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STATUTORY INSTRUMENTS

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**2015 No. 870**

**The Air Navigation (Isle of Man) Order 2015**

**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)(1).

(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
- (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

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

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.

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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(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.