



Isle of Man

Ellan Vannin

AT 14 of 2021

**SKY LANTERNS AND BALLOONS
(PROHIBITION) ACT 2021**



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SKY LANTERNS AND BALLOONS (PROHIBITION) ACT 2021

Signed in Tynwald: 20 July 2021
Received Royal Assent: 20 July 2021
Announced to Tynwald: 20 July 2021

AN ACT to prohibit the sale, supply and release into the atmosphere of sky lanterns, to prohibit the release into the atmosphere of helium balloons, to provide for exemptions from such prohibitions; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows: —

1 Short title

The short title of this Act is the Sky Lanterns and Balloons (Prohibition) Act 2021.

2 Commencement

This Act comes into operation on its announcement day.

3 Introduction

This Act has effect for the purpose of prohibiting the sale and supply of sky lanterns and release of sky lanterns and helium balloons into the atmosphere (“prohibited activities”).

4 Prohibition on sale, supply and release

- (1) No person shall sell or supply a sky lantern.
- (2) No person shall release into the atmosphere a sky lantern or helium balloon.

5 Exemptions

- (1) Section 4 does not apply to the sale or supply of a scientific balloon.

- (2) Nothing in section 4 prohibits the release of a scientific balloon into the atmosphere for scientific or research purposes by a recognised educational institution, government organisation, aeronautical body, bona fide scientific organisation or bona fide research body.
- (3) Section 4 does not apply to the sale, supply or release into the atmosphere of a radio controlled model hot air balloon or a radio controlled model airship.

6 Offences

- (1) A person carries out a prohibited activity if the person causes it to occur or is responsible for it continuing.
- (2) A person who carries out a prohibited activity without reasonable excuse commits an offence.
- (3) On summary conviction, a person is liable to a fine not exceeding level 2 on the standard scale in respect of each prohibited activity carried out in respect of a sky lantern or a helium balloon.

7 Fixed penalty notices

- (1) If a constable has reason to believe that a person has carried out a prohibited activity and accordingly committed an offence under this Act, the constable may offer that person the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty notice.
- (2) Where, on a single occasion a person carries out more than one prohibited activity in relation to a sky lantern or helium balloon, those activities shall be treated as a single prohibited activity (and hence a single offence) for the purposes of this section.
- (3) Where a constable issues a person with a fixed penalty notice under this section in respect of an offence, —
 - (a) no proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice;
 - (b) the person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- (4) A fixed penalty notice must, —
 - (a) give reasonably detailed particulars of the circumstances alleged to constitute the offence;
 - (b) state the date on which it is issued;
 - (c) state the period during which (because of subsection (3)(a)) proceedings will not be taken for the offence;
 - (d) specify the amount of the fixed penalty;
 - (e) state the name and address of the person to whom the fixed penalty may be paid;

- (f) specify permissible methods of payment;
 - (g) provide details of any procedure for challenging or appealing the notice;
 - (h) include the constable's name and the name of the police station to which the constable is attached.
- (5) An amount specified under subsection (4)(d) must not be more than £500.
- (6) A fixed penalty notice may specify two amounts under subsection (4)(d) and specify that, if the lower of those amounts is paid within a specified period of less than 14 days, that is the amount of the fixed penalty.
- (7) A fixed penalty shall be paid into the General Revenue.
- (8) In any proceedings, a certificate that, —
- (a) purports to be signed by or on behalf of the payee of a fixed penalty, and
 - (b) states that payment of a fixed penalty was, or was not, received by the date specified in the certificate,
- is evidence of the facts stated.

8 Regulations

The Council of Ministers may, by regulations —

- (a) amend sections 4, 5 and 7 of this Act, and
- (b) make incidental, consequential, supplemental, transitional, transitory provision or any other provision which the Council of Ministers considers necessary or expedient for the purposes of giving full effect to any provision of this Act.

Tynwald procedure – approval required.

9 Interpretation

In this Act —

“**heat source**” means an open or enclosed flame (whether fully or partially) caused by burning liquid propane or some other flammable liquid or material;

“**helium balloon**” means an envelope or similar contraption made from materials such as rubber, latex, polychloroprene or metalised plastic of nylon fabric filled with helium (or another inert gas which is lighter than air) which is capable of rising into the atmosphere;

“**release**” includes an attempt to release into the atmosphere that is wholly or partially successful;

“**research purposes**” include atmospheric research, astronomy and military research;

“scientific balloon” –

- (a) means a structure which is typically made of thin polyethylene film assembled from gores and which are usually unmanned, filled with inert gases that are lighter than air and fly at high altitudes;
- (b) includes a weather balloon, a meteorological balloon and a high altitude balloon;

“sell” includes expose for sale, hire, barter, exchange and any other transaction by which a sky lantern is transferred from the ownership, control or possession of one person to another;

“sky lantern” includes any device taking the form of a miniature unmanned balloon, envelope or similar contraption that relies on a heat source to heat the air inside the balloon, envelope or contraption which is capable of rising into the atmosphere;

“supply” includes distributing.

10 Revocation

The Sky Lanterns (Safety) Regulations 2015 (SD 2015/0307) are revoked.

ENDNOTES

Table of Endnote References