



CIVIL AVIATION (MISCELLANEOUS PROVISIONS) ORDER 2020

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Statutory Document No. 2020/0134

*Airports and Civil Aviation Act 1987*

CIVIL AVIATION (MISCELLANEOUS PROVISIONS) ORDER 2020ⁱ

Approved by Tynwald: 22 July 2020
Coming into operation in accordance with article 2

The Department for Enterprise makes the following Order under section 11B and 11I of the Airports and Civil Aviation Act 1987.

1 Title

This Order is the Civil Aviation (Miscellaneous Provisions) Order 2020.

2 Commencement

If approved by Tynwald this Order comes into operation immediately upon the revocation of article 13 (operational directives) of the Air Navigation (Isle of Man) Order 2015¹.

3 Application

- (1) This Order applies to —
 - (a) any instrument made under section 11B of the Airports and Civil Aviation Act 1987; and
 - (b) any instrument applied to the Island, after the date this Order comes into operation, under sections 11 or 11A of the Airports and Civil Aviation Act 1987, to the extent that the order applying such instrument to the Island specifies.ⁱⁱ
- (2) An instrument to which this Order applies is an “applicable instrument” for the purposes of this Order.
- (3) A reference in this Order to an approval, permission, exemption or other decision or document issued or granted by the Department is a reference to such an approval, permission, exemption or other decision or document issued or granted by the Department under an applicable instrument.

¹ UK SI 2105 No. 870 (an Order in Council) as amended by UK SI 2016 No. 155



4 Interpretation

In this Order and an applicable instrument —

“**AMSL**” means above mean sea level;

“**acceptance check list**” means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

“**accident**” means an occurrence associated with the operation of an aircraft which, in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down, in which —

- (a) a person is fatally or seriously injured as a result of —
 - (i) being in the aircraft;
 - (ii) direct contact with any part of the aircraft, including parts which have become detached from the aircraft; or
 - (iii) direct exposure to jet blast,

except when the injuries are from natural causes, self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to the passengers and crew;

- (b) the aircraft sustains damage or structural failure which adversely affects the structural strength, performance or flight characteristics of the aircraft, and would normally require major repair or replacement of the affected component, except for engine failure or damage, when the damage is limited to a single engine, (including its cowlings or accessories), to propellers, wing tips, antennas, probes, vanes, tires, brakes, wheels, fairings, panels, landing gear doors, windcreens, the aircraft skin (such as small dents or puncture holes) or minor damages to main rotor blades, tail rotor blades, landing gear, and those resulting from hail or bird strike, (including holes in the radome); or
- (c) the aircraft is missing or is completely inaccessible;

“**accuracy**” means a degree of conformance between the estimated or measured value and the true value;

“**advisory airspace**” means an airspace of defined dimensions, or designated route, within which air traffic advisory service is available;

“**advisory route**” means a designated route along which air traffic advisory service is available;

- “**aerobatic flight**” means manoeuvres intentionally performed by an aircraft involving an abrupt change in its attitude, an abnormal attitude, or an abnormal variation in speed, not necessary for normal flight or for instruction for licenses or ratings other than aerobatic rating;
- “**aerodrome**” means a defined area (including any buildings, installations and equipment) on land or water or on a fixed, fixed off-shore or floating structure intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;
- “**aerodrome control service**” means air traffic control service for aerodrome traffic;
- “**aerodrome control tower**” means a unit established to provide an air traffic control service to aerodrome traffic;
- “**aerodrome flight information service**” means a flight information service and alerting service for aerodrome traffic at an aerodrome;
- “**aerodrome reference point**” means the centre of an airport, located at the geometric centre of all the useable runways;
- “**aerodrome traffic**” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome;
- “**aerodrome traffic circuit**” means the specified path to be flown by aircraft operating in the vicinity of an aerodrome;
- “**aerodrome traffic zone**” means an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;
- “**Aeronautical Information Publication**” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;
- “**aeronautical mobile service**” means a mobile service between aeronautical stations and aircraft stations, or between aircraft stations, in which survival craft stations may participate; emergency position-indicating radio beacon stations may also participate in this service on designated distress and emergency frequencies;
- “**aeronautical radio station**” means a radio station on the surface that transmits or receives signals for the purpose of assisting aircraft;
- “**aeronautical station**” means a land station in the aeronautical mobile service. In certain instances, an aeronautical station may be located, for example, on board ship or on a platform at sea;
- “**aeroplane**” means a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;
- “**Air Accidents Investigation Branch**” means the United Kingdom’s Air Accidents Investigation Branch which is part of the United Kingdom’s Department for Transport;

- “**airborne collision avoidance system (ACAS)**” means an aircraft system based on secondary surveillance radar (SSR) transponder signals which operates independently of ground-based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with SSR transponders;
- “**aircraft**” means a machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;
- “**aircraft address**” means a unique combination of 24 bits available for assignment to an aircraft for the purpose of air-ground communications, navigation and surveillance;
- “**aircraft observation**” means the evaluation of one or more meteorological elements made from an aircraft in flight;
- “**aircraft operator**” means a person, organisation or enterprise engaged in or offering to engage in an aircraft operation;
- “**air-ground communication**” means two-way communication between aircraft and stations or locations on the surface of the earth;
- “**air-ground control radio station**” means an aeronautical telecommunication station having primary responsibility for handling communications pertaining to the operation and control of aircraft in a given area;
- “**AIRMET information**” means information issued by a meteorological watch office concerning the occurrence or expected occurrence of specified en-route weather phenomena which may affect the safety of low-level aircraft operations and which was not already included in the forecast issued for low-level flights in the flight information region concerned or sub-area thereof;
- “**air operator certificate**” means a certificate authorising an operator to carry out specified commercial air transport operations;
- “**air-report**” means a report from an aircraft in flight prepared in conformity with requirements for position, and operational or meteorological reporting;
- “**air traffic**” means all aircraft in flight or operating on the manoeuvring area of an aerodrome;
- “**air traffic advisory service**” means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on IFR flight plans;
- “**air traffic control clearance**” means authorisation for an aircraft to proceed under conditions specified by an air traffic control unit;
- “**air traffic control service**” means a service provided for the purpose of —
- (a) preventing collisions —
 - (1) between aircraft; and

(2) on the manoeuvring area between aircraft and obstructions;
and

(b) expediting and maintaining an orderly flow of air traffic;

“**air traffic control unit**” means an area control centre, an approach control unit or an aerodrome control tower;

“**air traffic service**” means a flight information service, an alerting service, an air traffic advisory service, or an air traffic control service (whether an area control service, approach control service or aerodrome control service);

“**air traffic service equipment**” means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of an air traffic service to an aircraft in flight or on the ground but excluding any public electronic communications network;

“**air traffic services airspaces**” mean airspaces of defined dimensions, alphabetically designated, within which specific types of flights may operate and for which air traffic services and rules of operation are specified;

“**air traffic services reporting office**” means a unit established for the purpose of receiving reports concerning air traffic services and flight plans submitted before departure;

“**air traffic services (ATS) surveillance service**” means a service provided directly by means by an ATS surveillance system;

“**air traffic services unit**” means an air traffic control unit, flight information centre, aerodrome flight information service unit or air traffic services reporting office;

“**airway**” means a control area or portion thereof established in the form of a corridor;

“**alerting service**” means a service provided to notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required;

“**alternate aerodrome**” means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing. Alternate aerodromes include the following –

(a) “**take-off alternate**” means an alternate aerodrome at which an aircraft can land should this become necessary shortly after take-off and it is not possible to use the aerodrome of departure.

(b) “**en-route alternate**” means an aerodrome at which an aircraft would be able to land after experiencing an abnormal or emergency condition while en route.

(c) “**ETOPS en-route alternate**” means a suitable and appropriate alternate aerodrome at which an aeroplane would be able to land

after experiencing an engine shutdown or other abnormal or emergency condition while en route in an ETOPS operation.

- (d) “destination alternate” means an alternate aerodrome to which an aircraft may proceed should it become either impossible or inadvisable to land at the aerodrome of intended landing;

“**altitude**” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level (MSL);

“**anti-collision light**” means —

- (a) in relation to rotorcraft, a flashing red light; and
(b) in relation to any other aircraft, a flashing red or flashing white light,

in either case showing in all directions;

“**approach control service**” means an air traffic control service for arriving or departing controlled flights;

“**approach control unit**” means a unit established to provide an air traffic control service to controlled flights arriving at, or departing from, one or more aerodromes;

“**apron**” means a defined area, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling, parking or maintenance;

“**area control centre**” means a unit established to provide an air traffic control service to controlled flights in control areas under its jurisdiction;

“**area control service**” means an air traffic control service for controlled flights in control areas;

“**area navigation (RNAV)**” means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground- or space-based navigation aids or within the limits of the capability of self-contained aids, or a combination of these;

“**ATS route**” means a specified route designed for channelling the flow of traffic as necessary for the provision of air traffic services;

“**automatic dependent surveillance — broadcast (ADS-B)**” means a means by which aircraft, aerodrome vehicles and other objects can automatically transmit or receive data such as identification, position and additional data, as appropriate, in a broadcast mode via a data link;

“**automatic dependent surveillance — contract (ADS-C)**” means a means by which the terms of an ADS-C agreement will be exchanged between the ground system and the aircraft, via a data link, specifying under what conditions ADS-C reports would be initiated, and what data would be contained in the reports;

“automatic dependent surveillance — contract (ADS-C) agreement” means a reporting plan which establishes the conditions of ADS-C data reporting (i.e. data required by the air traffic services unit and frequency of ADS-C reports which have to be agreed to, prior to using ADS-C in the provision of air traffic services);

“automatic terminal information service (ATIS)” means the automatic provision of current, routine information to arriving and departing aircraft throughout 24 hours or a specified portion thereof —

(a) **“Data link-automatic terminal information service (D-ATIS)”** means the provision of ATIS via data link;

(b) **“Voice-automatic terminal information service (Voice-ATIS)”** means the provision of ATIS by means of continuous and repetitive voice broadcasts;

“cabin crew” in respect of an aircraft means those persons on a commercial air transport flight carried for the purpose of performing duties to be assigned by the operator or the pilot in command of the aircraft in the interests of the safety of passengers but who do not act as a member of the flight crew;

“cargo aircraft” means any aircraft, other than a passenger aircraft, which is carrying goods or property;

“ceiling” means the height above the ground or water of the base of the lowest layer of cloud below 6 000 m (20 000 ft) covering more than half the sky;

“changeover point” means the point at which an aircraft navigating on an ATS route segment defined by reference to very high frequency omnidirectional radio ranges is expected to transfer its primary navigational reference from the facility behind the aircraft to the next facility ahead of the aircraft;

“the Chicago Convention” means the Convention on International Civil Aviation and its Annexes, signed in Chicago on 7th December 1944, as amended;

“civil aviation authority” means a governmental entity or entities, however titled, that are directly responsible for the regulation of all aspects of civil air transport, technical (air navigation and aviation safety) and economic (commercial aspects of air transport);

“clearance limit” means the point to which an aircraft is granted an air traffic control clearance;

“cloud of operational significance” means a cloud with the height of cloud base below 1 500 m (5 000 ft) or below the highest minimum sector altitude, whichever is greater, or a cumulonimbus cloud or a towering cumulus cloud at any height;

“code” in relation to SSR means the number assigned to a particular multiple pulse reply signal transmitted by a transponder in Mode A or Mode C;

- “**commercial air transport**” means a flight that is carrying passengers, cargo or mail for remuneration or hire where the principal purpose for their carriage is to transport them, and where a seat on the flight or the right to have cargo or mail carried is available to any member of the public, and includes a flight that carries passengers for remuneration or hire that begins and ends at the same aerodrome;
- “**congested area**” in relation to a city, town or settlement means an area that is substantially used for residential, industrial, commercial or recreational purposes;
- “**consignment**” means one or more packages of dangerous goods accepted by an aircraft operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;
- “**control area**” means a controlled airspace extending upwards from a specified limit above the earth;
- “**controlled aerodrome**” means an aerodrome at which air traffic control service is provided to aerodrome traffic regardless whether or not a control zone exists;
- “**controlled airspace**” means an airspace of defined dimensions within which air traffic control service is provided in accordance with the airspace classification;
- “**controlled flight**” means any flight which is subject to an air traffic control clearance;
- “**controller-pilot data link communications (CPDLC)**” means a means of communication between controller and pilot, using data link for ATC communications;
- “**control zone**” means a controlled airspace extending upwards from the surface of the earth to a specified upper limit;
- “**corrective lenses**” means spectacles or contact lenses;
- “**country**” includes a territory;
- “**crew**” means persons carried in an aircraft who are —
- (a) members of the flight crew;
 - (b) persons carried on the flight deck who are appointed by the aircraft operator to give or to supervise the training, experience, practice and periodical tests required for the flight crew in accordance with the law of the country in which the aircraft is registered or the State of the operator; or
 - (c) members of the cabin crew;
- “**crew member**” means a person assigned by an aircraft operator to duty on an aircraft during a flight duty period;

- “**cruise climb**” means an aeroplane cruising technique resulting in a net increase in altitude as the aeroplane mass decreases;
- “**cruising level**” means a level maintained during a significant portion of a flight;
- “**current flight plan (CPL)**” means the flight plan, including changes, if any, brought about by subsequent clearances;
- “**custody**” has the same meaning as in the Custody Act 1995;
- “**danger area**” means an airspace of defined dimensions within which activities dangerous to the flight of aircraft may exist at specified times;
- “**dangerous goods**” means an article or substance which is capable of posing a hazard to health, safety, property or the environment and which are shown in the list of dangerous goods in the Technical Instructions or which are classified according to those Instructions;
- “**dangerous goods accident**” means an occurrence associated with and related to the transport of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage;
- “**dangerous goods incident**” means an occurrence, other than a dangerous goods accident, whether or not occurring on board an aircraft, that –
- (a) is associated with and related to the transport of dangerous goods by air, which results in injury to a person or property, environmental damage, fire, breakage, spillage, leakage of fluid, radiation or other evidence that the integrity of the packaging has not been maintained; or
 - (b) relates to the transport of dangerous goods and which seriously jeopardizes the aircraft or its occupants;
- “**dangerous goods transport document**” means a document which is specified by the Technical Instructions and contains information about the dangerous goods that are to be carried on an aircraft;
- “**data link communications**” mean a form of communication intended for the exchange of messages via a data link;
- “**datum**” means any quantity or set of quantities that may serve as a reference or basis for the calculation of other quantities;
- “**the Department**” means the Department for Enterprise;
- “**designated postal operator**” means any governmental or non-governmental entity officially designated by a Universal Postal Union (UPU) member country to operate postal services and to fulfil the related obligations arising from the acts of the Universal Postal Convention² on its territory;
- “**downstream clearance**” means a clearance issued to an aircraft by an air traffic control unit that is not the current controlling authority of that aircraft;

² The Universal Postal Convention. International Treaty, 1874. The treaty provides a uniform framework of rules and procedures for the exchange of international mails.

- “**estimated elapsed time**” means the estimated time required to proceed from one significant point to another;
- “**estimated off-block time**” means the estimated time at which the aircraft will commence movement associated with departure;
- “**estimated time of arrival (ETA)**” means for IFR flights, the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome. For visual flight rules (VFR) flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;
- “**ETOPS**” means Extended-range Twin-engine Operational Performance Standards;
- “**fatigue**” means a physiological state of reduced mental or physical performance capability resulting from sleep loss, extended wakefulness, circadian phase, or workload (mental or physical activity) that can impair a person’s alertness and ability to perform safety-related operational duties;
- “**flight crew member**” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;
- “**flight duty period**” means a period which commences when a crew member is required to report for a duty that includes a flight or a series of flights and which finishes when the aircraft finally comes to rest and the engines are shut down at the end of the last flight on which they are a crew member;
- “**flight information centre**” means a unit established to provide flight information service and an alerting service;
- “**flight information region**” means an airspace of defined dimensions within which flight information service and alerting service are provided;
- “**flight information service**” means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights;
- “**flight level (FL)**” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1 013.2 hectopascals (hPa), and is separated from other such surfaces by specific pressure intervals;
- “**flight plan**” means specified information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;
- “**flight visibility**” means the visibility forward from the cockpit of an aircraft in flight;
- “**flying machine**” means an aeroplane, a powered lift tilt rotor aircraft, a self-launching motor glider, a helicopter or a gyroplane;
- “**forecast**” means a statement of expected meteorological conditions for a specified time or period, and for a specified area or portion of airspace;

“**freight forwarder**” means a person who offers the service of arranging the transport of cargo by air;

“**ground visibility**” means the visibility at an aerodrome, as reported by an accredited observer or by automatic systems;

“**hazard**” means a condition or an object with the potential to cause or contribute to an aircraft incident or accident;

“**heading**” means the direction in which the longitudinal axis of an aircraft is pointed, usually expressed in degrees from North (true, magnetic, compass or grid);

“**height**” means the vertical distance of a level, a point or an object considered as a point, measured from a specified datum;

“**helicopter**” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power driven rotors on substantially vertical axes;

“**IFR**” means the symbol used to designate the instrument flight rules;

“**IFR flight**” means a flight conducted in accordance with the instrument flight rules;

“**IMC**” means the symbol used to designate instrument meteorological conditions;

“**incident**” means an occurrence, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation;

“**in flight**” means, in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power, until the moment when it next comes to rest after landing, and the expressions “**a flight**” and “**to fly**” are to be construed accordingly;

“**instrument approach operations**” means an approach and landing using instruments for navigation guidance based on an instrument approach procedure. There are two methods for executing instrument approach operations –

- (a) a two-dimensional (2D) instrument approach operation, using lateral navigation guidance only; and
- (b) a three-dimensional (3D) instrument approach operation, using both lateral and vertical navigation guidance;

“**instrument approach procedure (IAP)**” means a series of predetermined manoeuvres by reference to flight instruments with specified protection from obstacles from the initial approach fix, or where applicable, from the beginning of a defined arrival route to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at

which holding or en-route obstacle clearance criteria apply. Instrument approach procedures are classified as follows –

- (a) *non-precision approach (NPA) procedure* means an instrument approach procedure designed for 2D instrument approach operations Type A;
- (b) *approach procedure with vertical guidance (APV)* means a performance-based navigation (PBN) instrument approach procedure designed for 3D instrument approach operations Type A;
- (c) *precision approach (PA) procedure* means an instrument approach procedure based on navigation systems (ILS, MLS, GLS AND SBAS Cat 1) designed for 3D instrument approach operations Type A or B;

“instrument flight procedure” means –

- (a) a standard instrument arrival;
- (b) an instrument approach procedure;
- (c) a standard instrument departure; or
- (d) an omnidirectional departure;

“instrument meteorological conditions (IMC)” mean meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, less than the minima specified for visual meteorological conditions;

“landing area” means that part of a movement area intended for the landing or take-off of aircraft;

“level” means a generic term relating to the vertical position of an aircraft in flight and meaning variously, height, altitude or flight level;

“manoeuvring area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding aprons;

“minimum fuel” means a term used to describe a situation in which an aircraft’s fuel supply has reached a state where the flight is committed to land at a specific aerodrome and no additional delay can be accepted;

“mode” in relation to SSR means the conventional identifier related to specific functions of the interrogation signals transmitted by an SSR interrogator. There are four modes specified in ICAO Annex 10: A, C, S and intermode;

“mountainous area” means an area of changing terrain profile where the changes of terrain elevation exceed 900 m (3 000 ft) within a distance of 18,5 km (10,0 NM);

“movement area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, consisting of the manoeuvring area and the apron(s);

“munitions of war” means any –

- (a) weapon or ammunition;
- (b) article containing an explosive, noxious liquid or gas; or
- (c) other thing,

that is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;

“night” means the hours between the end of evening civil twilight and the beginning of morning civil twilight. Civil twilight ends in the evening when the centre of the sun’s disc is 6 degrees below the horizon and begins in the morning when the centre of the sun’s disc is 6 degrees below the horizon;

“notified” and **“notify”** mean set out with the authority of the UK CAA in a document published by or under an arrangement entered into with the UK CAA and entitled “United Kingdom NOTAM” or “United Kingdom Aeronautical Information Publication” and for the time being in force;

“NOTAM” means a notice distributed by means of telecommunication containing information concerning the establishment, condition or change in any aeronautical facility, service, procedure or hazard, the timely knowledge of which is essential to personnel concerned with flight operations;

“obstacle” means all fixed (whether temporary or permanent) and mobile objects, or parts thereof, that —

- (a) are located on an area intended for the surface movement of aircraft; or
- (b) extend above a defined surface intended to protect aircraft in flight; or
- (c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation;

“occurrence” means any safety-related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person and includes in particular an accident or serious incident;

“omnidirectional departure” means a departure procedure that is designed on the basis that an aircraft maintains the runway direction until it reaches such a height that it can make a turn in any direction and maintain the obstacle clearance prescribed by the procedure;

“operating site” means a site selected by the operator or pilot-in-command for landing, take-off or hoist operations;

“overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

- “**package**” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;
- “**packaging**” means receptacles and any other components or materials necessary for the receptacle to perform its containment function;
- “**passenger aircraft**” means an aircraft that carries any person other than a crew member, an aircraft operator’s employee in an official capacity, an authorised representative of an appropriate national authority or a person accompanying a consignment or other cargo;
- “**pilot in command**” means the pilot designated by the operator or the owner as being in command and charged with the safe conduct of a flight;
- “**pressure-altitude**” means an atmospheric pressure expressed in terms of altitude which corresponds to that pressure in the Standard Atmosphere, as defined in Annex 8, Part 1 to the Chicago Convention;
- “**problematic use of substances**” means the use of one or more psychoactive substances by aviation personnel in a way that –
- (a) constitutes a direct hazard to the user or endangers the lives, health or welfare of others; or
 - (b) causes or worsens an occupational, social, mental or physical problem or disorder;
- “**prohibited area**” means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is prohibited;
- “**proper shipping name**” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings, as required by the Technical Instructions;
- “**psychoactive substance**” means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents, whereas caffeine and tobacco are excluded;
- “**public use licence**” means an aerodrome licence with a public use condition issued by the Department in accordance with article 130 of the Air Navigation (Isle of Man) Order 2015³;
- “**radar**” means a radio detection device which provides information on range, azimuth or elevation of objects;
- “**radio mandatory zone (RMZ)**” means an airspace of defined dimensions wherein the carriage and operation of radio equipment is mandatory;
- “**radio navigation service**” means a service providing guidance information or position data for the efficient and safe operation of aircraft supported by one or more radio navigation aids;

³ SI 2015 No. 870 as amended by SI 2016 No 155

“**radiotelephony**” means a form of radio communication primarily intended for the exchange of information in the form of speech;

“**remote pilot**”, in relation to a small unmanned aircraft, is an individual who —

- (a) operates the flight controls of the small unmanned aircraft by manual use of remote controls; or
- (b) when the small unmanned aircraft is flying automatically, monitors its course and is able to intervene and change its course by operating its flight controls;

“**repetitive flight plan**” means a flight plan related to a series of frequently recurring, regularly operated individual flights with identical basic features, submitted by an operator for retention and repetitive use by ATS units;

“**reporting point**” means a specified geographical location in relation to which the position of an aircraft can be reported;

“**restricted area**” means an airspace of defined dimensions, above the land areas or territorial waters of a State, within which the flight of aircraft is restricted in accordance with certain specified conditions;

“**route segment**” means a route or portion of route usually flown without an intermediate stop;

“**runway**” means a defined rectangular area on a land aerodrome prepared for the landing and take-off of aircraft;

“**runway-holding position**” means a designated position intended to protect a runway, an obstacle limitation surface, or an instrument landing system (ILS)/microwave landing system (MLS) critical/sensitive area at which taxiing aircraft and vehicles are to stop and hold, unless otherwise authorised by the aerodrome control tower;

“**runway visual range (RVR)**” means the range over which the pilot of an aircraft on the centre line of a runway can see the runway surface markings or the lights delineating the runway or identifying its centre line;

“**safety**” means the state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level;

“**safety management system**” means a systematic approach to managing safety, including the necessary organisational structures, accountabilities, responsibilities, policies and procedures;

“**safety risk**” means the predicted probability and severity of the consequences or outcomes of a hazard;

“**safety-sensitive personnel**” means persons who might endanger aviation safety if they perform their duties and functions improperly, including crew members, aircraft maintenance personnel, aerodrome operations

personnel, rescue, fire-fighting and maintenance personnel, personnel allowed unescorted access to the movement area and air traffic controllers;

“**sailplane**” means a heavier-than-air aircraft which is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces, the free flight of which does not depend on an engine, including also hang gliders, paragliders and other comparable craft;

“**secondary surveillance radar (SSR)**” means a surveillance radar system which uses transmitters/receivers (interrogators) and transponders;

“**serious incident**” means an incident involving circumstances indicating that there was a high probability of an accident and is associated with the operation of an aircraft, which in the case of a manned aircraft, takes place between the time any person boards the aircraft with the intention of flight until such time as all such persons have disembarked, or in the case of an unmanned aircraft, takes place between the time the aircraft is ready to move with the purpose of flight until such time it comes to rest at the end of the flight and the primary propulsion system is shut down;

“**SIGMET information**” means information issued by a meteorological watch office concerning the occurrence or expected occurrence of specified en-route weather phenomena which may affect the safety of aircraft operations;

“**signal area**” means an area on an aerodrome used for the display of ground signals;

“**significant point**” means a specified geographical location used in defining an ATS route or the flight path of an aircraft and for other navigation and ATS purposes;

“**small unmanned aircraft**” means any unmanned aircraft, other than a balloon or a kite, having a mass of not more than 25 kilograms without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

“**special VFR flight**” means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below VMC;

“**standard instrument arrival**” means a designated instrument flight rule (IFR) arrival route linking a significant point, normally on an ATS route, with a point from which a published instrument approach procedure can be commenced;

“**standard instrument departure**” means a designated instrument flight rule (IFR) departure route linking the aerodrome or a specified runway of the aerodrome with a specified significant point, normally on a designated ATS route, at which the en-route phase of a flight commences;

“**State aircraft**” means an aircraft carrying out military, customs, police, search and rescue, fire-fighting, coastguard or similar activities or services;

“**State of Origin**” means the State in the territory of which the consignment is first to be loaded on an aircraft;

“**State of Registry**” means the state on whose register the aircraft is entered;

“**State of the aircraft operator**” means the State in which the aircraft operator’s principal place of business is located or, if there is no such place of business, the aircraft operator’s permanent residence;

“**strayed aircraft**” means an aircraft which has deviated significantly from its intended track or which reports that it is lost;

“**surveillance radar**” means radar equipment used to determine the position of an aircraft in range and azimuth;

“**taxiing**” means movement of an aircraft on the surface of an aerodrome or an operating site under its own power, excluding take-off and landing;

“**taxiway**” means a defined path on a land aerodrome established for the taxiing of aircraft and intended to provide a link between one part of the aerodrome and another, including –

- (a) *Aircraft stand taxilane* means a portion of an apron designated as a taxiway and intended to provide access to aircraft stands only;
- (b) *Apron taxiway* means a portion of a taxiway system located on an apron and intended to provide a through taxi route across the apron;
- (c) *Rapid exit taxiway* means a taxiway connected to a runway at an acute angle and designed to allow landing aeroplanes to turn off at higher speeds than are achieved on other exit taxiways thereby minimising runway occupancy times;

“**Technical Instructions**” means the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284), approved and issued periodically in accordance with the procedure established by the International Civil Aviation Organisation Council and applied to the Island by the Civil Aviation (Safe Transport of Dangerous Goods by Air) Order 2020⁴;

“**territory**” means the land areas and territorial waters adjacent thereto under the sovereignty, suzerainty, protection or mandate of a State;

“**threshold**” means the beginning of that portion of the runway usable for landing;

“**total estimated elapsed time**” means –

- (a) for IFR flights, the estimated time required from take-off to arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the destination aerodrome, to arrive over the destination aerodrome;

⁴ SD No. 2020/0138

(b) for VFR flights, the estimated time required from take-off to arrive over the destination aerodrome;

“**track**” means the projection on the earth’s surface of the path of an aircraft, the direction of which path at any point is usually expressed in degrees from North (true, magnetic or grid);

“**traffic avoidance advice**” means an advice provided by an air traffic services unit specifying manoeuvres to assist a pilot to avoid a collision;

“**traffic information**” means information issued by an air traffic services unit to alert a pilot to other known or observed air traffic which may be in proximity to the position or intended route of flight and to help the pilot avoid a collision;

“**transfer of control point**” means a defined point located along the flight path of an aircraft, at which the responsibility for providing air traffic control service to the aircraft is transferred from one control unit or control position to the next;

“**transition altitude**” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

“**transition level**” means the lowest flight level available for use above the transition altitude;

“**transponder mandatory zone (TMZ)**” means an airspace of defined dimensions wherein the carriage and operation of pressure-altitude reporting transponders is mandatory;

“**UK CAA**” means the United Kingdom Civil Aviation Authority;

“**unidentified aircraft**” means an aircraft which has been observed or reported to be operating in a given area but whose identity has not been established;

“**unit load device**” means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo, but does not include an overpack;

“**unmanned free balloon**” means a non-power-driven, unmanned, lighter-than-air aircraft in free flight;

“**UN number**” means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals to identify an article or substance or a particular group of articles or substances;

“**VFR**” means the symbol used to designate the visual flight rules;

“**VFR flight**” means a flight conducted in accordance with the visual flight rules;

“**visibility**” means visibility for aeronautical purposes which is the greater of —

- (a) the greatest distance at which a black object of suitable dimensions, situated near the ground, can be seen and recognised when observed against a bright background;
- (b) the greatest distance at which lights in the vicinity of 1 000 candelas can be seen and identified against an unlit background;

“**visiting force**” means any such body, contingent or detachment of the forces of any country as is a visiting force for the purposes of the Visiting Forces Act 1952⁵ —

- (a) which apply to that country by virtue of section 1(1)(a) of that Act; or
- (b) which from time to time apply to that country by virtue of section 1(1)(b) and of any Order in Council made or hereafter to be made under section 1 designating that country for the purposes of that Act following section 2(2) of that Act;

“**visual meteorological conditions**” mean meteorological conditions expressed in terms of visibility, distance from cloud, and ceiling, equal to or better than specified minima;

“**VMC**” means the symbol used to designate visual meteorological conditions; and

“**with the surface in sight**” means with the flight crew being able to see sufficient surface features or surface illumination to enable flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument.ⁱⁱⁱ

5 **Revocation, suspension and variation of approvals, permissions, exemptions and other documents**

- (1) Where the Department has reason to believe that there has been a non-compliance, which may have given rise to an unacceptable reduction in safety, the Department may provisionally suspend or vary an approval, permission, exemption or other document issued or granted by the Department pending due inquiry into or consideration of the case.
- (2) The Department may after due inquiry revoke, suspend or vary any such approval, permission, exemption or other document where it has been shown to its satisfaction that there was a non-compliance which caused, or had the potential to cause, an unacceptable reduction in safety.
- (3) A person acting otherwise than in accordance with a condition subject to which an approval, permission, exemption or other document has been issued or granted, in the absence of provision to the contrary in the

⁵ 1952 c.67 (of Parliament), which was extended to the Isle of Man by S.I. 1962/170, as amended by Schedule 3 to the Sexual Offences Act 1992 (of the Isle of Man).

document, renders the approval, permission, exemption or other document invalid while so acting.

6 Conduct of the Department

- (1) Subject to paragraph (6), where an application for the grant or variation of an approval has been refused or has been granted in terms other than those requested by the applicant, the Department must serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by the Department.
- (2) Subject to paragraph (6), where it is proposed to revoke, suspend or vary an approval otherwise than on the application of the holder, the Department must serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days after the date of service of that notice, serve on the Department a request that the Department consider their representations with respect to the proposal.
- (3) Where a person makes a request under paragraph (1) or (2), the Department must, before making a decision —
 - (a) consider any representations made by that person in writing within 14 days after the date of service of the Department's notice under that paragraph; and
 - (b) where, in those representations, they have requested the opportunity to make oral representations, afford them an opportunity of being heard by a person appointed by the Department, and consider the report of that person.
- (4) A person appointed under paragraph (3) shall sit with such technical assessors as the Department may appoint.
- (5) No person who participated in the original decision or proposal which is to be the subject of the Department's decision shall —
 - (a) be appointed under paragraph (3)(b) or (4); or
 - (b) participate in the decision of the Department.
- (6) Nothing in this article prevents the Department from provisionally suspending or varying any approval granted or having effect, pending inquiry into or consideration of the case pursuant to article 5.

7 Reasons for decisions

Where the Department makes a decision pursuant to article 6(3) it shall be the duty of the Department to serve a statement of its reasons for the decision on the person concerned.

8 Safety directives

- (1) The Department may direct by means of a safety directive that an activity is prohibited, or must be limited or is subject to specified conditions.
- (2) A safety directive must state —
 - (a) the reason for its issue;
 - (b) its applicability and duration; and
 - (c) the action required.
- (3) A safety directive may only be issued in the interest of assuring aviation safety.
- (4) A safety directive may be issued either orally or in writing; where an oral directive is issued it must be promptly confirmed in writing.
- (5) A person or class of person to which a safety directive is made must comply with the directive.
- (6) A safety directive shall have immediate effect and shall remain valid for the period specified in the directive unless revoked or suspended by the Department.

9 Service of documents

- (1) Anything required to be served on any person must be set out in a notice in writing which may be served by —
 - (a) delivering it to that person in person;
 - (b) leaving it at that person's proper address;
 - (c) sending it by post to that person's proper address; or
 - (d) sending it by electronic means which produce a document containing a text of the communication, in which event the document must be regarded as served when it is received.
- (2) In the case of a body corporate, any such notice or document may be served on a director of that body or on any other officer or employee of that body who is authorised to accept service of such notices or documents on its behalf.
- (3) A provision that requires the giving of information to the Department in writing may be met by means of an electronic communication if the use of such a communication results in the information contained in it being available to the Department in all material respects as it would appear if given or sent in printed form.
- (4) For the purposes of this article the proper address of any person is —
 - (a) in the case of a body corporate, the registered or principal office of that body;

- (b) and in any other case be the last known address of the place of abode or business of the person to be served.

10 Prohibitions in relation to documents and records

- (1) A person must not with intent to deceive —
 - (a) use an approval, permission, exemption or other document issued or required that has been forged, altered, revoked or suspended, or to which the person is not entitled;
 - (b) lend an approval, permission, exemption or other document issued or having effect or required to, or allow it to be used by, any other person; or
 - (c) make a false representation for the purpose of procuring for a person the grant, issue, renewal or variation of any such approval, permission, exemption or other document.
- (2) In paragraph (1) a reference to an approval, permission, exemption or other document includes a copy or purported copy.
- (3) A person must not intentionally damage, alter or render illegible —
 - (a) a document or record required to be maintained; or
 - (b) an entry made in such a document or record.
- (4) A person must not —
 - (a) knowingly make, or procure or assist in the making of, a false entry in, or material omission from, a document or record referred to in paragraph (3); or
 - (b) destroy any such a document or record during the period for which it is required to be kept.

11 Approval of persons to supply reports

- (1) In relation to any of its functions under any relevant provision the Department may approve a person as qualified to supply reports to it and may accept such reports.
- (2) An approval granted under paragraph (1) may only be granted if the Department is satisfied the person is competent having regard to that person's knowledge and experience.
- (3) An approval may be granted for one or more persons.
- (4) An approval has immediate effect and remains valid for the period specified in the approval unless revoked or suspended by the Department.

12 Offences and penalties

- (1) Subject to paragraphs (2) and (3), a person who contravenes any of the requirements imposed —
 - (a) under article 10(1), (3) or (4) commits an offence and is liable —
 - (i) on summary conviction, to a fine not exceeding level 4 on the standard scale; or
 - (ii) on conviction on information, to a fine or to a term of custody not exceeding two years, or to both;
 - (b) under article 8(5) commits an offence and is liable —
 - (i) on summary conviction, to a fine not exceeding level 5 on the standard scale; or
 - (ii) on conviction on information, to a fine or to a term of custody not exceeding five years, or to both.
- (2) A person is not to be taken to have contravened a provision specified in paragraph (1) if the person proves that —
 - (b) the contravention occurred without the person's consent or connivance; and
 - (a) the person exercised all due diligence to prevent the contravention.
- (3) If it is proved that an act or omission of a person that would otherwise have been a contravention by the person of a provision specified in paragraph (1) was due to any cause not avoidable by the exercise of reasonable care by the person, the act or omission is to be taken not to be a contravention by the person of the provision.

13 Transitional provisions

Any action commenced under regulation 6 of the Civil Aviation Authority Regulations 1991⁶, as they have effect in the Island, corresponding to the provisions of this Order and not yet completed before the coming into operation of this Order, continues under those Regulations.

MADE 3RD JUNE 2020

⁶ SI 1991 No. 1672, as applied to the Island by SD 909/06



ENDNOTES

Table of Endnote References

ⁱ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.

ⁱⁱ Subpara (b) amended by SD2021/0185.

ⁱⁱⁱ Art 4 substituted by SD2021/0185.