



**Isle of Man**

*Ellan Vannin*

**AT 10 of 1987**

**AIRPORTS AND CIVIL AVIATION ACT  
1987**





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**Isle of Man***Ellan Vannin*

## AIRPORTS AND CIVIL AVIATION ACT 1987

<i>Received Royal Assent:</i>	<i>21 October 1987</i>
<i>Passed:</i>	<i>21 October 1987</i>
<i>Commenced:</i>	<i>21 October 1987</i>

**AN ACT** to consolidate enactments relating to airports; to confer new powers on the Department of Infrastructure in relation to the regulation of airports and of vehicles on airports; to enable the Department for Enterprise to apply to the Island certain UK legislation relating to civil aviation, air navigation and airports; and for connected purposes.<sup>1</sup>

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**GENERAL NOTE:** The maximum fines in this Act are as increased by the *Criminal Justice (Penalties, Etc.) Act 1993* s 1.

### *Establishment, operation, etc. of airports*

#### **1 Airport functions of Department of Infrastructure**

- (1) The Department of Infrastructure (in sections 1 to 10 referred to as “**the Department**”) may, subject to the provisions of this Act, establish, operate and maintain airports.<sup>2</sup>
- (2) Without prejudice to the generality of the functions conferred by subsection (1), the Department shall have the functions specified in Schedule 1.

#### **2 Airport byelaws**

- (1) The Department may make byelaws for regulating the use and operation of any airport maintained or operated by it and the conduct of all persons while within such an airport.
- (2) Without prejudice to the generality of the power conferred by subsection (1), the Department may make byelaws in relation to the matters specified in Schedule 2.
- (3) Byelaws made under this section shall not come into operation until they are approved by Tynwald.

### 3 Byelaws, etc supplementary provisions

- (1) Any person contravening any byelaw made under section 2 shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.<sup>3</sup>
- (2) Where a person convicted of an offence against any byelaw made under section 2 is a body corporate, every person who at the time of the commission of the offence was a director or officer of the body corporate shall be deemed guilty of that offence unless he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of the offence.
- (3) A constable or airport official may remove from an airport maintained or operated by the Department or any part of such an airport —
  - (a) any person who, in contravention of any byelaw made under section 2, fails or refuses to leave the airport or part after being requested by the constable or official to do so;
  - (b) any vehicle, animal or thing brought to or left within the airport or part in contravention of any byelaw made under section 2; and
  - (c) any vehicle, animal or thing likely to cause danger or obstruction.
- (4) Where any vehicle, animal or thing is removed from an airport or any part of an airport under subsection (3), any costs, charges or expenses incurred in such removal shall be recoverable as a civil debt due to the Department from the owner of such vehicle, animal or thing.
- (5) A constable may without warrant arrest a person within an airport —
  - (a) if he has reasonable cause to believe that the person has contravened any byelaw made under section 2 and he does not know and cannot ascertain that person's name and address; or
  - (b) if that person, in contravention of any byelaw made under section 2 fails or refuses to leave the airport or any particular part of it after being requested by the constable to do so.

### 4 Application of road traffic enactments

- (1) The Department may by order direct that any of the road traffic enactments shall apply, with such exceptions, adaptations and modifications as appear to it to be necessary or expedient in relation to the roads which are within any airport maintained or operated by it but to which the public does not have access as they apply in relation to roads to which the public has access.
- (2) An order made under this section or section 5 shall not come into operation until it is approved by Tynwald.

## 5 Abandoned, etc vehicles

- (1) The Department may by order direct that, in their application to land within an airport maintained or operated by it, the provisions of Part I of the *Local Government (Miscellaneous Provisions) Act 1984* and any regulations made under that Part shall have effect subject to such modifications as appear to it to be necessary or expedient.
- (2) In relation to the provisions of sections 2 and 3 of that Act, the powers of the Department under subsection (1) shall be exercisable not only as respects the application of those provisions to roads within an airport but also as respects their application to other land within an airport.
- (3) Where the provisions of that Part or regulations under that Part apply to any land within an airport those provisions shall have effect in relation to vehicles in a building on that land which is used for providing facilities for the parking of vehicles as they have effect in relation to vehicles on land in the open air.

### *Powers in relation to land*

## 6 Power of Department to obtain rights over land

- (1) The Department may, if it is satisfied that it is expedient to do so in order —
  - (a) to secure the safe and efficient use for civil aviation purposes of land which is vested in the Department or which the Department proposes to acquire; or
  - (b) to secure the provision of any services required in relation to any such land; or
  - (c) to secure that civil aircraft may be navigated with safety and efficiency,by order provide for the creation in favour of the Department of easements over land, or of other rights in or in relation to land including rights to carry out and maintain works on any land and to install and maintain structures and apparatus on, under, over or across any land.<sup>4</sup>
- (2) Any such order may contain such provisions as appear to the Department to be necessary or expedient for the purposes of authorising persons to enter upon land for the purpose of carrying out, installing, maintaining or removing any works, structures or apparatus.<sup>5</sup>
- (3) Subject to subsection (4), no person shall, in the exercise of a power conferred by any such order, enter upon land which is occupied unless, not less than seven days before the day upon which the entry is made, there has been served upon the occupier of the land a notice stating that an entry will be made upon the land upon that day in the exercise of

powers conferred by the order, and specifying the purposes for which the entry will be made.

- (4) Nothing in subsection (3) shall restrict the right of any person to enter upon land in a case of emergency or for the purpose of performing any functions which are required to be performed from time to time in connection with the maintenance or use of any works, structures or apparatus.
- (5) The ownership of anything shall not be affected by reason only that it is placed on or under, or affixed to, any land in pursuance of any such order; and so long as any such order is in force, no person shall, except with the consent of the Department, wilfully interfere with any works carried out on any land in pursuance of the order, or with anything installed on, under, over or across any land in pursuance of the order.
- (6) If any person contravenes subsection (5) he shall be guilty of an offence and shall be liable, on summary conviction, to imprisonment for a term not exceeding three months or to a fine not exceeding level 5 on the standard scale or to both.<sup>6</sup>
- (7) Any person who wilfully obstructs any person in the exercise of any power of entry conferred by an order under this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding level 5 on the standard scale.<sup>7</sup>
- (8) An order made under this section shall not come into operation until it is approved by Tynwald.

## **7 Power of Department to stop up and divert highways etc in interests of civil aviation**

- (1) The Department may if it is satisfied that it is necessary to do so in order to secure the safe and efficient use for civil aviation purposes, including the testing of aircraft, of any land vested in the Department, or of any land which the Department proposes to acquire, by order authorise the stopping up or diversion of any highway.<sup>8</sup>
- (2) The powers of the Department under subsection (1) shall include power to make an order authorising the stopping up or diversion of any highway which is temporarily stopped up or diverted under any other enactment; and the provisions of this section shall not prejudice any other power to authorise the stopping up or diversion of a highway.<sup>9</sup>
- (3) An order made under this section shall not come into operation until it is approved by Tynwald.

## 8 Power of Department to exercise control over land in the interests of civil aviation

- (1) The Department may, if it is satisfied that it is necessary to do so in order to secure the safe and efficient use for civil aviation purposes of any land, structures, works or apparatus vested in the Department or which the Department proposes to acquire or install, by order declare that any area of land specified in the order shall be subject to control by directions given in accordance with the provisions of this section.<sup>10</sup>
- (2) Where any such order is in force, the Department may in pursuance of any general or special authority given by the order, give directions –
  - (a) for requiring the total or partial demolition of any building or structure within the area to which the order relates;
  - (b) for restricting the height of trees upon any land within the area, or for requiring any tree upon any such land to be cut down or reduced in height;
  - (c) for extinguishing any private right of way over land within the area;
  - (d) for restricting the installation of cables, mains, pipes, wires or other apparatus upon, across, under or over any land within the area;
  - (e) for extinguishing, at the expiration of such period as may be determined by the directions any subsisting right of installing or maintaining any such apparatus as aforesaid upon, across, under or over any land within the area;
  - (f) for requiring that, before the expiration of such period as may be determined by the directions, any such apparatus shall be removed from any land within the area.<sup>11</sup>
- (3) Any such order may contain provisions for empowering any person authorised in that behalf by the Department to remove, pull down, cut down, or alter so as to bring into conformity with the requirements of any directions given under the order, any building, structure, tree or apparatus which contravenes those requirements.
- (4) The powers of the Department under this section shall not prejudice the power of the Department to acquire land for the purpose of securing the observance of any requirement or restriction which might have been imposed in relation to the land under this section.<sup>12</sup>
- (5) An order made under this section shall not come into operation until it is approved by Tynwald.
- (6) The Department shall cause not less than 28 days' public notice to be given, and also notice in writing to be given to the owners or occupiers of the area of the land specified in the Order, of the date of the sitting of Tynwald at which it is intended to apply for the approval of Tynwald to such Order, and such latter notice may be sent by recorded delivery to the

last known address of such persons or addressed simply to the 'Owner' or 'Occupier' of the premises (naming them) to which the notice relates, and shall be deemed to have been delivered when such letter would in the course of ordinary post have been delivered at such address.<sup>13</sup>

- (7) A copy of the Order shall be open to inspection by all interested persons at the principal office of the Department during the ordinary office hours when such office is open to the public, and any interested person may appear at Tynwald when such Order is being considered, and may oppose the approval of such Order.<sup>14</sup>

## 9 Power of entry for purposes of survey

- (1) Where the Department has made an order under this Act —
- (a) providing for the creation in favour of the Department of easements over land or of other rights in or in relation to land; or
  - (b) declaring that any area of land shall be subject to control by directions;

or has under consideration the making of any such order, any person authorised in writing by the Department may, subject to subsection (2), at all reasonable times, on producing, if so required, evidence of his authority in that behalf, enter upon any of that land in order to make any survey which the Department requires to be made for the purpose of any steps to be taken in consequence of the order or, as the case may be, for the purpose of determining whether the order should be made.<sup>15</sup>

- (2) Admission shall not, by virtue of subsection (1), be demanded as of right to any land which is occupied unless twenty-four hours' notice of the intended entry has been served on the occupier.
- (3) If any person obstructs a person so authorised as aforesaid in the exercise of any power conferred by this section, he shall be liable on summary conviction to a fine not exceeding level 5 on the standard scale.<sup>16</sup>

## 10 Compensation for land damaged

- (1) Where any land is damaged in the exercise of any power under or in pursuance of any order made by the Department for the purposes of the provisions of this Act, the Department shall pay such compensation to the persons interested in the land as may be just.<sup>17</sup>
- (2) Where any dispute arises as to whether compensation is payable under this section, or as to the amount of any such compensation, or as to the persons to whom it is payable, the dispute shall be determined in accordance with Part III of the *Acquisition of Land Act 1984*.

*Regulation of civil aviation*<sup>18</sup>**11 Application to Island of civil aviation, etc legislation**

- (1) The Department for Enterprise may, after consultation with the Secretary of State, by order apply to the Island as part of the law of the Island any UK legislation to which this section applies.<sup>19</sup>
- (2) An order under this section may include provision repealing or amending any provision of any enactment (other than this section) which is inconsistent with, or is unnecessary or requires modification in consequence of any UK legislation applied to the Island by the order.<sup>20</sup>
- (2A) An order under subsection (1) may —
  - (a) specify the exceptions, adaptations and modifications subject to which the UK legislation applies to the Island; or
  - (b) set out the UK legislation applied by the order, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island.<sup>21</sup>
- (3) This section applies to—
  - (a) any provision in UK legislation, which concerns, directly or indirectly —
    - (i) aviation security;
    - (ii) civil aviation;
    - (iii) airports;
    - (iv) air traffic management;
    - (v) aviation safety;
    - (vi) air navigation services;
    - (vii) aircraft and their operation; or
    - (viii) the effect on the environment of airports and civil aviation; or
  - (b) any instrument of a legislative character made or having effect as if made under a provision of UK legislation mentioned in paragraph (a).<sup>22</sup>
- (4) An order made under this section shall not come into operation until it is approved by Tynwald.
- (5) The Department for Enterprise shall, as soon as practical after the coming into operation of an order made under this section cause a text to be prepared of the UK legislation applied by the order, incorporating the exceptions, adaptations and modifications specified in the order.<sup>23</sup>

- (6) The Department for Enterprise shall supply a copy of the text prepared under subsection (5) to any person requesting the same, at such reasonable charge as the Department for Enterprise may determine.<sup>24</sup>

### 11A Application to Island of EU instruments<sup>25</sup>

- (1) Notwithstanding the provisions of any other enactment, the Department for Enterprise may by order apply to the Island as part of the law of the Island, subject to such exceptions, adaptations and modifications as may be specified in the order, any provision of any EU instrument which concerns, directly or indirectly –
- (a) aviation security;<sup>26</sup>
  - (b) civil aviation;<sup>27</sup>
  - (c) airports;<sup>28</sup>
  - (d) air traffic management;<sup>29</sup>
  - (e) aviation safety;<sup>30</sup>
  - (f) air navigation services;<sup>31</sup>
  - (g) aircraft and their operation; or<sup>32</sup>
  - (h) the effect on the environment of airports and civil aviation.<sup>33</sup>
  - (i) [Repealed]<sup>34</sup>
  - (j) [Repealed]<sup>35 36</sup>
- (2) An order under subsection (1), may include provision repealing or amending any provision of any enactment (other than this section) which is inconsistent with, or is unnecessary or requires modification in consequence of any EU instrument applied to the Island by the order.<sup>37</sup>
- (3) An order under subsection (1) may –
- (a) specify the exceptions, adaptations and modifications subject to which the EU instrument applies to the Island; or<sup>38</sup>
  - (b) set out the EU instrument applied by the order, incorporating the exceptions, adaptations and modifications subject to which it applies to the Island.<sup>39</sup>
- (4) The Department for Enterprise shall, as soon as is practical after the coming into operation of an order to which subsection (3)(a) applies cause a text to be prepared of the EU instrument applied by the order, incorporating the exceptions, adaptations and modifications specified in the order.<sup>40</sup>
- (5) The Department for Enterprise shall supply a copy of the text prepared under subsection (4) to any person requesting the same, at such reasonable charge as the Department for Enterprise may determine.<sup>41</sup>

- (6) An order under subsection (1) shall not come into operation until it is approved by Tynwald.
- (7) In this section, “EU instrument” means any instrument issued by an EU institution.<sup>42 43</sup>

### **11B Orders not derived from UK legislation or EU instruments**

- (1) The Department for Enterprise may make one or more orders for the purpose of —
  - (a) incorporating into the law of the Island any international obligation in respect of civil aviation that has been or will be extended to the Island by the United Kingdom; or
  - (b) regulating within the Island civil aviation in general.
- (2) The Department for Enterprise, when making an order under subsection (1), is not required to apply to the Island the provisions of any related UK legislation.<sup>45</sup>
- (3) Without prejudice to the generality of subsection (1) or to any other provision of this Act, an order under this section may contain provision —
  - (a) as to the registration of aircraft in the Island;
  - (b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under an order are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the order;
  - (c) for the certifying, licensing, inspection and regulation of aerodromes;<sup>46</sup>
  - (d) [Repealed]<sup>47</sup>
  - (e) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving the Island may fly, and as to the conditions under which aircraft may fly from one part of the Island to another;
  - (f) for prohibiting persons from engaging in, or being employed in or in connection with, air navigation in such capacities as may be specified in the order except in accordance with provisions in that behalf contained in the order, and for the licensing of those employed at aerodromes licensed or certified under the order in the inspection or supervision of aircraft;<sup>48</sup>
  - (g) for minimising or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such apparatus as aforesaid and the display of signs and lights liable to endanger aircraft;

- (h) as to the conditions under which passengers may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, as to the conditions under which goods may be carried by air, for prohibiting the carriage by air of goods of such classes as may be specified in the order, and for conferring, on such persons as may be so specified, powers relating to the enforcement of any such condition or prohibition (including powers to examine, take samples of, seize and detain any goods; powers to open any baggage or packages containing goods or to require them to be opened; and powers to require the production of any documents);
  - (i) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and persons and property carried therein, for safeguarding the health of persons on board aircraft, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;
  - (j) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;
  - (k) for exempting from the provisions of the order, or any of them –
    - (i) any aircraft or persons; or
    - (ii) any classes of aircraft or persons;
  - (l) for prohibiting aircraft from taking off or landing in the Island unless there are in force in respect of those aircraft such certificates of compliance with standards as to noise and emissions as may be specified in the order and except upon compliance with the conditions of those certificates.
- (4) Without limiting either subsection (1) or subsection (3), an order made under this section may include, but need not be limited to, provisions –
- (a) incorporating into the law of the Island any provision of the Chicago Convention or the Cape Town Convention, or of any instrument associated with either Convention;
  - (b) placing requirements on the pilot in command and owner of an aircraft to report births, deaths and missing persons on aircraft registered in the Island;
  - (c) specifying the minimum insurance required in respect of liability for passengers, associated duties of applicants for registration of an aircraft on the Island, duties of the Department for Enterprise and associated enforcement powers and penalties;

- (d) establishing the minimum level of insurance required for aircraft operating in the Island, dictated by maximum take-off mass and numbers of passengers carried;
  - (e) specifying the process for registration of mortgages for aircraft registered on the Island and aircraft engines registered on the Island;
  - (f) incorporating specific internationally recognised technical standards into the law of the Island by means of reference within the order to documents containing such standards, thereby obviating the need to reproduce the text of these documents in the order;
  - (g) making ambulatory reference to technical standards referred to in paragraph (f), as they may –
    - (i) be stipulated or amended from time to time; or
    - (ii) appear in a particular edition of a publication in which they are set out,and providing that those technical standards have the force of law in the Island without the need for further legislation whenever they are amended or a new edition of the publication is produced;
  - (h) in terms of any other document, as such document may be amended from time to time, which the Department for Enterprise or another person considers relevant.
- (5) An order under this section may make different provision with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances.
- (6) An order under this section will not come into operation until it has been approved by Tynwald.
- (7) In this section, a reference to goods includes a reference to mails or animals.<sup>49</sup>

### **11C Trespassing on licensed or certified aerodromes**

- (1) Subject to subsection (2), if any person trespasses on any land forming part of an aerodrome licensed in pursuance of an order made under section 11, 11A or 11B, the person shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (2) No person shall be liable under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.<sup>51</sup>

*Trespass by aircraft and aircraft nuisance, noise, etc*

**11D Liability of aircraft in respect of trespass, nuisance and surface damage**

- (1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of –
  - (a) the flight of an aircraft over any property at a height above the ground which, having regard to wind, weather and all the circumstances of the case, is reasonable; or
  - (b) the ordinary incidents of such flight,so long as the provisions of any order made under section 11, 11A or 11B have been duly complied with.
- (2) Subject to subsection (3), whether material loss or damage is caused to any person or property on land or water by, or by a person in, or an article, animal or person falling from, an aircraft while in flight, taking off or landing, then unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect or default of the owner of the aircraft.
- (3) Where material loss or damage is caused as aforesaid in circumstances in which –
  - (a) damages are recoverable in respect of the said loss or damage by virtue only of subsection (2); and
  - (b) a legal liability is created in some person other than the owner to pay damages in respect of the said loss or damage,the owner shall be entitled to be indemnified by that other person against any claim in respect of the said loss or damage.
- (4) Where the aircraft concerned has been *bona fide* demised, let or hired out for any period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as if for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.
- (5) This section applies to civil aircraft belonging to or exclusively employed in the service of Her Majesty as it applies to other civil aircraft registered in the Island.<sup>52</sup>

**11E Nuisance caused by aircraft on aerodromes**

- (1) Subsection (2) applies to any aerodrome as respects which provision is made by an order made under section 11, 11A or 11B for regulating the conditions under which noise and vibration may be caused by aircraft.
- (2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which this subsection applies by virtue of an order made under section 11, 11A or 11B, as long as the provisions of any such order are duly complied with.<sup>53</sup>

**11F Provision by others of information for Department for Enterprise**

- (1) The Department for Enterprise may, by notice in writing served in the prescribed manner on a person of any of the following descriptions, that is to say —
  - (a) the holder of any licence or certificate issued, granted or validated by the Department for Enterprise;
  - (b) a recipient of an approval or permission given or validated by the Department for Enterprise under an order made under section 11, 11A or 11B;
  - (c) a person who in the Island has, at any time during the period of two years ending with the date of service of the notice, held himself or herself out as one who may as a principal or otherwise enter into a contract to make available accommodation for the carriage of persons or cargo on flights in any part of the world in aircraft of which the person is not the operator;
  - (d) a person carrying on business in the Island as a manufacturer of aircraft or engines or other equipment for aircraft or as an insurer of aircraft,

require him to furnish to the Department for Enterprise, in such form and at such times as may be specified in the notice, information of such descriptions as may be so specified, being —

- (i) in the case of such a holder or recipient as aforesaid (other than the holder of an aerodrome licence or certificate), descriptions of information which relates to his or her past, present or future activities as the holder or recipient of the licence, certificate or approval in question or his or her past activities as the holder or recipient of any similar licence, certificate or approval or is of a kind which the Department for Enterprise considers that it requires for the purpose of reviewing the licence, certificate or approval in question;<sup>55</sup>
- (ii) in the case of such a person as is mentioned in paragraph (c), descriptions of information which relates to the person's

past, present or future activities in the Island connected with the making available of accommodation so mentioned;

- (iii) in the case of such a person as is mentioned in paragraph (d) or the holder of an aerodrome licence or certificate, descriptions of information which relates to his past, present or future activities (including, in the case of a holder of an aerodrome licence or certificate, information as to the numbers of aircraft and passengers and the quantity of cargo passing and expected to pass through the relevant aerodrome) and is of a kind which the Department for Enterprise considers that it requires for the purpose of performing any of its functions.<sup>56</sup>

In this subsection, “aerodrome licence or certificate” means a licence or certificate to operate an aerodrome issued by the Department for Enterprise under an order made under section 11, 11A or 11B.<sup>57</sup>

- (2) Without prejudice to the generality of subsection (1), the information relating to the activities of the holder of a licence or certificate which the Department for Enterprise may require the holder to furnish in pursuance of that subsection includes particulars of any contract or arrangement —
  - (a) to which the holder is or was at any time a party and, if the holder is not or was not then an operator of aircraft registered in the Island, to which such an operator is or was then a party; and
  - (b) which constitutes or relates to an agreement or understanding between operators of aircraft or such operators and other persons with respect to any of the following matters, that is to say —
    - (i) the provision of flights or of accommodation in aircraft;
    - (ii) the sharing or transfer of revenue from flights on particular routes;
    - (iii) the sale by a party to the contract or arrangement of tickets for flights in aircraft operated by another party to it; or
    - (iv) the making available by a party to the contract or arrangement of staff, equipment or other facilities for use by another party to it.<sup>58</sup>
- (3) If a person required to furnish information by virtue of any of the preceding provisions of this section fails to comply with the requirement or, in purported compliance with the requirement, knowingly or recklessly furnishes information which is false in a material particular, then —
  - (a) in the case of a failure to comply with the requirement the person commits an offence and shall be liable on summary conviction to a fine of an amount not exceeding level 3 on the standard scale; and

- (b) in any other case the person commits an offence and shall be liable on summary conviction to a fine not exceeding twice level 5 on the standard scale and on conviction on information to a fine or to custody for a term not exceeding two years or to both; and
- (c) if the requirement was made by virtue of subsection (1) or (2), the Department for Enterprise may, whether or not any proceedings in respect of the requirement have been brought in pursuance of paragraph (a) or (b), revoke any licence or certificate or approval which was issued, granted, validated or given by the Department for Enterprise and to which the requirement related,

and a person who fails to comply with a requirement imposed on him or her in pursuance of this section commits an offence by virtue of paragraph (a) notwithstanding that at any relevant time the person is outside the Island and is neither a British national nor a body incorporated under the law of the Island.<sup>59</sup>

### 11G Use of documentary evidence

- (1) In any legal proceedings —
  - (a) a document purporting to be certified by such authority or person as may be designated for the purpose by an order or regulations made by the Department for Enterprise as being, or being a true copy of, or of part of, a document issued or kept, —
    - (i) in pursuance of an order made under section 11, 11A or 11B; or
    - (ii) by a Department or Statutory Board; or
  - (b) a document printed by Her Majesty's Stationery Office or the United Kingdom Civil Aviation Authority and purporting to be the publication known as the "United Kingdom Air Pilot" or a publication of the series known as "Notam – United Kingdom",

shall be evidence of the matters appearing from the document.

- (2) In any legal proceedings, any document made by any such authority or person as may be designated for the purposes of this subsection by an order or regulations made by the Department for Enterprise, or by a person acting under the control of such an authority or person, being a document purporting to show —
  - (a) the position of an aircraft at any material time; or
  - (b) the terms or content of any message or signal transmitted to any aircraft, either alone or in common with other aircraft, or received from any aircraft, by the first-mentioned authority or person, or by a person acting under the control of that authority or person,

shall, if produced from the custody of that authority or person, be evidence of the matters appearing in the document.

- (3) The references in subsection (2) to a document made by or under the control of any authority or person include references to a document or article purporting to be a copy of a document so made, and certified to be a true copy by or on behalf of that authority or person; and in relation to such a copy that subsection shall have effect as if the words “if produced from the custody of that authority or person” were omitted.
- (4) Any person who wilfully certifies any document or article to be a true copy of any such document as is mentioned in subsection (2) knowing it not to be a true copy shall be liable —
  - (a) on summary conviction, to a fine not exceeding twice level 5 on the standard scale or to custody for a term not exceeding three months or to both; and
  - (b) on conviction on information, to a fine or to custody for a term not exceeding two years or to both.<sup>60</sup>

### 11H Regulations prohibiting or restricting flying

- (1) The Department for Enterprise may make regulations prohibiting or restricting flying in specified airspace of the Island or any part thereof —
  - (a) for such period as may be specified in the regulations or for an unlimited period; and<sup>61</sup>
  - (b) subject to such conditions as may be specified in, or in accordance with, the regulations.<sup>62</sup>
- (1A) Regulations under this section may enable the Department for Enterprise, or a person authorised by the Department for Enterprise, to —
  - (a) exempt a person from the application of the regulations made under this section, subject to such conditions as the Department for Enterprise or the person authorised by the Department for Enterprise, as the case may be, may determine;
  - (b) permit a person to enter the specified airspace in respect of which regulations under this section apply at such time, for such purposes or subject to such conditions as the Department for Enterprise or the person authorised by the Department for Enterprise, as the case may be, may determine; or
  - (c) give an instruction or direction to a person exempted under paragraph (a), or permitted to enter specified airspace under paragraph (b), as the case may be.<sup>63</sup>
- (2) Regulations under this section shall be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which the regulations are laid or at the next following sitting resolves that they are to be annulled, they cease to have effect.<sup>64</sup>

**11I Power to create offences in secondary legislation**

- (1) An order under section 11, 11A or 11B or regulations under section 11H may, for the purpose of securing compliance with its provisions, provide that a person commits an offence in such circumstances as may be specified in the order or regulations, as the case may be, for which offence the person shall be liable on conviction to such penalty as may be so specified.
- (2) The power conferred by virtue of subsection (1) does not include power —
  - (a) to provide for offences to be triable only on information;
  - (b) to authorise the imposition, on summary conviction of any offence, of any term of custody or of a fine exceeding twice level 5 on the standard scale; or
  - (c) to authorise the imposition, on conviction on information of an offence, of a term of custody exceeding 5 years.
- (3) [Repealed]<sup>65 66</sup>

**11J Power of Department for Enterprise to exercise discretion**

- (1) An order made under section 11, 11A or 11B may permit the Department for Enterprise, or a person authorised by the Department for Enterprise, to exercise discretion in respect of a matter described in subsection (2).
- (2) The matters referred to subsection (1) in respect of which an order may provide for the exercise of discretion include, but are not limited to —
  - (a) issuing a direction;
  - (b) modifying, dispensing with, exempting or excepting a requirement;
  - (c) accepting or refusing an application for a matter in a case where such application is not made in accordance with such requirements as may be prescribed under the order;
  - (d) issuing or declining to issue a certificate, licence or other document;
  - (e) authorising, approving, permitting, prohibiting, suspending or otherwise restricting a person, activity or equipment;
  - (f) revoking, suspending or varying a certificate, licence or other document; and
  - (g) correcting, amending or cancelling a certificate, licence or other document or an entry in a register.<sup>67</sup>

**11K Powers of entry**

- (1) The Department for Enterprise may authorise a person (“authorised officer”) for the purposes of taking any enforcement action required under regulations under section 11H or an order under sections 11, 11A or 11B.

- (2) An authorised officer who has reasonable grounds for suspecting that an offence has been committed or there has been any other contravention of regulations under section 11H or an order under sections 11, 11A or 11B, as the case may be, upon producing, if so required, some duly authenticated document showing the officer's authority, has a right at all reasonable hours —
- (a) to enter any premises for the purpose of ascertaining whether there is or has been on the premises any contravention of a provision of regulations under section 11H or an order under section 11, 11A or 11B; and
  - (b) to enter any business premises for the purpose of ascertaining whether there is on the premises any evidence of any contravention of any such provisions.
- (3) Subject to subsection (4), admission to any premises used only as a private dwelling may not be demanded as of right unless 24 hours' notice of the intended entry has been given to the occupier and the occupier has given his or her consent to the authorised officer to enter.
- (4) If a justice of the peace, on sworn information in writing, is satisfied that there is reasonable ground for entry into any premises for any such purpose as is mentioned in subsection (2) and either —
- (a) that admission to the premises has been refused, or a refusal is anticipated, and that notice of the intention to apply for a warrant has been given to the occupier; or
  - (b) that an application for admission, or the giving of such a notice, would defeat the object of the entry, or that the case is one of urgency, or that the premises are unoccupied or the occupier temporarily absent,
- the justice may by warrant signed by the justice authorise the authorised officer to enter the premises, if need be by reasonable force.
- (5) Every warrant granted under this section continues in force for a period of one month.
- (6) An authorised officer must not enter any premises, by virtue of this section or of a warrant issued under it, that is used only as a private dwelling, unless the authorised officer is accompanied by a constable.
- (7) An authorised officer entering any premises by virtue of this section, or of a warrant issued under it may take with him or her such other persons as that authorised officer considers necessary, and on leaving any unoccupied premises which the authorised officer has entered must leave them as effectively secured against unauthorised entry as he or she found them.
- (8) An authorised officer entering premises by virtue of this section, or of a warrant issued under it, may inspect any documents (in whatever form

- they are held) relating to a matter in regulations under section 11H or an order under section 11, 11A or 11B, and, where any such documents are kept by means of a computer —
- (a) may have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the documents; and
  - (b) may require any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material to afford the officer such assistance as he or she may reasonably require.
- (9) An authorised officer exercising any power conferred by subsection (8) may —
- (a) seize and detain any documents which the officer has reason to believe may be required as evidence in proceedings or other enforcement action under regulations under section 11H or an order under sections 11, 11A or 11B; and
  - (b) where the documents are kept by means of a computer, may require the documents to be produced in a form in which they may be taken away.
- (10) A person who wilfully obstructs an authorised officer acting in pursuance of his or her powers under this section is guilty of an offence.
- (11) Nothing in this section —
- (a) compels a person to supply any privileged information; or
  - (b) confers a right on a person who enters premises in exercise of the powers in this section to seize such information.
- (12) A person (“P”) who discloses to any person any privileged information obtained by P while exercising a power under this section is guilty of an offence, unless the disclosure was made in the performance of P’s duty.
- (13) In this section “privileged information” means information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
- (14) A person guilty of an offence under subsection (10) or (12) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (15) Where an order under section 11, 11A or 11B provides for a safety investigation to be conducted into an accident or incident involving any aircraft, nothing in this section is to be construed as limiting the powers specified in such an order of —
- (a) the Chief Inspector of the Air Accidents Investigation Branch appointed by the Secretary of State for the Department for Transport;
  - (b) the Deputy Chief Inspector of that Branch; or
  - (c) an Inspector of that Branch.<sup>68</sup>

*Supplemental*<sup>69</sup>**12 Interpretation**

(1) In this Act —

“**airport**” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes —

- (a) any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically; and
- (b) any associated land, buildings and works;

“**airport official**” means a person authorised for the purposes of this Act by the Department of Infrastructure;<sup>70</sup>

“**the Cape Town Convention**” means the Convention on International Interests in Mobile Equipment signed at Cape Town on 16th November 2001;<sup>71</sup>

“**the Chicago Convention**” means the Convention on International Civil Aviation which was, on 7th December 1944, signed on behalf of the Government of the United Kingdom at the International Civil Aviation Conference held at Chicago;<sup>72</sup>

“**the Department**” has the meaning given by section 1(1);

“**owner**” in relation to any land, means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion, and includes also a person holding or entitled to the rents and profits of the land under a lease or agreement, the unexpired term whereof exceeds three years;

“**premises**”, for the purposes of sections 11 to 11K, includes any of the following

- 
- (a) an aerodrome including hangars, aprons, fuel storage facilities, cargo handling areas and places where aircraft land;
- (b) an aircraft;
- (c) a building or other place from which an air navigation service is provided or at which air navigation services equipment is located;
- (d) the offices of an aircraft operator;
- (e) any place containing aviation training facilities;
- (f) any place containing workshops of approved aviation maintenance organisations; and
- (g) any places at which a meteorological service for air navigation is provided.<sup>73</sup>

“**road traffic enactments**” means the enactments (whether passed before or after this Act) relating to road traffic, including the lighting and parking of vehicles, and any order or other instrument having effect by virtue of such enactments.

- (2) Any reference in this Act to the carrying out of works on land shall be construed as including a reference to the making of excavations on the land or to the carrying out of levelling operations on the land, and references to the maintenance of works or to interference with works shall be construed accordingly.

### **13 Expenses**

Any expenses incurred under this Act shall be defrayed out of moneys provided by Tynwald.

### **14 [Repealed]<sup>74</sup>**

### **15 Short title**

This Act may be cited as the Airports and Civil Aviation Act 1987.



**SCHEDULE 1****FUNCTIONS OF THE DEPARTMENT OF INFRASTRUCTURE  
IN RELATION TO AIRPORTS<sup>75</sup>**

## Section 1(2)

1. To provide and erect, purchase, lease or otherwise acquire airports and accommodation for or in relation to air transport services for the carriage by air of passengers, mails and freight.
2. To promote aviation meetings and exhibitions, and to give prizes and awards for persons taking part therein.
3. To enter into any arrangements with any Government or authorities that may be conducive to any object of the Department under this Act and to obtain from any such Government or authority any rights, privileges and concessions which the Department might think it desirable to obtain, and to carry out, exercise and comply with any such arrangements, rights, privileges and concessions.
4. To carry on the business of restaurant keepers, farmers and market gardeners, and any other business which can be conveniently carried on in connection with any object of the Department under this Act which may seem to be calculated to render profitable any property or rights of the Department for the time being.
5. To construct, improve, maintain, develop, work, manage, or control any real and personal property vested in or held by the Department, which may seem calculated directly or indirectly to advance any of the objects of the Department whether under this or any other statutory provision.

**SCHEDULE 2<sup>76</sup>****MATTERS IN RELATION TO WHICH BYELAWS MAY BE  
MADE**

## Section 2(2)

Byelaws under section 2 may include provision —

- (a) for securing the safety of aircraft, vehicles and persons using the airport and preventing danger to the public arising from the use and operation of the airport;
- (b) for controlling the operation of aircraft within, directly above, or in the vicinity of, the airport for the purpose of limiting or mitigating the effect of noise, vibration and atmospheric pollution caused by aircraft using the airport;

- (c) for preventing obstruction within the airport;
- (d) for regulating vehicular traffic anywhere within the airport, except on roads within the airport to which the road traffic enactments apply, and in particular (with that exception) for imposing speed limits on vehicles within the airport and for restricting or regulating the parking of vehicles or their use for any purpose or in any manner specified in the byelaws;
- (e) for prohibiting waiting by public passenger vehicles except at standings appointed by such person as may be specified in the byelaws;<sup>77</sup>
- (f) for prohibiting or restricting access to any part of the airport;
- (g) for preserving order within the airport and preventing damage to property within it;
- (h) for regulating or restricting advertising within the airport;
- (i) for requiring any person, if so requested by a constable or airport official, to leave the airport or any particular part of it, or to state his name and address and the purpose of his being within the airport;
- (j) for securing the safe custody and redelivery of any property which, while not in proper custody, is found within the airport or in an aircraft within the airport, and in particular —
  - (i) for requiring charges to be paid in respect of any such property before it is redelivered; and
  - (ii) for authorising the disposal of any such property if it is not redelivered before the end of such period as may be specified in the byelaws;
- (k) for defining or restricting the area which is to be taken as constituting the airport for the purposes of the byelaws.

In paragraph (e) “public passenger vehicle” has the same meaning as in the *Road Transport Act 2001*.

### SCHEDULE 3<sup>78</sup>

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement

### Table of Renumbered Provisions

Original	Current

### Table of Endnote References

<sup>1</sup> Long title amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 4.

<sup>2</sup> Subs (1) amended by SD155/10 Sch 5 and by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 5.

<sup>3</sup> Subs (1) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 6.

<sup>4</sup> Subs (1) amended by GC55/88 and by Interpretation Act 1976 s 16A.

<sup>5</sup> Subs (2) amended by GC55/88.

<sup>6</sup> Subs (6) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 7.

<sup>7</sup> Subs (7) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 7.

<sup>8</sup> Subs (1) amended by GC55/88 and by Interpretation Act 1976 s 16A.

<sup>9</sup> Subs (2) amended by GC55/88.

<sup>10</sup> Subs (1) amended by GC55/88 and by Interpretation Act 1976 s 16A.

<sup>11</sup> Subs (2) amended by GC55/88.

<sup>12</sup> Subs (4) amended by GC55/88

<sup>13</sup> Subs (6) amended by GC55/88.

<sup>14</sup> Subs (7) amended by Statute Law Revision Act 1997 Sch 1.

<sup>15</sup> Subs (1) amended by GC55/88.

<sup>16</sup> Subs (3) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 8.

<sup>17</sup> Subs (1) amended by GC55/88.

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- <sup>18</sup> Cross-heading substituted by Airports and Civil Aviation (Amendment) Act 2018 s 4.
- <sup>19</sup> Subs (1) amended by SD155/10 Sch 2, by SD2017/0325 and by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 9.
- <sup>20</sup> Subs (2) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 9.
- <sup>21</sup> Subs (2A) inserted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 9.
- <sup>22</sup> Subs (3) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 9.
- <sup>23</sup> Subs (5) amended by SD155/10 Sch 2, by SD2017/0325 and by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 9.
- <sup>24</sup> Subs (6) amended by SD155/10 Sch 2 and by SD2017/0325.
- <sup>25</sup> S 11A heading amended by SD0606/12.
- <sup>26</sup> Para (a) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>27</sup> Para (b) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>28</sup> Para (c) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>29</sup> Para (d) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>30</sup> Para (e) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>31</sup> Para (f) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>32</sup> Para (g) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>33</sup> Para (h) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>34</sup> Para (i) repealed by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>35</sup> Para (j) repealed by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 10.
- <sup>36</sup> Subs (1) amended by SD155/10 Sch 2, by SD0606/12, by SD2017/0325 and by Airports and Civil Aviation (Amendment) Act 2018 s 5.
- <sup>37</sup> Subs (2) amended by SD0606/12.
- <sup>38</sup> Para (a) amended by SD0606/12.
- <sup>39</sup> Para (b) amended by SD0606/12.
- <sup>40</sup> Subs (4) amended by SD155/10 Sch 2, by SD0606/12 and by SD2017/0325.
- <sup>41</sup> Subs (5) amended by SD155/10 Sch 2 and by SD2017/0325.
- <sup>42</sup> Subs (7) inserted by Airports and Civil Aviation (Amendment) Act 2018 s 5.
- <sup>43</sup> S 11A inserted by Airports and Civil Aviation (Amendment) Act 2001 s 1.
- <sup>44</sup> S 11B heading amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 11.



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- <sup>45</sup> Subs (2) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 11.
- <sup>46</sup> Para (c) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 11.
- <sup>47</sup> Para (d) repealed by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 11.
- <sup>48</sup> Para (f) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 11.
- <sup>49</sup> S 11B inserted by Airports and Civil Aviation (Amendment) Act 2018 s 6.
- <sup>50</sup> S 11C heading amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 12.
- <sup>51</sup> S 11C inserted by Airports and Civil Aviation (Amendment) Act 2018 s 6.
- <sup>52</sup> S 11D inserted by Airports and Civil Aviation (Amendment) Act 2018 s 6.
- <sup>53</sup> S 11E inserted by Airports and Civil Aviation (Amendment) Act 2018 s 6.
- <sup>54</sup> S 11F heading amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 13.
- <sup>55</sup> Subpara (i) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 13.
- <sup>56</sup> Subpara (iii) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 13.
- <sup>57</sup> Subs (1) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 13.
- <sup>58</sup> Subs (2) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 13.
- <sup>59</sup> S 11F inserted by Airports and Civil Aviation (Amendment) Act 2018 s 6.
- <sup>60</sup> S 11G inserted by Airports and Civil Aviation (Amendment) Act 2018 s 6.
- <sup>61</sup> Para (a) substituted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 14.
- <sup>62</sup> Para (b) amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 14.
- <sup>63</sup> Subs (1A) inserted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 14.
- <sup>64</sup> S 11H inserted by Airports and Civil Aviation (Amendment) Act 2018 s 6.
- <sup>65</sup> Subs (3) repealed by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 15.
- <sup>66</sup> S 11I inserted by Airports and Civil Aviation (Amendment) Act 2018 s 6.
- <sup>67</sup> S 11J inserted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 16.
- <sup>68</sup> S 11K inserted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 16.
- <sup>69</sup> Cross-heading inserted by Airports and Civil Aviation (Amendment) Act 2018 s 7.
- <sup>70</sup> Definition of “airport official” amended by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 17.

<sup>71</sup> Definition of “the Cape Town Convention” inserted by Airports and Civil Aviation (Amendment) Act 2018 s 8.

<sup>72</sup> Definition of “the Chicago Convention” inserted by Airports and Civil Aviation (Amendment) Act 2018 s 8.

<sup>73</sup> Definition of “premises” inserted by Enterprise (Airports and Merchant Shipping)(Miscellaneous Amendments) Act 2021 s 17.

<sup>74</sup> S 14 repealed by Statute Law Revision Act 1992 Sch 2.

<sup>75</sup> Heading amended by SD155/10 Sch 5.

<sup>76</sup> Sch 2 amended by Road Transport Act 2001 Sch 3.

<sup>77</sup> Para (e) amended by Road Transport Act 2001 Sch 3.

<sup>78</sup> Sch 3 repealed by Statute Law Revision Act 1992 Sch 2.