respects save that—
 - (i) the licence does not include an instrument rating; and
 - (ii) the person has not within the immediately preceding 13 months carried out as pilot in command at least five take-offs and five landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
 - (b) the person so acts in accordance with instructions given by another person holding a pilot's licence rendered valid under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling that other person to give instruction in flying the type of gyroplane being flown;
 - (c) no person other than the instructor is carried; and
 - (d) the gyroplane is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.

Exception for balloons

5.—(1) A person may act as pilot in command of a balloon within the Isle of Man, without being the holder of an appropriate licence granted or rendered valid under this Order if the conditions in sub-paragraph (2) are satisfied.

- (2) The conditions referred to in sub-paragraph (1) are that—
- (a) the person is the holder of an appropriate licence rendered valid under this Order in all respects save that the person has not within the immediately preceding 13 months carried out as pilot in command at least five flights each of not less than five minutes duration;
 - (b) the person acts in accordance with instructions given by a person authorised by the Department to supervise flying in the type of balloon being flown;
 - (c) no person other than one specified in sub-paragraph (b) is carried; and
 - (d) the balloon is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.

Exception for pilot undergoing training or tests

6.—(1) Unless the certificate of airworthiness in force for the aircraft otherwise requires, a person may act as pilot of an aircraft registered in the Isle of Man for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating without being the holder of an appropriate licence, if the conditions in sub-paragraphs (2), (3) and (4) are satisfied.

- (2) The condition first referred to in sub-paragraph (1) is that no other person is carried in the aircraft or in an aircraft which it is towing except—
- (a) a person carried as a member of the flight crew in compliance with this Order;
 - (b) a person authorised by the Department to witness the training or tests or to conduct the tests; or

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft.
- (3) The conditions secondly referred to in sub-paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—
 - (a) within the preceding six months was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces; and
 - (b) the person's physical condition has not, so far as the person is aware, so deteriorated during that period as to render the person unfit for the licence or rating for which the training or tests are being given or conducted.
- (4) The conditions thirdly referred to in sub-paragraph (1) are that the person acting as the pilot of the aircraft without being the holder of an appropriate licence—
 - (a) holds a pilot's, a flight navigator's or a flight engineer's licence rendered valid under article 42;
 - (b) the purpose of the training or tests is to enable that person to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in that person's licence; and
 - (c) the person acts under the supervision of another person who is the holder of an appropriate licence.

Exception for navigators and flight engineers

7. A person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the Isle of Man without being the holder of an appropriate licence if—
- (a) the flight is for the purpose of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating in such a licence; and
 - (b) the person acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

SCHEDULE 7

Article 84

Documents to be carried

Circumstances in which documents are to be carried

- 1.—(1) On a private flight which is international air navigation, Documents A, B, C, F, G, I and K must be carried.
- (2) On a flight made in accordance with the terms of a permission granted to the operator under article 35(2), Document J must be carried.

Description of documents

2. For the purposes of this Schedule—

- (a) “Document A” means the licence in force under the Wireless Telegraphy Act 2006(49) for the aircraft radio station installed in the aircraft;
- (b) “Document B” means the certificate of airworthiness in force for the aircraft, including the latest revision of the flight manual, pilot’s operating handbook or performance schedule issued by the aircraft’s Type Certificate Holder;
- (c) “Document C” means the licences of the members of the flight crew of the aircraft;
- (d) “Document F” means the technical log, if any, in which entries are required to be made under article 23(2);
- (e) “Document G” means the certificate of registration in force for the aircraft;
- (f) “Document I” means a copy of the notified procedures to be followed by the pilot in command of an intercepted aircraft, and the notified visual signals for use by intercepting and intercepted aircraft;
- (g) “Document J” means the permission, if any, granted for the aircraft under article 35(2);
- (h) “Document K” means a list of the names of any passengers and their places of embarkation and destination, or the cargo manifest, or both those documents.

SCHEDULE 8

Article 125(1)(a)

Air traffic service equipment - records required and matters to which the Department may have regard

PART 1

Records to be kept in accordance with article 125(1)(a)

1. A record of any functional tests, flight checks and detailed information about any maintenance, repair, overhaul, replacement or modification.
2. Subject to paragraph 3, the record must be kept in a legible or a non-legible form. If the record is kept in a non-legible form it must be capable of being reproduced in a legible form and it must be so reproduced by the person required to keep the record 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 2

Records required in accordance with article 125(5)(b)

Each record made by the apparatus provided in compliance with article 125(2) or 125(3) must be adequately identified and in particular must 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;

(49) 2006 c.36.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (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 3

Matters to which the Department may have regard in granting an approval of apparatus in accordance with article 125(6)

- 4. The purpose for which the apparatus is to be used.
- 5. The manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used.
- 6. The adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any).
- 7. The manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled.
- 8. The manner in which the apparatus has been or will be inspected.

SCHEDULE 9

Article 129(7)

Information and instructions which must be included in an aerodrome manual

- 1. The name and status of the accountable manager having corporate authority for ensuring that all operations activities can be financed and carried out to the standard required.
- 2. 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.
- 3. Details of the safety management system.
- 4. The system of aeronautical information service available.
- 5. Procedures for promulgating information concerning the aerodrome's state.
- 6. Procedures for the control of access, vehicles and work in relation to the aerodrome manoeuvring area and apron.
- 7. Procedures for complying with article 142 and for the removal of disabled aircraft.
- 8. In the case of an aerodrome which has facilities for fuel storage, procedures for complying with article 134.
- 9.—(1) Subject to sub-paragraph (2), plans to an appropriate scale which clearly depict 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.
(2) In the case of copies or extracts of the manual provided or made available to a member of the aerodrome operating staff, the plans must be of a scale reasonably appropriate for the purposes of article 129(9).
- 10. For 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.

11. Description, height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit.
12. Data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance.
13. Method of calculating reduced declared distances and the procedure for their promulgation.
14. Details of surfaces and bearing strengths of runways, taxiways and aprons.
15. 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.
16. Operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons.
17. If operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods.
18. Procedures for the safe integration of all aviation activities undertaken at the aerodrome.
19. Details of or reference to the bird control management plan.
20. Procedures for the use and inspection of the aeronautical ground lighting system, if such a system is provided.
21. 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.

SCHEDULE 10

Articles 110, 113 and 123

Air Traffic Controllers – Licences, Ratings, Endorsements And Maintenance Of Licence Privileges

PART 1

Air Traffic Controller Licences

Air Traffic Controller's Licence

1. 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 endorsement are included in the licence; and
 - (b) exercise the privileges of a student air traffic controller's licence.

Student Air Traffic Controller's Licence

2. 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 the holder to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller; and

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) is an on-the-job training instructor.

PART 2

Ratings, Rating Endorsements and Licence Endorsements

Inclusion of ratings, rating endorsements and licence endorsements

3.—(1) A licence validated under article 122 may contain the ratings, rating endorsements and licence endorsements of the classes contained in paragraphs 5 and 6.

(2) The inclusion of a rating, rating endorsement or licence endorsement has the consequences specified in relation to it.

Exercise of more than one function

4.—(1) Subject to sub-paragraph (2), the holder of a licence that includes ratings of two or more of the classes specified in paragraph 5 must not at any one time perform the functions specified in respect of more than one of those ratings.

(2) The functions of the following ratings may be exercised at the same time—

- (a) an Aerodrome Control Instrument Rating and an Approach Control Procedural Rating; and
- (b) an Aerodrome Control Instrument Rating and an Approach Control Surveillance Rating, provided that the holder does not exercise the functions of any rating endorsement described in paragraph 2(a) to (c) of article 7 of the air traffic controllers' directive included in the Approach Control Surveillance Rating.

(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 may be exercised at the same time.

Ratings and Rating Endorsements

5.—(1) There are the following classes of aerodrome control ratings and endorsements—

- (a) the Aerodrome Control Visual Rating (ADV) as described in article 6 of the air traffic controllers' directive;
- (b) the Aerodrome Control Instrument Rating (ADI) as described in article 6 of the air traffic controllers' directive;
- (c) the Aerodrome Control Instrument rating must be accompanied by at least one of the rating endorsements described in paragraph 1 of article 7 of the air traffic controllers' directive.

(2) There are the following classes of approach control ratings and endorsements—

- (a) the Approach Control Procedural Rating (APP) as described in article 6 of the air traffic controllers' directive;
- (b) the Approach Control Surveillance Rating (APS) as described in article 6 of the air traffic controllers' directive;
- (c) the Approach Control Surveillance Rating must be accompanied by at least one of the following—
 - (i) a rating endorsement described in paragraph 2 of article 7 of the air traffic controllers' directive;

- (ii) the Multilateration Endorsement (MLT), which indicates that the holder is competent to provide an approach control service with the use of multilateration;
 - (iii) the Offshore Rating Endorsement entitles the holder of a Radar Endorsement to provide an offshore service;
 - (iv) the Special Tasks Rating Endorsement which entitles the holder of a Radar, Automatic Dependent Surveillance or Multilateration Endorsement to provide a special tasks service.
- (3) There are the following classes of area control ratings and endorsements—
- (a) the Area Control Procedural Rating (ACP) as described in article 6 of the air traffic controllers' directive;
 - (b) the Area Control Procedural Rating may be accompanied by an Oceanic Control Rating Endorsement which entitles the holder to provide an area control service in the Shanwick Oceanic Control Area;
 - (c) the Area Control Surveillance Rating (ACS) as described in article 6 of the air traffic controllers' directive;
 - (d) the Area Control Surveillance Rating must be accompanied by at least one of the following—
 - (i) a rating endorsement described in paragraph 3 of article 7 of the air traffic controllers' directive;
 - (ii) the Multilateration Endorsement (MLT) which indicates that the holder is competent to provide an area control service with the use of multilateration;
 - (iii) an Offshore Rating Endorsement which entitles the holder of a Radar Endorsement to provide an offshore service;
 - (iv) a Special Tasks Rating Endorsement which entitles the holder of a Radar Automatic Dependent Surveillance or Multilateration Endorsement to provide a special tasks service.

Licence Endorsements

6. There are the following classes of licence endorsement—
- (a) an Examiner Licence Endorsement (which is valid for a period of three years) entitles the holder to sign a unit endorsement in respect of—
 - (i) the air traffic control services that the air traffic controller licence entitles the holder to provide; or
 - (ii) such other air traffic control services as the CAA may authorise for that holder;
 - (b) an On-the-job Training Instructor Endorsement (which is valid for a period of three years) as described in article 9 of the air traffic controllers' directive;
 - (c) a Unit Endorsement as described in article 10 of the air traffic controllers' directive;
 - (d) a Language Endorsement.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 11

Article 155

Penalties

PART 1

Provisions referred to in article 155(5)

<i>Article of Order</i>	<i>Subject matter</i>
6(6)	Aircraft to fly in accordance with conditions in aircraft dealer's certificate
7(1)	Certificate of registration to be returned
7(2)	Registered owner to inform Department of specified events
7(3)	Person who becomes the owner of aircraft registered in the Isle of Man must inform Department
20(4)	Requirement for placard
20(5)	Requirement to fly by day and in accordance with Visual Flight Rules
21(3)	Restriction on purposes of flight by aircraft with a certificate of validation
23(8)	Carriage and keeping of technical log
23(10)	Preservation of technical log
28(3)	Acting when physically or mentally unfit to act
29(6)	Preservation of log books
30(4)	Preservation of mass schedule
52(4)	Pilot to be secured in seat
52(5)	Safety harness to be worn during take-off and landing a
52(6)	Operator not to permit helicopter rotor to be turned unless pilot at controls
54(1)	Loading aircraft
55(1)	Carriage of baggage
84(1)	Documents to be carried
88(1) and 88(3)	Production of documents and records
90	Preservation of documents
91(5)	Requirement to inform Department of departure from Rules of the Air
115(1) and (2)	Requirement to inform air navigation service provider
116	Air navigation service provider to keep records
118	Incapacity of air traffic controller
121	Not to act as air traffic controller or student air traffic controller where exams, etc. failed
124(3)	Requirement to inform aeronautical radio station service
125(1)	Requirement to keep air service equipment records

<i>Article of Order</i>	<i>Subject matter</i>
125(4)	Capability of recording apparatus
125(5)	Operation of recording apparatus
125(8) and 125(9)	Requirement where apparatus ceases to be capable of recording or becomes unserviceable
125(10), 125(12) to 125(15)	Air traffic service equipment records
129(3)	Requirement to supply information
130(4)	Requirement for holder of public use licence to notify
131	Requirement for holder of public use licence to supply information to the Department
132	Requirement to make air navigation facilities available
140(1)	Filing and approval of tariffs
144(3)	Requirement to surrender document to Department
145(7)	Requirement to surrender permit to the Department

PART 2

Provisions referred to in article 155(6)

<i>Article of Order</i>	<i>Subject matter</i>
3(1)	Aircraft to be registered
10(1)	Aircraft not to fly unless it has nationality and registration marks
10(3)	Aircraft not to bear misleading marks
13(1)	Compliance with operational directives
20(1)	Restrictions on purposes of flight by aircraft with national permit to fly
20(2)	Restrictions on carriage of persons by aircraft with national permit to fly
22	Requirement to maintain in accordance with approved maintenance programme
23(2)	Requirement for technical log
23(4)	Entries in technical log
23(7)	Certificate to be entered in technical log
24(2)	Requirement for certificate of release to service
24(4)	Information to be given by commander
24(6)	Certain equipment not to be placed on board
24(7)	Certain radio equipment not to be placed on board
29(1), (2), (3) and (5)	Requirements for log books
30(2)	Requirement for weighing and determining centre of gravity

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Article of Order</i>	<i>Subject matter</i>
30(3)	Mass schedule to be prepared
30(4)	Mass schedule to be preserved
32(1), (2), (3) and (6)	Requirements for aircraft to carry equipment
33	Carriage and use of equipment
34	Requirements to carry radio communication and radio navigation equipment
35(3)	Carriage of minimum equipment
36	Required flight crew
37(3)	Flight crew required by aircraft registered in the Isle of Man
38	Compliance with direction to carry additional crew
41(2) and (3)	Permission required where licence does not meet relevant minimum standards
44	Person not to act as member of flight crew when unfit
45(2)	Requirement for giving flying instructions
46(2)	Pre-flight action by commander of aircraft
47	Commander to be satisfied that flight can be safely completed
48	Passenger briefing by commander
49	Commander to demonstrate use of the lifejackets
50	Commander to ensure crew, passengers and baggage secure
51	Commander to demonstrate use of oxygen on aerial work and private flights
52(2) and 52(3)	Pilots to remain at controls
53	Commander's duty concerning the loading of aircraft
57	Aerodrome operating minima requirements for aerial work and private aircraft
58	Commander to be satisfied that additional survival equipment carried
59	Operation of radio in aircraft
60	Requirement for operation of airborne collision avoidance system
61	Training in operation of airborne collision avoidance system
62	Person not to be in specified parts of aircraft in flight or object towed or attached
63(2)	Operator to ensure marking of break-in areas
65	Requirements concerning equipment when flying in NAMNPS airspace
66	Requirements concerning equipment when aircraft registered in Isle of Man flying in RVSM airspace
67	Requirements concerning equipment for aircraft registered in the Isle of Man flying in RNP airspace
76	Smoking in aircraft
77	Requirement to comply with lawful commands of commander of aircraft

<i>Article of Order</i>	<i>Subject matter</i>
78(a) and (b)	Acting in a disruptive manner
79	Stowaways
81(2)	Flight crew member's obligation to inform operator or flight times
82	Flight times – responsibilities of flight crew
86	Use of flight recording systems
87	Preservation of records of aeroplane flight data recorder
91(2)	Requirement to comply with Rules of the Air
92(4)	Requirement to comply with Restriction of Flying Regulations
92(5)	Requirement to leave restricted area
92(6)	Requirement to comply with instructions in restricted area or danger area
93(1) to 93(5) and 93(17)	Requirements for flying displays
94	Requirements for balloons
95	Requirements for gliders, kites and parascending parachutes
96	Requirements for airships
97	Requirements for small unmanned aircraft
98	Requirements for small unmanned surveillance aircraft
99	Requirements for rockets
101	Duty of person in charge to be satisfied as to competence of controllers
102	Obligations in respect of manual of air traffic services
103	Requirement to provide air traffic services
104(3)	Requirement to comply with air traffic direction
105	Use of radio callsigns at aerodromes
107	Prohibition of unlicensed air traffic controllers
124(1)	Requirement for approval for air traffic service equipment
125(2)	Provision of recording apparatus
126	Requirement to use licensed aerodrome
128	Lighting for helicopters flying for public transport at night
129(4)	Requirement to comply with aerodrome licence conditions
129(5)	Requirement to take reasonable steps to secure airspace safe for use by aircraft
129(7) to 129(10)	Requirements for aerodrome manual
134(1) and 134(2)	Obligations of person having management of fuel installation on an aerodrome
134(4) and 134(5)	Requirements to keep and produce records for fuel installation

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Article of Order</i>	<i>Subject matter</i>
135(1) and 135(3)	Requirements for aeronautical lights
136(2)	Requirements for lighting of en-route obstacles
137(1) and 137(2)	Lights liable to endanger not to be exhibited
138	Lights which dazzle or distract not to be shone
143	Requirements to report bird strikes
146(5)	Entries in log books
151	Compliance with direction to make data available
153	Obstruction of persons

PART 3

Provisions referred to in article 155(7)

<i>Article of Order</i>	<i>Subject matter</i>
11	Aircraft not to fly for commercial air transport or aerial work purposes
12	Offering commercial air transport flights
14(2)	Passenger and cargo manifest to be carried
14(3)	Copy of manifest to be left at aerodrome
15(1)	Aircraft not to fly without a certificate of airworthiness
15(3)	Aircraft to comply with flight manual
39(1)	Requirement for appropriate licence to act as member of flight crew of aircraft registered in the Isle of Man
40	Requirement for appropriate licence to act as member of flight crew of aircraft registered elsewhere than in the Isle of Man
64	Obligations of operator and commander when flying over foreign country
68(2)	Requirement to comply with regulations for the carriage of dangerous goods
69(1)	Requirements for carriage of munitions of war
69(2)	Prohibition on carriage of sporting weapon or munition of war where passengers have access
70	Prohibition on carrying on board sporting weapons or munitions of war
74	Endangering safety of any person or property
75	Drunkenness in aircraft
78(c)	Intentional interference
81(1)	Crew's obligation not to fly in dangerous state of fatigue
83	Protection of air crew from cosmic radiation
85	Keeping and production of records of exposure to cosmic radiation

<i>Article of Order</i>	<i>Subject matter</i>
100	Requirement for air traffic control approval
108	Prohibition of unlicensed student air traffic controllers
119	Obligation not to act as air traffic controller or student air traffic controller if fatigued
120	Student air traffic controller not to act under influence of drink or drug
134(6)	Aviation fuel not to be dispensed if not fit for use
134(7)	Compliance with direction not to dispense aviation fuel
139	Restrictions on carriage for valuable consideration in aircraft registered elsewhere than in the Isle of Man
141	Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the Isle of Man
142(5) to 142(8)	Requirements to report occurrences
146 (except (5))	Prohibitions in relation to documents and records
147(3)	Flight in contravention of direction not to fly

PART 4

Provisions referred to in article 155(8)

<i>Article of Order</i>	<i>Subject matter</i>
73	Endangering safety of an aircraft

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the Isle of Man, corresponding to certain provisions of the Air Navigation Order 2009 (S.I. 2009/3015), as amended, relating to the registration, marking, airworthiness, equipment, manning, operation, movement and safety of aircraft and the licensing and welfare of flight crew. It revokes and replaces the Air Navigation (Isle of Man) Order 2007 (S.I. 2007/1115), as amended.