

**EXPLANATORY MEMORANDUM TO**  
**THE AIR NAVIGATION (ISLE OF MAN) (AMENDMENT) ORDER 2020**  
**2020 No. 1280**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.
- 1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Purpose of the instrument**

- 2.1 The purpose of this Instrument is to revoke certain provisions of the Air Navigation (Isle of Man) Order 2015 (S.I. 2015/870) (“the 2015 Order”), as these provisions are replaced by domestic Isle of Man legislation.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 This instrument, which is not subject to Parliamentary procedure, is being laid less than 21 days before it comes into force. This instrument revokes certain provisions of the 2015 Order, as the relevant provisions are replaced by domestic Isle of Man legislation, and the coming into force date was chosen to coincide with the date by which the Isle of Man authorities have told their aviation industry to achieve compliance with their new legislation. Adopting a later date for the coming into force of this instrument would therefore risk the Isle of Man industry being in breach of the 2015 Order for so long as the provisions to be revoked remain in force after 1st December 2020.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is not subject to parliamentary procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is United Kingdom’s Crown Dependency of the Isle of Man.
- 4.2 The territorial application of this instrument is the United Kingdom’s Crown Dependency of the Isle of Man.

**5. European Convention on Human Rights**

- 5.1 As the instrument is not subject to parliamentary procedure, no statement is required.

## **6. Legislative Context**

- 6.1 Part III of the Civil Aviation Act 1982 relates to the regulation of civil aviation in the United Kingdom. Section 60 of that Act confers power on Her Majesty to make provision for carrying out the Convention on International Civil Aviation (“the Chicago Convention”) and for the regulation of air navigation by Order in Council.
- 6.2 The Civil Aviation (Isle of Man) Order 2007 (S.I. 2007/614), extended certain provisions of the Civil Aviation Act 1982 to enable air navigation orders to be made for the Isle of Man. The 2015 Order, as amended, accordingly makes provision in relation to the registration, marking, airworthiness, equipment, manning, operation, movement and safety of aircraft and the licensing and welfare of flight crew.
- 6.3 The Isle of Man, though its own legislature, has enacted primary legislation (amending the Airports and Civil Aviation Act 1987) so as to also enable it to make its own domestic provision for (amongst other things) the regulation of civil aviation. This brings the Isle of Man in line with the position adopted by the other Crown Dependencies.

## **7. Policy background**

### *What is being done and why?*

- 7.1 Although the Isle of Man is constitutionally not part of the UK and has its own legislature, the UK is responsible for aviation safety across all of the Crown Dependencies and for ensuring their compliance with the Chicago Convention. Current provisions relating to aviation safety in the Isle of Man are accordingly set out in UK made legislation (i.e. the 2015 Order, as amended).
- 7.2 However, the Isle of Man has recently enacted primary legislation (the Airports and Civil Aviation (Amendment) Act 2018, which amended the Airports and Civil Aviation Act 1987) so as to enable its Department for Enterprise to also make subordinate legislation for the purpose of meeting international obligations in respect of civil aviation and regulating its civil aviation in general. This will allow the Isle of Man to be able to make appropriate provision within domestic legislation where necessary.
- 7.3 The Department for Transport is in agreement with this as these arrangements are equivalent to those with the other Crown Dependencies.
- 7.4 The Isle of Man will therefore be replacing provision contained in the 2015 Order with its own domestic legislation in a number of phases.
- 7.5 This Order represents the first phase of revocations; further Orders will follow as the domestic Isle of Man legislation is progressed. In particular, this Order revokes requirements in relation to the carriage of dangerous goods, small unmanned aircraft, small unmanned surveillance aircraft, air traffic services, licensing of air traffic controllers, air traffic service equipment and mandatory reporting.
- 7.6 Further revocations will be made as and when the Isle of Man authorities are in a position to bring additional domestic legislation forward.
- 7.7 While the new Isle of Man primary legislation enables it to make provision for aviation safety in domestic law, the UK remains responsible for the Isle of Man under the Chicago Convention. The Isle of Man also remains responsible for ensuring the UK continues to meet its international obligations by virtue of the Memorandum of

Understanding between the United Kingdom Government and the Isle of Man Civil Aviation Administration.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

9.1 As this instrument will be revoking various provisions within the 2015 Order, with further revocations planned in due course, consolidation is not applicable.

## **10. Consultation outcome**

10.1 No official consultation for this Order is required, however the Department for Transport has consulted with the Isle of Man Civil Aviation Administration to ensure this Order achieves its aims and that there is no gap between the revocation of the present provision, and commencement of the Isle of Man's replacement provisions.

## **11. Guidance**

11.1 No guidance is provided.

## **12. Impact**

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because there is no significant impact on business, charities, or voluntary bodies or on the public sector.

## **13. Regulating small business**

13.1 Some of the provisions being revoked by this Order may apply to small businesses. However, as this Order is revoking provisions and not imposing new requirements any impact on small businesses is anticipated to be negligible and no mitigations are required.

## **14. Monitoring & review**

14.1 The approach to monitoring of this legislation is through regular consultation between the Isle of Man Civil Aviation Administration and the Department for Transport to ensure the Isle of Man continues to meet UK international obligations under the Chicago Convention.

## **15. Contact**

15.1 James Ball at the Department for Transport Telephone: 07977 423466 or email: james.ball1@dft.gov.uk can be contacted with any queries regarding the instrument.

15.2 David Harding, Deputy Director for General Aviation, CAA Sponsorship and Safety, at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.

15.3 Robert Courts MP at the Department for Transport can confirm that this Explanatory Memorandum meets the required standard.