
STATUTORY INSTRUMENTS

2015 No. 870

The Air Navigation (Isle of Man) Order 2015

PART 25

Powers and penalties

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⁽¹⁾ 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.

(1) 1982 c. 16.