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STATUTORY INSTRUMENTS

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**2015 No. 870**

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

**PART 20**

**Air traffic service equipment**

**Air traffic service equipment**

**124.**—(1) A person must not cause or permit air traffic service equipment to be established or used in the Isle of Man otherwise than under and in accordance with an approval granted by the Department to the person in charge of the equipment.

(2) An approval must be granted under paragraph (1) if the Department is satisfied —

- (a) as to the intended purpose of the equipment;
- (b) that the equipment is fit for its intended purpose; and
- (c) that the person is competent to operate the equipment.

(3) The person in charge of an aeronautical radio station at an aerodrome for which a public use licence has been granted must cause to be notified in relation to the aeronautical radio station the type and availability of operation of a service that is available for use by an aircraft.

(4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.

(5) An approval granted under paragraph (1) may include such other conditions as the Department thinks fit including—

- (a) a condition requiring the person in charge of the equipment to use a person approved by the Department under paragraph (6) for the provision of particular services in connection with the equipment; and
- (b) a condition requiring that the equipment be flight checked by such an approved person.

(6) The Department may approve a person to provide particular services in connection with approved equipment.

(7) For the purpose of paragraphs (1) and (6) an approval may be granted for one or more persons or generally.

**Air traffic service equipment records**

**125.**—(1) The person in charge of air traffic service equipment and any associated apparatus required under paragraph (2) or (3) must—

- (a) keep records for such equipment or apparatus in accordance with Part 1 of Schedule 8; and
- (b) preserve the records for one year or such longer period as the Department may in a particular case direct.

(2) The person in charge of an aeronautical radio station that is used for the provision of an air traffic control service by an air traffic control unit must provide recording apparatus in accordance with paragraph (4).

(3) The Department may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).

(4) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must ensure that—

- (a) when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; and
- (b) in the case of an aeronautical radio station, the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit.

(5) Subject to paragraph (8), the person in charge of the air traffic service equipment for which recording apparatus is required to be provided under paragraph (2) or (3) must—

- (a) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service intended to facilitate the navigation of aircraft;
- (b) ensure that each record made by the apparatus complies with Part 2 of Schedule 8;
- (c) not cause or permit the apparatus to be used unless it is approved by the Department; and
- (d) comply with the terms of such an approval.

(6) In considering whether or not to grant an approval, the Department may have regard to the matters specified in Part 3 of Schedule 8.

(7) An approval may be granted —

- (a) in addition to any other conditions that may be imposed, subject to conditions relating to the matters to which the Department may have had regard under paragraph (6); and
- (b) for one or more persons or generally.

(8) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus must ensure that, so far as practicable—

- (a) a record is kept that complies with Part 2 of Schedule 8; and
- (b) in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and an aircraft are recorded.

(9) If apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment must ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(10) The person in charge of air traffic service equipment must preserve a record made in compliance with paragraph (5) or (8) for 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the Department may in a particular case direct.

(11) A person required by this article to preserve a record by reason of being the person in charge of the air traffic service equipment is in this paragraph called “the first person in charge”.

(12) If the first person in charge ceases to be in charge of the air traffic service equipment, the person must continue to preserve the record until paragraph (14) is complied with.

(13) In the event of the death of the first person in charge, the duty to preserve the record falls on his or her personal representative.

(14) If another person becomes the person in charge of the air traffic service equipment, the first person in charge or his or her personal representative must deliver the record to that other person on demand, and it is the duty of that other person to deal with any such record as if they were the first person in charge.

(15) The person in charge of air traffic service equipment must within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.