
STATUTORY INSTRUMENTS

2015 No. 870

The Air Navigation (Isle of Man) Order 2015

PART 25

Powers and penalties

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)(1).