
STATUTORY INSTRUMENTS

2015 No. 870

The Air Navigation (Isle of Man) Order 2015

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—

- (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)(1), 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;

(1) 2000 c.8 (Isle of Man). Section 11 was amended by the Administration of Justice Act 2008 (c.14 Isle of Man).

- (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
- (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.