

1972 No. 454

## CIVIL AVIATION

**The Air Navigation (Isle of Man) Order 1972***Made - - - - -* 22nd March 1972*Laid before Parliament* 28th March 1972*Coming into Operation—  
for making regulations* 22nd March 1972  
*for all other purposes* 1st April 1972

At the Court of Saint James, the 22nd day of March 1972

Present,

**Her Majesty Queen Elizabeth The Queen Mother**  
**Her Royal Highness The Princess Anne**  
**Lord President**  
**Earl St. Aldwyn**  
**Mr Amery**  
**Chancellor of the Duchy of Lancaster**

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953(a), was pleased, by Letters Patent dated the 4th day of February 1972, to delegate to the following Counsellors of State (subject to the exceptions hereinafter mentioned) or any two or more of them, that is to say, His Royal Highness The Prince Philip, Duke of Edinburgh, Her Majesty Queen Elizabeth The Queen Mother, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne, Her Royal Highness The Princess Margaret, Countess of Snowdon, and His Royal Highness The Duke of Gloucester, full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

And whereas Her Majesty was further pleased to except from the number of the said Counsellors of State His Royal Highness The Prince Philip, Duke of Edinburgh, His Royal Highness The Prince Charles, Prince of Wales, Her Royal Highness The Princess Anne and Her Royal Highness The Princess Margaret, Countess of Snowdon, while absent from the United Kingdom:

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(a) 1937 c. 16; 1943 c. 42; 1953 c. 1 (2 & 3 Eliz. 2).

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and Her Royal Highness The Princess Anne, being authorised thereto by the said Letters Patent and in exercise of the powers conferred by sections 8, 41, 57, 58, 59 and 61 of the Civil Aviation Act 1949(a), as amended by section 62(1) of the Civil Aviation Act 1971(b), as extended to the Isle of Man by the Civil Aviation Act (Isle of Man) Order 1952(c) (as amended by the Civil Aviation (Isle of Man) Order 1970(d)) and by the Civil Aviation Act 1971 (Isle of Man) Order 1972(e) respectively and as further extended by the Civil Aviation Act 1968(f), do hereby, by and with the advice of Her Majesty's Privy Council, on Her Majesty's behalf order, and it is hereby ordered, as follows:—

1.—(1) This Order may be cited as the Air Navigation (Isle of Man) Order 1972.

(2) This Order shall come into operation forthwith for the purpose of enabling regulations to be made by virtue thereof and on 1st April 1972 for all other purposes.

2. The Air Navigation (Isle of Man) Order 1969(g) is hereby revoked.

3. The Interpretation Act 1889(h) shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

4. The Air Navigation Order 1972(i) shall apply in relation to the Isle of Man with the modifications and adaptations specified in the Schedule to this Order.

*W. G. Agnew.*

## SCHEDULE

### MODIFICATIONS AND ADAPTATIONS OF THE AIR NAVIGATION ORDER 1972

1. Any reference to the Civil Aviation Act 1949 shall be construed as a reference to that Act as extended to the Isle of Man by the Civil Aviation Act (Isle of Man) Order 1952, as amended.

2.—(1) Subject to any express substitution made by this Schedule and to subparagraph (2) below, any reference to the United Kingdom shall be construed as a reference to the Isle of Man.

(2) The references to the United Kingdom which are not to be so construed are references to Her Majesty's Government in the United Kingdom, to aircraft registered in, or in a country other than or outside, the United Kingdom and to a country or State other than the United Kingdom and references in Article 86(2), in the definitions in Article 89(1) of "The Commonwealth", "Contracting State" and "Notified" and in Schedules 9, 11 and 12.

(a) 1949 c. 67.

(c) S.I. 1952/1032 (1952 I, p. 561).

(e) S.I. 1972/451 (1972 I, p. 1665).

(g) S.I. 1969/595 (1969 I, p. 1683).

(i) S.I. 1972/129 (1972 I, p. 366).

(b) 1971 c. 75.

(d) S.I. 1970/951 (1970 II, p. 2943).

(f) 1968 c. 61.

(h) 1889 c. 63.

3. Article 1(2) shall be omitted.
4. Article 2(1) shall be omitted.
5. Article 4 shall be omitted.
6. In Article 25 at the end of paragraph (3), there shall be added the following words:—

“If the operator has his principal place of business in the Isle of Man, references in the first sentence of this paragraph to the Authority shall include the Board”.
7. In Article 29(1) for the word “Authority” in the first sentence there shall be substituted the word “Board”.
8. In Article 39(1)(b) after the word “Authority” there shall be inserted the words “or of the Board”.
9. In Article 50(7) after the word “Authority” there shall be inserted the words “or by the Board”.
10. At the end of Article 59 there shall be added the following paragraph:—

“(6) The foregoing provisions of this Article shall apply in relation to aerodrome licences granted by the Board under Article 69 of this Order as if for references to the Authority there were substituted references to the Board.”.
- 11.—(1) In Article 61(3) paragraph (b) shall be omitted.

(2) In Article 61(4) for the words from “to the competent authority” to the end there shall be substituted the words “to the Board”.

(3) After Article 61(5) there shall be added the following paragraph:—

“(6) The foregoing provisions of this Article shall apply in relation to Rules of the Air and Air Traffic Control in the Isle of Man as if for reference to the Secretary of State in paragraph (1) there were substituted a reference to the Board.”.
12. In Article 63(1)—

(a) for the words from “the Rules” to “visiting force)” there shall be substituted the words—

“any Rules of the Air and Air Traffic Control Regulations which may be prescribed or at any aerodrome or place (not being an aerodrome) at which air traffic control service is provided under the direction of the Board”;

(b) in sub-paragraph (d) for the references to the Authority and a Government Department there shall be substituted references to the Board and the words “at an aerodrome owned or managed by the Authority or” and “or the Authority” shall be omitted.
13. At the end of Article 65 there shall be added the following paragraph:—

“(3) The foregoing provisions of this Article shall apply in relation to areas or routes in the Isle of Man as if for references to the Secretary of State there were substituted references to the Board.”.
14. In Article 66(1) for the word “Authority” there shall be substituted the word “Board”.
15. In Article 67(1)(a) the words “or an aerodrome owned or managed by the Authority” shall be omitted.

16. For Article 68 there shall be substituted the following Article:—

“68. The Board may specify, subject to such conditions as it thinks fit, any Government aerodrome as an aerodrome available for the take-off and landing of aircraft or any class of aircraft; and where it has so specified an aerodrome, the Board shall inform the Authority who shall cause the information to be notified.”.

17.—(1) For Article 69(1) there shall be substituted the following paragraph:—

“(1) The Board may license any aerodrome in the Isle of Man, subject to such conditions as it thinks fit, for the take-off and landing of aircraft or any class of aircraft and may at any time vary, suspend or revoke such licence.”.

(2) Accordingly, in Article 69(2) and (5) for the references to the Authority there shall be substituted references to the Board and in Article 69(5) for the words “Article 59 of this Order” there shall be substituted the words “paragraph (1) of this Article”.

18. In Article 70 for the word “Authority” in both places where it occurs there shall be substituted the word “Board”.

19. In Article 71 for the words “Secretary of State” wherever they occur there shall be substituted the word “Board”.

20. In Article 73 for the words “Secretary of State” in both places where they occur there shall be substituted the word “Board”, and the words “aerodromes owned or managed by the Authority” shall be omitted.

21. In Article 75(2) and (4) after the word “Authority” wherever it occurs there shall be inserted the words “or the Board”.

22.—(1) In Article 76(1) for the words “Secretary of State” there shall be substituted the word “Governor” and the words “with the concurrence of the Commissioners of Customs and Excise and” shall be omitted.

(2) In Article 76(2) for the words “Secretary of State” there shall be substituted the word “Governor” and the words “with the concurrence of the Commissioners of Customs and Excise” shall be omitted.

23. In Article 79 after the word “Authority” wherever it occurs there shall be inserted the words “the Board”.

24. In Article 80 after the word “Authority” there shall be inserted the words “the Board” and the words “or aerodrome owned or managed by the Authority” shall be omitted.

25. After Article 82 there shall be inserted the following Article:—

“*Fees*

82A. The Board may prescribe the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document (including an application for, or the issue of a copy of, any such document), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval required by, or for the purpose of, this Order or any regulations made thereunder.”.

26. In Article 83 in paragraphs (5) and (6) for the word “indictment” there shall be substituted the word “information”.

27. For Article 84 and the heading thereto there shall be substituted the following heading and Article:—

*“Extent of the Order*

84. The provisions of this Order shall apply to all aircraft within the Isle of Man.”.

28. In Article 87 for the reference to the Authority there shall be substituted a reference to the Board in relation to any provision of this Order where the Board is substituted for the Authority by this Order and in relation to any regulation made under that provision and the words and figures in parenthesis shall be omitted.

29. For Article 88 and the heading thereto there shall be substituted the following heading and Article:—

*“Appeal to Deemster in the Summary Jurisdiction of the High Court of Justice of the Isle of Man*

88.—(1) An appeal shall lie to a Deemster sitting in the Summary Jurisdiction of the High Court of Justice of the Isle of Man from any decision of the Authority that a person is not a fit person to hold a licence to act as an aircraft maintenance engineer, member of the flight crew of an aircraft, air traffic controller or student air traffic controller, and if the Deemster is satisfied that on the evidence submitted to the Authority it was wrong in so deciding, the Deemster may reverse the Authority’s decision and the Authority shall give effect to the Deemster’s determination:

Provided that an appeal shall not lie from a decision of the Authority that a person is not qualified to hold the licence by reason of a deficiency in his knowledge, experience, competence, skill or physical fitness.

(2) The Authority shall be a respondent to any appeal under this Article.

(3) For purposes of any provision relating to the time within which an appeal may be brought, the Authority’s decision shall be deemed to have been taken on the date on which the Authority furnished a statement of its reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of it.”.

30. In Article 89, in paragraph (1)—

(a) in the definition of “Air traffic control unit” for the word “Authority” there shall be substituted the word “Board”;

(b) in the definition of “Authorised person” after the word “Authority” there shall be inserted the words “the Board or the Governor”;

(c) for the definition of “the Authority” there shall be substituted the following definition:—

‘“the Authority” means the Civil Aviation Authority constituted by section 1 of the Civil Aviation Act 1971, as extended to the Isle of Man by the Civil Aviation Act 1971 (Isle of Man) Order 1972;’;

(d) after the definition of “Beneficial interest” there shall be inserted the following definition:—

‘ “Board” means the Isle of Man Airports Board;’;

(e) after the definition of "Government aerodrome" there shall be inserted the following definition:—

‘“Governor” means the Governor, Lieutenant Governor, Deputy Governor, Deputy Lieutenant Governor and acting Governor or acting Lieutenant Governor of the Isle of Man for the time being;’;

(f) in the definition of "Prescribed" after the words "Secretary of State" there shall be inserted the words "or by the Board";

(g) after the definition of "Special VFR flight" there shall be inserted the following definition:—

‘“Summary conviction” means conviction subject to and in accordance with the Summary Jurisdiction Acts 1927 to 1960 being Acts of Tynwald, and any Acts amending or consolidating those Acts;’.

31. In Schedule 2 any reference to an aerodrome owned or managed by the Authority and references to Article 4(8) shall be omitted.

32. In Schedule 12 the reference to the Wireless Telegraphy Act 1949(a) shall be construed as a reference to that Act as extended to the Isle of Man by the Wireless Telegraphy (Isle of Man) Order 1952(b).

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#### EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order provides that the provisions of the Air Navigation Order 1972 shall apply, with certain modifications and adaptations, to the Isle of Man.

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(a) 1949 c. 54.

(b) S.I. 1952/1899 (1952 III, p. 3418).

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