
STATUTORY INSTRUMENTS

2007 No. 1115

CIVIL AVIATION

The Air Navigation (Isle of Man) Order 2007

Made - - - - *4th April 2007*

Coming into force - - *1st May 2007*

At the Court at Windsor Castle, the 4th day of April 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 60 and 61 of the Civil Aviation Act 1982(1), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Isle of Man) Order 2007 and shall come into force on 1st May 2007.

PART 1

Registration and Marking of Aircraft

Aircraft to be registered

2.—(1) Subject to paragraphs (2) and (3) an aircraft shall not fly in or over the Isle of Man unless it is registered in—

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over the Isle of Man of aircraft registered in that country.

(1) 1982 c.16; sections 60 and 61 are extended to the Isle of Man by the Civil Aviation (Isle of Man) Order 2007 (S.I. 2007/614).

(2) A glider may fly unregistered, and shall be deemed to be registered in the Isle of Man for the purposes of articles 14, 15, 21 and 27, on any flight which—

- (a) begins and ends in the Isle of Man without passing over any other country; and
- (b) is not for the purpose of public transport or aerial work.

(3) Any aircraft may fly unregistered on any flight which—

- (a) begins and ends in the Isle of Man without passing over any other country, and
- (b) is in accordance with the B Conditions.

(4) If an aircraft flies over the Isle of Man in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in the Isle of Man an offence against this Order or any regulations made thereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Registration of aircraft in the Isle of Man

3.—(1) The Department shall be the authority for the registration of aircraft in the Isle of Man and shall be responsible for maintaining the register and may record therein the particulars specified in paragraph (7) in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

(2) Subject to the provisions of this article, an aircraft shall not be registered or continue to be registered in the Isle of Man if it appears to the Department that—

- (a) the aircraft is registered outside the Isle of Man and such registration does not cease by operation of law upon the aircraft being registered in the Isle of Man;
- (b) an unqualified person holds any legal or beneficial interest by way of ownership in the aircraft or any share therein;
- (c) the aircraft could more suitably be registered in some other part of the Commonwealth; or
- (d) it would not be in the public interest for the aircraft to be or to continue to be registered in the Isle of Man.

(3) The following persons and no others shall be qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Isle of Man or a share therein—

- (a) the Crown in right of the Isle of Man or the United Kingdom;
- (b) Commonwealth citizens;
- (c) nationals of any EEA State;
- (d) British protected persons;
- (e) bodies incorporated in some part of the Commonwealth and having their principal place of business in any part of the Commonwealth; and
- (f) undertakings formed in accordance with the law of an EEA State and having their registered office, central administration or principal place of business within the European Economic Area.

(4) If an unqualified person—

- (a) residing or having a place of business in the Isle of Man holds a legal or beneficial interest by way of ownership in an aircraft, or a share therein, the Department, upon being satisfied that the aircraft may otherwise be properly so registered, may register the aircraft in the Isle of Man;
- (b) has registered an aircraft in pursuance of this paragraph he shall not cause or permit the aircraft, while it is so registered, to be used for the purpose of public transport or aerial work.

(5) If an aircraft is chartered by demise to a person qualified as aforesaid the Department may, whether or not an unqualified person is entitled as owner to a legal or beneficial interest therein, register the aircraft in the Isle of Man in the name of the charterer by demise upon being satisfied that the aircraft may otherwise be properly so registered, and subject to the provisions of this article the aircraft may remain so registered during the continuation of the charter.

(6) Application for the registration of an aircraft in the Isle of Man shall be made in writing to the Department, and shall—

- (a) include or be accompanied by such particulars and evidence relating to the aircraft and the ownership and chartering thereof as it may require to enable it to determine whether the aircraft may properly be registered in the Isle of Man and to issue the certificate referred to in paragraph (8); and
- (b) in particular, include the proper description of the aircraft according to column 4 of the “Classification of aircraft” in Part A of Schedule 1.

(7) Upon receiving an application for the registration of an aircraft in the Isle of Man and being satisfied that the aircraft may properly be so registered, the Department shall register the aircraft, wherever it may be, and shall include in the register the following particulars—

- (a) the number of the certificate;
- (b) the nationality mark of the aircraft, and the registration mark assigned to it by the Department;
- (c) the name of the constructor of the aircraft and its designation;
- (d) the serial number of the aircraft;
- (e) the name and address of every person who is entitled as owner to a legal interest in the aircraft or a share therein, or, in the case of an aircraft which is the subject of a charter by demise, the name and address of the charterer by demise; and
- (f) in the case of an aircraft registered in pursuance of paragraphs (4) or (5), an indication that it is so registered.

(8) The Department —

- (a) shall, subject to sub-paragraph (b) furnish to the person in whose name the aircraft is registered (hereinafter in this article referred to as “the registered owner”) a certificate of registration, which shall include the foregoing particulars and the date on which the certificate was issued;
- (b) shall not be required to furnish a certificate of registration if the registered owner is the holder of an aircraft dealer’s certificate granted under this Order who has made to the Department and has not withdrawn a statement of his intention that the aircraft is to fly only in accordance with the conditions in an aircraft dealer’s certificate in Part C of Schedule 1, and in that case the aircraft shall fly only in accordance with those conditions.

(9) The Department may grant to any person qualified as aforesaid an aircraft dealer’s certificate if it is satisfied that he has a place of business in the Isle of Man for buying and selling aircraft.

(10) Subject to paragraphs (4), (5) and (17), if at any time after an aircraft has been registered in the Isle of Man an unqualified person becomes entitled to a legal or beneficial interest by way of ownership in the aircraft or a share therein, the registration of the aircraft shall thereupon become void and the certificate of registration shall forthwith be returned by the registered owner to the Department.

(11) Any person who is the registered owner of an aircraft registered in the Isle of Man shall forthwith inform the Department in writing of—

- (a) any change in the particulars which were furnished to the Department upon application being made for the registration of the aircraft;

- (b) the destruction of the aircraft, or its permanent withdrawal from use; or
- (c) in the case of an aircraft registered in pursuance of paragraph (5), the termination of the demise charter.

(12) Any person who becomes the owner of an aircraft registered in the Isle of Man shall within 28 days inform the Department in writing to that effect.

(13) The Department may, whenever it appears to it necessary or appropriate to do so for giving effect to this Part of this Order or for bringing up to date or otherwise correcting the particulars entered on the register, amend the register or, if it thinks fit, may cancel the registration of the aircraft, and shall cancel that registration within 2 months of being satisfied that there has been a change in the ownership of the aircraft.

(14) The Department may, by regulations, adapt or modify the foregoing provisions of this article as it deems necessary or expedient for the purpose of providing for the temporary transfer of aircraft to or from the Isle of Man register, either generally or in relation to a particular case or class of cases.

(15) In this article references to an interest in an aircraft do not include references to an interest in an aircraft to which a person is entitled only by virtue of his membership of a flying club and the reference in paragraph (11) to the registered owner of an aircraft includes, in the case of a deceased person, his legal personal representative, and in the case of a body corporate which has been dissolved, its successor.

(16) Nothing in this article requires the Department to cancel the registration of an aircraft if in its opinion it would not be in the public interest to do so.

(17) The registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages shall not become void by virtue of paragraph (10), nor shall the Department cancel the registration of such an aircraft under this article, unless all persons shown in the Register of Aircraft Mortgages as mortgagees of that aircraft have consented to the cancellation.

(18) In paragraph (17) “the Register of Aircraft Mortgages” means the register kept by the Department under an Order in Council made or having effect as if made under section 86 of the Civil Aviation Act 1982 and applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

Nationality and registration marks

4.—(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The marks to be borne by aircraft registered in the Isle of Man shall comply with Part B of Schedule 1.

(3) Subject to paragraph (4), an aircraft shall not bear any marks which purport to indicate—

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the Department for the purposes of flight in accordance with the B Conditions shall be deemed not to purport to indicate that the aircraft is registered in a country in which it is not in fact registered.

PART 2

Prohibition of use for Public Transport or Aerial Work

Prohibition of use for public transport or aerial work

5. Save in the case of a transfer of functions under Article 83 (bis) of the Chicago Convention, an aircraft registered in the Isle of Man shall not fly on any flight for the purpose of public transport or aerial work.

PART 3

Airworthiness and Equipment of Aircraft

Certificate of airworthiness to be in force

6.—(1) Subject to paragraph (2), an aircraft shall not fly unless there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator, and any conditions subject to which the certificate was issued or rendered valid are complied with.

(2) The foregoing prohibition shall not apply to flights, beginning and ending in the Isle of Man without passing over any other country, of—

- (a) a glider, if it is not being used for the public transport of passengers or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
 - (b) a balloon flying on a private flight;
 - (c) an aircraft flying in accordance with the A Conditions or the B Conditions; or
 - (d) an aircraft flying in accordance with a national permit to fly, an EASA permit to fly or a certificate of validation issued by the Department under article 10.
- (3) For the purposes of paragraph (1) a certificate of airworthiness—
- (a) includes a restricted certificate of airworthiness issued by the Department; and
 - (b) includes a restricted certificate of airworthiness issued by the competent authority of a State which does not contain a condition restricting the aircraft to flight within the airspace of the issuing State; but
 - (c) does not include a restricted certificate of airworthiness issued by the competent authority of a State which contains a condition restricting the aircraft to flight within the airspace of the issuing State.

(4) An aircraft registered in the Isle of Man with a certificate of airworthiness shall not fly otherwise than in accordance with any conditions or limitations contained in its flight manual unless otherwise permitted by the Department.

Issue, renewal, etc., of certificates of airworthiness

7.—(1) Subject to paragraph (2), the Department shall issue in respect of any aircraft a certificate of airworthiness if it is satisfied that the aircraft is fit to fly having regard to—

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which it considers necessary for the airworthiness of the aircraft; and
 - (b) the results of flying trials, and such other tests of the aircraft as it may require.
- (2) If the Department has issued a certificate of airworthiness in respect of an aircraft which, in its opinion, is a prototype aircraft or a modification of a prototype aircraft, it may dispense with flying trials in the case of any other aircraft if it is satisfied that it conforms to such prototype or modification.
- (3) Every certificate of airworthiness shall specify the category “Private” and the certificate shall be issued subject to the condition that the aircraft shall be flown only for the purposes (which shall not include public transport or aerial work) specified in the certificate.
- (4) The Department may issue a certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as it thinks fit.
- (5) The Department may issue a certificate of validation rendering valid for the purposes of this Order a certificate of airworthiness issued in respect of any aircraft registered elsewhere than in the Isle of Man under the law of any country other than the Isle of Man.
- (6) Nothing in this Order obliges the Department to accept an application for the issue of a certificate of airworthiness or certificate of validation or for the variation or renewal of any such certificate when the application is not supported by such reports from such persons approved under article 70 as the Department may specify (either generally or in a particular case or class of cases).

Validity of certificate of airworthiness

- 8.** A certificate of airworthiness or a certificate of validation issued in respect of an aircraft registered in the Isle of Man shall cease to be in force—
- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified, or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Department either generally or in relation to a class of aircraft or to the particular aircraft;
 - (b) until the satisfactory completion of any inspection made for the purpose of ascertaining whether the aircraft remains airworthy or maintenance of the aircraft or of any equipment described in sub-paragraph (a) which inspection or maintenance has—
 - (i) been made mandatory by the Department; or
 - (ii) become required by a maintenance schedule approved by the Department in relation to that aircraft; or
 - (c) until the completion to the satisfaction of the Department of any modification of the aircraft or of any equipment necessary for the airworthiness of the aircraft, being a modification required by the Department for the purpose of ensuring that the aircraft remains airworthy.

Issue, validity etc., of national permits to fly

- 9.—(1)** The Department shall—
- (a) subject to sub-paragraph (b) issue in respect of any aircraft registered in the Isle of Man a national permit to fly if it is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit;
 - (b) refuse to issue a national permit to fly in respect of an aircraft registered in the Isle of Man if it appears to the Department that the aircraft is eligible for and ought to fly under and in accordance with a certificate of airworthiness.

(2) An aircraft flying in accordance with a national permit to fly shall not fly for the purpose of public transport or aerial work, other than aerial work which consists of flights for the purpose of flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(3) No person shall be carried during flights for the purpose of flying displays or demonstration flying except the minimum flight crew, unless the prior permission of the Department has been obtained.

(4) The Department may issue a national permit to fly subject to such conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

(5) A national permit to fly issued in respect of an aircraft shall cease to be in force—

(a) until the satisfactory completion of any inspection made for the purpose of ascertaining whether the aircraft remains airworthy, modification or maintenance of the aircraft or any of its equipment which inspection, modification or maintenance has:

(i) been made mandatory by the Department; or

(ii) become required as a condition of the permit to fly;

(b) if any other conditions of the permit are not complied with;

(c) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired; unless the repair, or modification has been approved by the Department or by a person approved by the Department for the purpose;

(d) unless the permit includes a current certificate of validity issued by the Department or by a person approved by the Department for the purpose.

(6) A placard shall be affixed to any aircraft flying in accordance with a permit to fly in full view of the occupants which shall be worded as follows—

“Occupant Warning

This aircraft has not been certificated to an International Requirement”.

(7) An aircraft flying in accordance with a permit to fly shall only be flown by day and in accordance with the Visual Flight Rules unless the prior permission of the Department has been obtained.

(8) Nothing in this Order obliges the Department to accept an application for the issue, variation or renewal of a national permit to fly when the application is not supported by such reports from such approved persons as the Department may specify (either generally or in a particular case or class of cases).

(9) In paragraph (7) “day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level.

Validation of permits to fly or equivalent documents

10.—(1) The Department shall issue in respect of any aircraft registered elsewhere than in the Isle of Man a certificate of validation if it is satisfied that there is in respect of the aircraft a permit to fly or equivalent document issued or validated by the competent authority of the country in which the aircraft is registered which applies standards which are substantially equivalent to those required for the issue of a permit to fly by the Department.

(2) An aircraft flying in accordance with a certificate of validation shall not fly for the purpose of public transport or aerial work, other than aerial work which consists of flights for the purpose of

flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(3) The Department may issue a certificate of validation subject to such other conditions relating to the airworthiness, operation or maintenance of the aircraft as it thinks fit.

Flight without appropriate maintenance

11. An aircraft registered in the Isle of Man in respect of which a certificate of airworthiness is in force shall not fly unless the aircraft (including in particular its engines), together with its equipment and radio station, is maintained in accordance with a maintenance schedule approved by the Department in relation to that aircraft.

Requirement for a certificate of release to service

12.—(1) This article applies to any aircraft registered in the Isle of Man in respect of which a certificate of airworthiness is in force.

(2) Except as provided in paragraphs (3), (5) and (6) an aircraft to which this article applies shall not fly unless there is in force a certificate of release to service issued under this Order if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 8(b).

(3) If a repair or replacement of a part of an aircraft or its equipment is carried out when the aircraft is at a place where it is not reasonably practicable—

- (a) for the repair or replacement to be carried out in such a manner that a certificate of release to service under this Order can be issued; or
- (b) for such a certificate to be issued while the aircraft is at that place;

it may fly to a place which satisfies the criteria in paragraph (4) and in such case the commander of the aircraft shall cause written particulars of the flight, and the reasons for making it, to be given to the Department within 10 days thereafter.

(4) A place satisfies the criteria in this paragraph if it is—

- (a) the nearest place at which a certificate of release to service under this Order can be issued;
- (b) a place to which the aircraft can, in the reasonable opinion of the commander, safely fly by a route for which it is properly equipped; and
- (c) a place to which it is reasonable to fly having regard to any hazards to the liberty or health of any person on board.

(5) A certificate of release to service shall not be required to be in force in respect of an aircraft to which this article applies of which the maximum total weight authorised does not exceed 2,730 kg, unless the Department gives a direction to the contrary in a particular case.

(6) A certificate of release to service shall not be required to be in force in respect of an aircraft to which this article applies of which the maximum total weight authorised does not exceed 2,730 kg and which is a private aircraft if it flies in the circumstances specified in paragraph (7).

(7) The circumstances referred to in paragraph (6) are—

- (a) the only repairs or replacements in respect of which a certificate of release to service is not in force are of such a description as may be prescribed;
- (b) such repairs or replacements have been carried out personally by the holder of a pilot's licence rendered valid under this Order who is the owner or operator of the aircraft;

- (c) the person carrying out the repairs or replacements shall keep in the aircraft log book kept in respect of the aircraft under article 17 a record which identifies the repairs or replacement and shall sign and date the entries; and
 - (d) any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Department either generally or in relation to a class of aircraft or one particular aircraft.
- (8) Neither—
- (a) equipment provided in compliance with Schedule 3 (except equipment specified in paragraph 4 of that Schedule); nor
 - (b) radio communication and radio navigation equipment provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not such apparatus is provided in compliance with this Order or any regulations made thereunder;

shall be installed or placed on board for use in an aircraft to which this article applies after being overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued under this Order.

- (9) A certificate of release to service issued under this Order shall—
- (a) certify that the aircraft or any part thereof or its equipment has been overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Department either generally or in relation to a class of aircraft or the particular aircraft and shall identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done; or
 - (b) certify in relation to any inspection required by the Department that the aircraft or the part thereof or its equipment, as the case may be, has been inspected in accordance with the requirements of the Department and that any consequential repair, replacement or modification has been carried out.
- (10) A certificate of release to service issued under this Order may be issued only by—
- (a) the holder of an aircraft maintenance engineer's licence rendered valid under this Order, in accordance with the privileges endorsed on the licence;
 - (b) the holder of an aircraft maintenance engineer's licence or authorisation as such an engineer granted or issued by or under the law of any Contracting State in which the overhaul, repair, replacement, modification, maintenance or inspection has been carried out, but only in respect of aircraft to which this article applies of which the maximum total weight authorised does not exceed 2,730 kg and in accordance with the privileges endorsed on the licence;
 - (c) a person approved by the Department as being competent to issue such certification, and in accordance with that approval;
 - (d) a person whom the Department has authorised to issue the certificate in a particular case, and in accordance with that authority;
 - (e) in relation only to the adjustment and compensation of direct reading magnetic compasses, the holder of an Airline Transport Pilot's Licence (Aeroplanes) or a Flight Navigator's Licence rendered valid under this Order;
 - (f) a person approved in accordance with Part 145 whose approval is rendered valid under this Order, and in accordance with that approval; or
 - (g) the holder of an aircraft maintenance licence under Part 66 rendered valid under this Order, in accordance with the privileges endorsed on the licence.

(11) In this article the expression “repair” includes in relation to a compass the adjustment and compensation thereof and the expression “repaired” shall be construed accordingly.

Validation of maintenance engineers’ licences etc.

13.—(1) The Department may, subject to such conditions as it thinks fit, issue a certificate of validation of—

- (a) an aircraft maintenance engineer’s licence granted in accordance with the laws and procedures of a Contracting State;
- (b) an approval given in accordance with Part 145; or
- (c) an aircraft maintenance licence granted under Part 66.

(2) The holder of a licence rendered valid under paragraph (1) shall not exercise the privileges of such a licence if he knows or suspects that his physical or mental condition renders him unfit to exercise such privileges.

(3) The holder of a licence rendered valid under paragraph (1) shall not, when exercising the privileges of such a licence, be under the influence of drink or a drug to such an extent as to impair his capacity to exercise such privileges.

Equipment of aircraft

14.—(1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered, and to enable lights and markings to be displayed, and signals to be made, in accordance with International Standards.

(2) In the case of any aircraft registered in the Isle of Man the equipment required to be provided (in addition to any other equipment required by or under this Order) shall—

- (a) be that specified in such parts of Schedule 3 as are applicable in the circumstances;
- (b) comply with the provisions of that Schedule;
- (c) except that specified in paragraph 4 of that Schedule, be of a type approved by the Department either generally or in relation to a class of aircraft or in relation to that aircraft; and
- (d) be installed in a manner approved by the Department.

(3) In any particular case the Department may direct that an aircraft registered in the Isle of Man shall carry such additional or special equipment or supplies as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations, or the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this article shall be so installed or stowed and kept stowed, and so maintained and adjusted, as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this article, shall be so installed or stowed and so maintained and adjusted as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

(7) Without prejudice to paragraph (2), all navigational equipment capable of establishing the aircraft’s position in relation to its position at some earlier time by computing and applying the resultant of the acceleration and gravitational forces acting upon it when carried in an aircraft registered in the Isle of Man (whether or not in compliance with this Order or any regulations made

thereunder) shall be of a type approved by the Department either generally or in relation to a class of aircraft or in relation to that aircraft and shall be installed in a manner so approved.

(8) This article does not apply in relation to radio communication and radio navigation equipment except any specified in Schedule 3.

Radio equipment of aircraft

15.—(1) An aircraft shall not fly unless it is so equipped with radio communication and radio navigation equipment as to comply with the law of the country in which the aircraft is registered or the State of the operator and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any regulations made thereunder.

(2) Without prejudice to paragraph (1), the aircraft shall be equipped with radio communication and radio navigation equipment in accordance with Schedule 4.

(3) In any particular case the Department may direct that an aircraft registered in the Isle of Man shall carry such additional or special radio communication or radio navigation equipment as it may specify for the purpose of facilitating the navigation of the aircraft, the carrying out of search and rescue operations or the survival of the persons carried in the aircraft.

(4) Subject to such exceptions as may be prescribed, the radio communication and radio navigation equipment provided in compliance with this article in an aircraft registered in the Isle of Man shall always be maintained in serviceable condition.

(5) All radio communication and radio navigation equipment installed in an aircraft registered in the Isle of Man or carried on such an aircraft for use in connection with the aircraft (whether or not in compliance with this Order or any regulations made thereunder) shall be of a type approved by the Department in relation to the purpose for which it is to be used.

(6) Neither the equipment referred to in paragraph (5) nor the manner in which it is installed shall be modified except with the approval of the Department.

Minimum equipment requirements

16.—(1) The Department may grant in respect of any aircraft or class of aircraft registered in the Isle of Man a permission permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

(2) An aircraft registered in the Isle of Man shall not commence a flight if any of the equipment required by or under this Order to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless the aircraft does so under and in accordance with the terms of a permission under this article which has been granted to the operator.

Aircraft, engine and propeller log books

17.—(1) In addition to any other log books required by or under this Order, the following log books shall be kept in respect of aircraft registered in the Isle of Man—

- (a) an aircraft log book;
- (b) a separate log book in respect of each engine fitted in the aircraft; and
- (c) a separate log book in respect of each variable pitch propeller fitted to the aircraft.

(2) The log books shall include the particulars respectively specified in Schedule 5 and in the case of an aircraft having a maximum total weight authorised not exceeding 2,730 kg shall be of a type approved by the Department.

(3) Each entry in the log book—

- (a) other than such an entry as is referred to in paragraph 2(4)(b) or 3(4)(b) of Schedule 5, shall be made as soon as practicable after the occurrence to which it relates, but in no event more than 7 days after the expiration of the certificate of maintenance review (if any) in force in respect of the aircraft at the time of the occurrence;
 - (b) being such an entry as is referred to in paragraph 2(4)(b) or 3(4)(b) of Schedule 5 shall be made upon each occasion that any maintenance, overhaul, repair, replacement, modification or inspection is undertaken on the engine or propeller, as the case may be.
- (4) Any document which is incorporated by reference in a log book shall be deemed, for the purposes of this Order, to be part of the log book.
- (5) It shall be the duty of the operator of every aircraft in respect of which log books are required to be kept to keep them or cause them to be kept in accordance with the foregoing provisions of this article.
- (6) Subject to article 52 every log book shall be preserved by the operator of the aircraft for a period of at least 2 years after the aircraft, the engine or the variable pitch propeller, as the case may be, has been destroyed or has been permanently withdrawn from use.

Aircraft weight schedule

- 18.**—(1) Every flying machine and glider in respect of which a certificate of airworthiness issued by the Department or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Department may require or approve in the case of that aircraft.
- (2) Upon the aircraft being weighed the operator of the aircraft shall prepare a weight schedule showing—
- (a) either the basic weight of the aircraft, that is to say, the empty weight of the aircraft established in accordance with the type certification basis of the aircraft or such other weight as may be approved by the Department in the case of that aircraft; and
 - (b) either the position of the centre of gravity of the aircraft at its basic weight or such other position of the centre of gravity as may be approved by the Department in the case of that aircraft.
- (3) Subject to article 52 the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this article.

Access and inspection for airworthiness purposes

19. The Department may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Part of this Order and any person authorised to do so in writing by the Department may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any documents relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory.

PART 4

Aircraft Crew and Licensing

Composition of crew of aircraft

20.—(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in the Isle of Man—

- (a) shall carry a flight crew adequate in number and description to ensure the safety of the aircraft;
- (b) which has a flight manual, shall carry a flight crew of at least the number and description specified in that flight manual;
- (c) which does not now have a flight manual but has done in the past, shall carry a flight crew of at least the number and description specified in that flight manual.

(3) An aircraft registered in the Isle of Man which is required by article 15 to be equipped with radio communications apparatus shall carry a flight radiotelephony operator as a member of the flight crew.

(4) The Department may in the interests of safety direct the operator of any aircraft registered in the Isle of Man that all or any aircraft operated by him when flying in circumstances specified in the direction shall carry, in addition to the crew required to be carried therein by the foregoing provisions of this article, such additional persons as members of the flight crew or the cabin crew as it may specify in the direction.

Members of flight crew — requirement for licence

21.—(1) Subject to the provisions of this article, a person shall not act as a member of the flight crew of an aircraft registered in the Isle of Man unless he is the holder of an appropriate licence rendered valid under this Order.

(2) A person may within the Isle of Man without being the holder of such a licence—

(a) act as a flight radiotelephony operator if—

- (i) he does so as the pilot of a glider on a private flight and he does not communicate by radiotelephony with any air traffic control unit; or
- (ii) he does so as a person being trained in an aircraft registered in the Isle of Man to perform duties as a member of the flight crew of an aircraft and—
 - (aa) he is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment;
 - (bb) messages are transmitted only for the purposes of instruction, or of the safety or navigation of the aircraft;
 - (cc) messages are transmitted only on a frequency exceeding 60 MHz assigned by the Department for the purposes of this sub-paragraph;
 - (dd) the operation of the transmitter requires the use only of external switches; and
 - (ee) the stability of the frequency radiated is maintained automatically by the transmitter.

(b) act as pilot in command of an aircraft for the purpose of becoming qualified for the inclusion or variation of any rating in a pilot's licence if—

- (i) he is at least 16 years of age;
 - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act, issued by a person approved by the Department;
 - (iii) he complies with any conditions subject to which that medical certificate was issued;
 - (iv) the aircraft is not flying for the purpose of public transport or aerial work; and
 - (v) he so acts in accordance with instructions given by a person holding a pilot's licence rendered valid under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown;
- (c) act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Order does not exceed the minimum required for the purpose of becoming qualified for the inclusion or variation of any rating in a pilot's licence if—
- (i) the aircraft is not flying for the purpose of public transport or aerial work;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence rendered valid under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown; and
 - (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls;
- (d) act as pilot in command of a helicopter or gyroplane at night if—
- (i) he is the holder of an appropriate licence rendered valid under this Order in all respects save that the licence does not include an instrument rating and he has not within the immediately preceding 13 months carried out as pilot in command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon;
 - (ii) he so acts in accordance with instructions given by a person holding a pilot's licence validated under this Order or a JAA licence, being a licence which includes a flight instructor rating, a flying instructor's rating or an assistant flying instructor's rating entitling him to give instruction in flying the type of helicopter or gyroplane being flown by night;
 - (iii) no person other than that specified in sub-paragraph (ii) is carried; and
 - (iv) the helicopter or gyroplane is not flying for the purpose of public transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests.
- (3) Subject as aforesaid, a person shall not act as a member of the flight crew required by or under this Order to be carried in an aircraft registered in a country other than the Isle of Man unless he is the holder of an appropriate licence rendered valid under this Order, and the Department does not give a direction to the contrary.
- (4) For the purposes of this Part of this Order—
- (a) subject to sub-paragraph (b), a licence granted either under the law of a Contracting State but which is not a JAA licence or a licence granted under the law of a relevant overseas territory; purporting in either case to authorise the holder to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Department gives a direction to the contrary, be deemed to be a licence rendered valid under this Order;

(b) a JAA licence shall, unless the Department gives a direction to the contrary, be deemed to be a licence rendered valid under this Order.

(5) Notwithstanding paragraph (1), a person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in the Isle of Man for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the conditions specified in paragraph (6) are complied with.

(6) The conditions referred to in paragraph (5) are—

(a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except—

(i) a person carried as a member of the flight crew in compliance with this Order;

(ii) a person authorised by the Department to witness the training or tests or to conduct the tests; or

(iii) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft; and

(b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either—

(i) within the period of six months immediately preceding was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify; or

(ii) holds a pilot's, a flight navigator's or a flight engineer's licence rendered valid under article 22 and the purpose of the training or test is to enable him to qualify under this Order for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence, and he acts under the supervision of a person who is the holder of an appropriate licence.

(7) Notwithstanding paragraph (1), a person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in the Isle of Man for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence, if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(8) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.

Validation, re-validation and effect of flight crew licences

22.—(1) Subject to paragraph (2), the Department may, subject to such conditions as it thinks fit, issue a certificate of validation of a flight crew licence of a class specified in Schedule 6 or of an equivalent licence class, issued by an NAA, subject to the type ratings and privileges attached thereto by the issuing authority, for the purpose of authorising the holder to act as a member of the flight crew of an aircraft registered in the Isle of Man.

(2) The applicant shall furnish such evidence and undergo or produce current certification in respect of such examinations and tests (including in particular medical examinations) and undertake such courses of training as the Department may require for the purpose of a validation under this article.

(3) A certificate of validation under this article—

- (a) shall not be valid unless it bears thereon the ordinary signature of the holder in ink or indelible pencil;
- (b) subject to article 53, shall—
 - (i) remain in force for the period indicated in the certificate and may be re-validated by the Department from time to time upon such terms and subject to the satisfaction of such requirements as it thinks fit;
 - (ii) if no period is indicated in the certificate, remain in force, subject as aforesaid, for the lifetime of the holder.

(4) The Department may by a certificate of validation under this article render valid a rating or qualification in a licence, subject to such conditions as it thinks fit, upon being satisfied that the applicant is qualified as aforesaid to act in the capacity to which the rating or qualification relates, and such rating or qualification shall be deemed to form part of the licence.

Medical requirements

23.—(1) The holder of a licence rendered valid under article 22, other than a Flight Radiotelephony Operator's Licence, shall not be entitled to perform any of the functions to which his licence relates unless it includes an appropriate valid medical certificate issued by an authorised aviation medical examiner; and the certificate shall, without prejudice to paragraph (4), be valid for such period as is therein specified and shall be deemed to form part of the licence.

(2) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in the Isle of Man if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

(3) Every holder of a medical certificate who—

- (a) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew;
- (b) suffers any illness involving incapacity to undertake those functions throughout a period of 21 days or more; or
- (c) in the case of a woman, has reason to believe that she is pregnant;

shall inform the Department in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness.

(4) The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy; and—

- (a) in the case of injury or illness the suspension shall cease upon the holder being medically examined by an authorised aviation medical examiner and pronounced fit to resume his functions as a member of the flight crew;
- (b) in the case of pregnancy, the suspension shall cease after the pregnancy has ended upon the holder being medically examined by an authorised aviation medical examiner after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew by an authorised aviation medical examiner.

PART 5

Operation of Aircraft

Aerodrome operating minima — public transport aircraft

24.—(1) This article applies to public transport aircraft, wherever registered.

(2) An aircraft to which this article applies shall not fly in or over the Isle of Man unless the operator has made available to the flight crew, aerodrome operating minima which comply with paragraph (3) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.

(3) The aerodrome operating minima provided in accordance with paragraph (2) shall be no less restrictive than either—

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
- (b) minima which comply with the law of the country in which the aircraft is registered;

whichever are the more restrictive.

(4) An aircraft to which this article applies shall not:

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
- (b) take off when the relevant runway visual range is less than 150 metres;

otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(5) An aircraft to which this article applies shall not take off from or land at an aerodrome in the Isle of Man in contravention of the specified aerodrome operating minima.

(6) Without prejudice to paragraphs (4) and (5), an aircraft to which this article applies, when making a descent to an aerodrome, shall not descend from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(7) Without prejudice to paragraphs (4) and (5), an aircraft to which this article applies, when making a descent to an aerodrome, shall not—

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

unless in either case from such height the specified visual reference for landing is established and is maintained.

(8) In this article—

- (a) “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2);
- (b) “a Category II approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
 - (i) a decision height below 200 feet but not less than 100 feet; and
 - (ii) a runway visual range of not less than 300 metres;
- (c) “a Category IIIA approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
 - (i) a decision height lower than 100 feet; and
 - (ii) a runway visual range of not less than 200 metres; and
- (d) “a Category IIIB approach and landing” means a landing following a precision approach using an Instrument Landing System or Microwave Landing System with—
 - (i) a decision height lower than 50 feet or no decision height; and
 - (ii) a runway visual range of less than 200 metres but not less than 75 metres.

Aerodrome operating minima — non-public transport aircraft

25.—(1) This article applies to any aircraft which is not a public transport aircraft.

(2) An aircraft to which this article applies shall not—

- (a) conduct a Category II, Category IIIA or Category IIIB approach and landing; or
- (b) take off when the relevant runway visual range is less than 150 metres;

otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(3) In the case of an aircraft registered in the Isle of Man, the approval referred to in paragraph (2) shall be issued by the Department.

(4) Without prejudice to paragraph (2), an aircraft to which this article applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(5) Without prejudice to paragraph (2), an aircraft to which this article applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not—

- (a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;

unless in either case from such height the specified visual reference for landing is established and is maintained.

(6) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air Regulations 1996⁽²⁾ to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the commander of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(7) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.

(8) In this article Category II, Category IIIA and Category IIIB approach and landing have the same meaning as in article 24⁽⁸⁾.

Pilots to remain at controls

26.—(1) The commander of a flying machine or glider registered in the Isle of Man shall cause one pilot to remain at the controls at all times while it is in flight.

(2) If the flying machine or glider is required by or under this Order to carry two pilots, the commander shall cause both pilots to remain at the controls during take-off and landing.

(3) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by article 14 and Schedule 3 to be provided.

(2) S.I. 1996/1393.

Pre-flight action by commander of aircraft

27. The commander of an aircraft registered in the Isle of Man shall take all reasonable steps to satisfy himself before the aircraft takes off—

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
- (b) either that—
 - (i) the equipment required by or under this Order to be carried in the circumstances of the intended flight is carried and is in a fit condition for use; or
 - (ii) the flight may commence under and in accordance with the terms of a permission granted to the operator under article 16;
- (c) that the aircraft is in every way fit for the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies;
- (f) in the case of a flying machine, that having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination; and
- (g) that any pre-flight check system established by the aircraft manufacturer has been complied with by each member of the crew of the aircraft.

Passenger briefing by commander

28. The commander of an aircraft registered in the Isle of Man shall take all reasonable steps to ensure—

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts (with diagonal shoulder strap where required to be carried), safety harnesses and (where required to be carried) oxygen equipment, lifejackets and the floor path lighting system and all other devices required by or under this Order and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

Operation of radio in aircraft

29.—(1) A radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered or the State of the operator and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Subject to paragraph (3), whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted

upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.

- (3) The radio watch—
- (a) may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits;
 - (b) may be kept by a device installed in the aircraft if—
 - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
 - (ii) that station is notified, or in the case of a station situated in a country other than the Isle of Man, otherwise designated as transmitting a signal suitable for that purpose.
- (4) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communication or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.
- (5) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows—
- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
 - (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
 - (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
 - (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).

Minimum navigation performance

30.—(1) An aircraft registered in the Isle of Man shall not fly in North Atlantic Minimum Navigation Performance Specification airspace unless it is equipped with navigation systems which enable the aircraft to maintain the prescribed navigation performance capability.

- (2) The equipment required by paragraph (1) must —
- (a) be approved by the Department;
 - (b) be installed in a manner approved by the Department;
 - (c) be maintained in a manner approved by the Department; and
 - (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the Department.

Height keeping performance — aircraft registered in the Isle of Man

31.—(1) Unless otherwise authorised by the appropriate air traffic control unit, an aircraft registered in the Isle of Man shall not fly in reduced vertical separation minimum airspace notified for the purpose of this article, unless it is equipped with height keeping systems which enable the aircraft to maintain the prescribed height keeping performance capability.

- (2) The equipment required by paragraph (1) shall—
- (a) be approved by the Department;
 - (b) be installed in a manner approved by the Department;

- (c) be maintained in a manner approved by the Department; and
- (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the Department.

Area navigation and required navigation performance capabilities — aircraft registered in the Isle of Man

32.—(1) Subject to paragraph (3) an aircraft registered in the Isle of Man shall not fly in designated required navigation performance airspace unless it is equipped with area navigation equipment which enables the aircraft to maintain the navigation performance capability specified in respect of that airspace.

(2) The equipment required by paragraph (1) shall—

- (a) be approved by the Department;
- (b) be installed in a manner approved by the Department;
- (c) be maintained in a manner approved by the Department; and
- (d) while the aircraft is flying in the said airspace, be operated in accordance with procedures approved by the Department.

(3) An aircraft need not comply with the requirements of paragraph (1) and (2) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

Use of airborne collision avoidance system

33. On any flight on which an airborne collision avoidance system is required by article 15 and Schedule 4 to be carried in an aeroplane, the system shall be operated—

- (a) in the case of an aircraft registered in the Isle of Man, in accordance with procedures which are suitable having regard to the purposes of the equipment; and
- (b) in the case of an aircraft which is registered elsewhere than in the Isle of Man, in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

Use of flight recording systems and preservation of records

34.—(1) On any flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 5(7) of Schedule 3 to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.

(2) The operator of the aeroplane shall at all times, subject to article 52, preserve—

- (a) the last 25 hours of recording made by any flight data recorder required by or under this Order to be carried in an aeroplane; and
- (b) a record of not less than one representative flight, that is to say, a recording of a flight made within the last 12 months which includes a take-off, climb, cruise, descent, approach to landing and landing, together with a means of identifying the record with the flight to which it relates;

and shall preserve such records for such period as the Department may in a particular case direct.

(3) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder/flight data recorder is required by paragraph 5(6) of Schedule 3 to be carried in a

helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.

(4) The operator of a helicopter shall at all times, subject to article 52, preserve, in the case of a combined cockpit voice recorder/flight data recorder specified in paragraph (3) of Scale SS of paragraph 6 of Schedule 3 and required by or under this Order to be carried in the helicopter, either—

- (a) the last 8 hours of recording; or
- (b) the last 5 hours of recording or the duration of the last flight, whichever is the greater, together with an additional period of recording for either—
 - (i) the period immediately preceding the last five hours of recording or the duration of the last flight, whichever is the greater; or
 - (ii) such period or periods as the Department may permit in any particular case or class of cases or generally.

(5) The additional recording retained under paragraph (4)(b)(i) and (ii) shall, together with the recording required to be retained under paragraph (4)(b), total a period of 8 hours and shall be retained in accordance with arrangements approved by the Department.

Carriage of weapons and of munitions of war

35.—(1) Subject to paragraph (4), an aircraft shall not carry any munition of war unless—

- (a) such munition of war is carried with the permission of the Department; and
- (b) the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Department.

(2) It shall be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

(3) It shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless—

- (a) the sporting weapon or munition of war—
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded;
- (b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
- (c) without prejudice to paragraph (1), the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

(4) Nothing in this article applies to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than the Isle of Man if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(5) For the purposes of this article—

- (a) “munition of war” means—

- (i) any weapon or ammunition;
 - (ii) any article containing an explosive, noxious liquid or gas; or
 - (iii) any other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;
- (b) “sporting weapon” means—
- (i) any weapon or ammunition;
 - (ii) any article containing an explosive, noxious liquid or gas; or
 - (iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article;
- which is not a munition of war.

Carriage of dangerous goods

36.—(1) This article applies to regulations made or having effect as if made under article 70 of the Air Navigation Order 2005⁽³⁾ and applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

(2) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations to which this article applies.

(3) The provisions of this article and of any regulations to which this article applies shall be additional to and not in derogation from article 35.

Method of carriage of persons

37.—(1) A person shall not—

- (a) subject to paragraph (2), be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft;
- (b) be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.

(2) A person may have temporary access to—

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
- (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

Endangering safety of an aircraft

38. A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

Endangering safety of any person or property

39. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

(3) [S.I. 2005/1970](#).

Drunkenness in aircraft

40.—(1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

Smoking in aircraft

41.—(1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in the Isle of Man so as to be visible from each passenger seat therein.

(2) A person shall not smoke in any compartment of an aircraft registered in the Isle of Man at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the commander of the aircraft.

Authority of commander of aircraft

42. Every person in an aircraft shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Acting in a disruptive manner

43. No person shall while in an aircraft—

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties.

Stowaways

44. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander or of any other person entitled to give consent to his being carried in the aircraft.

PART 6

Fatigue and Cosmic Radiation

Fatigue of crew — responsibilities of crew

45. A person shall not act as a member of the crew of an aircraft if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.

Flight times — responsibilities of flight crew

46.—(1) Subject to paragraph (2), a person shall not act as a member of the flight crew of an aircraft registered in the Isle of Man if at the beginning of the flight the aggregate of all his previous flight times—

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
 - (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.
- (2) This article shall not apply to a flight which is—
- (a) a private flight in an aircraft of which the maximum total weight does not exceed 1,600 kg; or
 - (b) a flight where, at the time when the flight begins, the aggregate of all the flight times of the member of the flight crew concerned since he was last medically examined and found fit by an authorised aviation medical examiner does not exceed 25 hours.

Protection of air crew from cosmic radiation

- 47.**—(1) A relevant undertaking shall take appropriate measures to—
- (a) assess the exposure to cosmic radiation when in flight of those air crew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year;
 - (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed air crew; and
 - (c) inform the workers concerned of the health risks their work involves.
- (2) A relevant undertaking shall ensure that in relation to a pregnant air crew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milliSievert during the remainder of the pregnancy.
- (3) Nothing in paragraph (2) requires the undertaking concerned to take any action in relation to an air crew member until she has notified the undertaking in writing that she is pregnant.
- (4) The definition in article 68 of “crew” does not apply for the purposes of this article.
- (5) In this article and in article 49—
- (a) “air crew” has the same meaning as in article 42 of Council Directive 96/29/Euratom of 13th May 1996 laying down basic safety standards for the protection of the health of workers and the general public against the dangers arising from ionizing radiation⁽⁴⁾; and
 - (b) “undertaking” includes a natural or legal person and “relevant undertaking” means an undertaking established in the Isle of Man which operates aircraft.
- (6) In this article—
- (a) “highly exposed air crew” and “milliSievert” have the same respective meanings as in article 42 of Council Directive 96/29/Euratom; and
 - (b) “year” means any period of twelve months.

PART 7

Documents and Records

Documents to be carried

- 48.**—(1) An aircraft shall not fly unless it carries the documents which it is required to carry under the law of the country in which it is registered.

(4) O.J. No. L159, 29.6.96, p. 1.

(2) Subject to paragraph (3), an aircraft registered in the Isle of Man shall, when in flight, carry documents in accordance with Schedule 7.

(3) If the flight is intended to begin and end at the same aerodrome and does not include passage over the territory of any country other than the Isle of Man, the documents may be kept at that aerodrome instead of being carried in the aircraft.

Keeping and production of records of exposure to cosmic radiation

49.—(1) A relevant undertaking shall keep a record for the period and in the manner prescribed of the exposure to cosmic radiation of air crew assessed under article 47 and the names of the air crew concerned.

(2) A relevant undertaking shall, within a reasonable period after being requested to do so by an authorised person, cause to be produced to that person the record required to be kept under paragraph (1).

(3) A relevant undertaking shall, within a reasonable period after being requested to do so by a person in respect of whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.

Production of documents and records

50.—(1) The commander of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person—

- (a) the certificates of registration and airworthiness in force in respect of the aircraft;
- (b) the licences of its flight crew; and
- (c) such other documents as the aircraft is required by article 48 to carry when in flight.

(2) The operator of an aircraft registered in the Isle of Man shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as have been requested by that person being documents or records which are required, by or under this Order, to be in force or to be carried, preserved or made available—

- (a) the documents referred to in Schedule 7 as Documents A, B and G;
- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Order to be kept;
- (c) the weight schedule, if any, required to be preserved under article 18(3);
- (d) such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate;
- (e) the record made by any flight data recorder required to be carried by or under this Order.

(3) The holder of a licence rendered valid under this Order or of a medical certificate required under article 21(2)(b)(ii) shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

Power to inspect and copy documents and records

51. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power under this Order or any regulations made thereunder to require to be produced to him.

Preservation of documents, etc.

52.—(1) Subject to paragraphs (2), (3) and (4), a person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.

(2) If another person becomes the operator of the aircraft, the first-mentioned operator or his personal representative shall deliver to that person upon demand the certificate of release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with article 34(2) and (4) which are in force or required to be preserved in respect of that aircraft.

(3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the first-mentioned operator or his personal representative shall deliver to that person upon demand the log book relating to that engine or propeller.

(4) It shall be the duty of the other person referred to in paragraphs (2) and (3) to deal with the document or record delivered to him as if he were the first-mentioned operator.

Revocation, suspension and variation of certificates, licences and other documents

53.—(1) Subject to paragraph (5), the Department may, if it thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.

(2) The Department may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.

(3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Department within a reasonable time after being required to do so by the Department.

(4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) Notwithstanding paragraph (1), a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Department, whether or not after due inquiry.

Offences in relation to documents and records

54.—(1) A person shall not with intent to deceive—

- (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order which has been forged, altered, revoked or suspended, or to which he is not entitled;
- (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order to, or allow it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.

(2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.

(3) All entries made in writing in any log book or record referred to in paragraph (2) shall be made in ink or indelible pencil.

(4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any certificate for the purposes of this Order or of any regulations made thereunder unless he is authorised to do so under this Order.

(6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART 8

Movement of Aircraft

Rules of the Air

55.—(1) In this article “the Rules of the Air” means regulations made or having effect as if made under article 95 of the Air Navigation Order 2005 and applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

(2) Subject to paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary—

- (a) for avoiding immediate danger;
- (b) for complying with the law of any country other than the Isle of Man within which the aircraft then is; or
- (c) for complying with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State in relation to an aircraft of which the commander is acting as such in the course of his duty as a member of any of Her Majesty’s naval, military or air forces.

(4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the commander of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Department.

(5) Nothing in the Rules of the Air exonerates any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

PART 9

General

Flights over foreign country

56.—(1) The operator and the commander of an aircraft registered in the Isle of Man (or, if the operator’s principal place of business or permanent residence is in the Isle of Man, any other aircraft) which is being flown over any foreign country shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

(2) A person does not contravene paragraph (1) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in paragraph (1).

(3) The operator and the commander of an aircraft registered in the Isle of Man (or, if the operator’s principal place of business or permanent residence is in the Isle of Man, any other aircraft) which is being flown over any foreign country shall comply with any directions given by the appropriate aeronautical authorities of that country whenever—

- (a) the flight has not been duly authorised; or
- (b) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country;

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(4) A person does not contravene paragraph (3) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(5) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(6) In this article “appropriate aeronautical authorities” includes any person, whether a member of a country’s military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

Mandatory reporting of occurrences

57.—(1) The objective of this article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) This article applies to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.

(4) Without prejudice to the generality of paragraph (3), a list of examples of these occurrences is set out in Annexes I and II (and their Appendices) of Directive [2003/42/EC](#) of 13th June 2003 on occurrence reporting in civil aviation⁽⁵⁾.

(5) Every person listed below shall report to the Department any event which constitutes an occurrence for the purposes of paragraph (3) and which comes to his attention in the exercise of his functions—

- (a) the operator and the commander of a turbine-powered aircraft which has a certificate of airworthiness issued by the Department;

(5) O.J. No. L167, 4.7.2003, p. 23.

- (b) a person who carries on the business of maintaining or modifying an aircraft, which has a certificate of airworthiness issued by the Department, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
 - (c) a person who signs a certificate of release to service in respect of an aircraft, which has a certificate of airworthiness issued by the Department, and a person who signs a certificate of release to service in respect of any equipment or part of such an aircraft;
 - (d) a licensee and a manager of a licensed aerodrome.
- (6) Reports of occurrences shall be made within such time, by such means and containing such information as may be prescribed and shall be presented in such form as the Department may in any particular case approve.
- (7) A person listed in paragraph (5) shall make a report to the Department within such time, by such means, and containing such information as the Department may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to an occurrence which has been reported by him or another person to the Department in accordance with this article.
- (8) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.
- (9) The Department shall put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraphs (5) to (7).
- (10) The Department and the Chief Inspector of Air Accidents shall use any information received in accordance with the terms of this article solely for the purposes set out in this article.
- (11) Without prejudice to the rules of criminal law, no proceedings shall be instituted in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the relevant authorities only because they have been reported under this article, except in cases of gross negligence.
- (12) The provisions in paragraphs (10) and (11) apply without prejudice to the right of access to information by judicial authorities.
- (13) Where a report is made voluntarily to the Department of an perceived actual or potential hazard which is not required to be reported under the system of mandatory reporting, it shall be subjected to a process of disidentification by it where the person making the report requests that his identity is not recorded on a database.
- (14) The Department shall ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

Power to prevent aircraft flying

58.—(1) If it appears to the Department or an authorised person that any aircraft is intended or likely to be flown—

- (a) in such circumstances that any provision of article 2, 4, 5, 6, 20, 21, 34, 35, 36 or 40(2) would be contravened in relation to the flight;
- (b) in such circumstances that the flight would be in contravention of any other provision of this Order or of any regulations made thereunder and be a cause of danger to any person or property whether or not in the aircraft; or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order or of any regulations made thereunder;

the Department or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description

as may be specified in the direction, until the direction has been revoked by the Department or by an authorised person, and the Department or that authorised person may take such steps as are necessary to detain the aircraft.

(2) For the purposes of paragraph (1) the Department or any authorised person may enter upon and inspect any aircraft.

(3) If it appears to the Department or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of article 56 would be contravened in relation to the flight, the Department or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the Department or by an authorised person, and the Department or any authorised person may take such steps as are necessary to detain the aircraft.

(4) For the purposes of paragraph (3) the Department or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.

Right of access to aerodromes and other places

59. The Department and any authorised person shall have the right of access at all reasonable times—

- (a) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order; and
- (b) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order.

Obstruction of persons

60. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

Directions

61.—(1) Where any provision of this Order or any regulations made thereunder gives to a person the power to direct, the person to whom such a power is given shall also have the power to revoke or vary any such direction.

(2) Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any regulations made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

Penalties

62.—(1) If any provision of this Order or any regulations made thereunder is contravened in relation to an aircraft, the operator of that aircraft and the commander of that aircraft shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order or any regulations made thereunder was

due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Order or any regulations made thereunder by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Order, or any regulations made thereunder not being a provision referred to in paragraph (5) or (6), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(5) If any person contravenes any provision specified in Part A of Schedule 8 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the standard scale.

(6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable on summary conviction to a fine not exceeding the statutory maximum and on conviction on information to a fine or custody for a term not exceeding two years or both.

Extra-territorial effect of the Order

63.—(1) Except where the context otherwise requires, the provisions of this Order—

- (a) in so far as they apply (whether by express reference or otherwise) to aircraft registered in the Isle of Man, apply to such aircraft wherever they may be;
- (b) in so far as they apply as aforesaid to other aircraft apply to such other aircraft when they are within the Isle of Man;
- (c) in so far as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in the Isle of Man, apply to such persons and crew, wherever they may be; and
- (d) in so far as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the Isle of Man by other persons, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be.

(2) Nothing in this article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948⁽⁶⁾ that that person shall not be guilty of an offence.

Application of Order to certain aircraft registered elsewhere

64. The Department may direct that such of the provisions of this Order and of any regulations made thereunder as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in the Isle of Man included references to the aircraft specified in the direction, being an aircraft registered elsewhere than in the Isle of Man but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Isle of Man.

Application of Order to the Crown and visiting forces, etc.

65.—(1) Subject to the provisions of this article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

(6) 1948 c.56.

(2) For the purposes of such application, the authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this article shall render liable to any penalty any authority responsible on behalf of Her Majesty for the management of any aircraft.

(4) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order and of any regulations made thereunder to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the Isle of Man and for the time being serving there.

(5) Save as otherwise provided by paragraph (6) and by the Rules of the Air Regulations 1996 (so far as they impose a requirement to give way to military aircraft), nothing in this Order shall apply to or in relation to any military aircraft.

(6) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force or international headquarters, the following provisions of this Order shall apply on the occasion of that flight, that is to say, articles 38, 39 and 40 and in addition article 55 (so far as applicable) shall apply unless the aircraft is flown in compliance with Military Flying Regulations (Joint Service Publication 550) or Flying Orders to Contractors (Aviation Publication 67) issued by the Secretary of State.

Exemption from Order

66. The Department may exempt from any of the provisions of this Order (other than article 47, 49 or 56) or any regulations made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

Appeal to High Court

67.—(1) An appeal shall lie to the High Court of Justice of the Isle of Man from any decision of the Department under article 13 or 22 of this Order and if the court is satisfied that on the evidence submitted to the Department it was wrong in so deciding, the court may reverse the Department's decision and the Department shall give effect to the court's decision.

(2) An appeal shall not lie from a decision of the Department that a person is not qualified to have a licence rendered valid by reason of a deficiency in his knowledge, experience, competence, skill, physical or mental fitness.

(3) The Department shall be a respondent to any appeal under this article.

(4) For the purposes of any provision relating to the time within which an appeal may be brought, the Department's decision shall be deemed to have been taken on the date on which the Department furnished a statement of its reasons for the decision to the applicant for the licence, or as the case may be, the holder or former holder of the validated licence.

Interpretation

68.—(1) In this Order—

“A Conditions” means the conditions so entitled set out in paragraph 1 of Schedule 2;

“aerial work” has the meaning given by Schedule 9;

“aerial work aircraft” means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“aerobatic manoeuvres” includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

“aerodrome” 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 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, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

“aerodrome control service” means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface or any aircraft transferred from approach control in accordance with procedures approved by the Department;

“aerodrome operating minima” in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

“aeronautical ground light” means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

“aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

“air transport undertaking” means an undertaking whose business includes the undertaking of flights for the purpose of the public transport of passengers or cargo;

“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;

“annual costs” in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;

“annual flying hours” means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight;

“approach control service” means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

“approach to landing” means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1,000 feet above the relevant specified decision height or minimum descent height;

“appropriate aeronautical radio station” means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

“appropriate air traffic control unit” means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the context requires;

“area navigation equipment” means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

“authorised aviation medical examiner” means a designated medical examiner, qualified and licensed in the practice of medicine, to conduct medical examinations of fitness of applicants for the issue or renewal of flight crew licences;

“authorised person” means—

- (a) any constable; and
- (b) any person authorised by the Department (whether by name, or by class or description) either generally or in relation to a particular case or class of cases;

“B Conditions” means the conditions so entitled set out in paragraph 2 of Schedule 2;

“beneficial interest” includes interests arising under contract and other equitable interests;

“British protected person” has the same meaning as in section 50 of the British Nationality Act 1981(7);

“CAA” means the Civil Aviation Authority of the United Kingdom;

“cabin crew” in relation to an aircraft means those persons on a flight carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

“cargo” includes mail and (for the avoidance of doubt) animals;

“certificate of airworthiness” includes any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“certificate of maintenance review” has the meaning given by article 11(1)(b);

“certificate of release to service issued under this Order” means a certificate issued by a person specified in article 12(10) which conforms with article 12(9);

“certificate of validation” means a certificate issued by the Department rendering valid for the purposes of this Order a certificate of airworthiness or a permit to fly issued in respect of an aircraft registered elsewhere than in the Isle of Man or a licence or approval granted under the law of a country other than the Isle of Man;

“certificate of validity” means a certificate issued under article 9(5)(d) for the purpose of maintaining the validity of a permit to fly issued by the Department;

“cloud ceiling” in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

“commander” in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

“the Commonwealth” means the United Kingdom, the Isle of Man, the Channel Islands, the countries mentioned in Schedule 3 to the British Nationality Act 1981 and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction and “Commonwealth citizen” shall be construed accordingly;

“competent authority” means in relation to the Isle of Man, the Department, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

“conditional sale agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974⁽⁸⁾;

“congested area” in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any State (including the United Kingdom) which is party to the Chicago Convention;

“co-pilot” in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

“country” includes a territory;

“crew” means a member of the flight crew, a person carried on the flight deck who is appointed by the operator of the aircraft to give or to supervise the training, experience, practice and periodical tests required in respect of the flight crew in accordance with the law of the country in which the aircraft is registered or the State of the operator or a member of the cabin crew;

“decision height” in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

“the Department” means the Department of Transport of the Isle of Man Government;

“designated required navigation performance airspace” means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

“direct costs” means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;

“director” has the same meaning as in section 53(1) of the Companies Act 1989⁽⁹⁾;

“disidentification” means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information;

“flight” and “to fly” have the meanings respectively given by paragraph (2);

“flight check” means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

“flight crew” in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft;

“flight level” means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

“flight manual” means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft;

“flight recording system” means a system comprising either a flight data recorder or a cockpit voice recorder or both;

“flight simulator” means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

⁽⁸⁾ 1974 c.39.

⁽⁹⁾ 1989 c.40.

“flying display” means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

“flying machine” means an aeroplane, a powered lift tilt rotor aircraft, a self-launching motor glider, a helicopter or a gyroplane;

“glider” means—

- (a) a non-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;
- (b) a self-sustaining glider; and
- (c) a self-propelled hang-glider;

and a reference in this Order to a glider includes a reference to a self-sustaining glider and a self-propelled hang-glider;

“hire-purchase agreement” has the same meaning as in section 189 of the Consumer Credit Act 1974;

“ICAO” means the International Civil Aviation Organisation;

“ICAO licence” means a flight crew licence granted by a Contracting State of ICAO;

“Instrument Flight Rules” means Instrument Flight Rules prescribed by Section VI of the Rules of the Air Regulations 1996;

“Instrument Landing System” means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position relative to a defined approach path whilst carrying out an approach to land;

“International Standards” means the Standards and Recommended Practices (SARPS) contained in the Annexes to the Convention on International Civil Aviation;

“JAA” means the Joint Aviation Authorities, an associated body of the European Civil Aviation Conference;

“JAA Full Member State” means a State which is a full member of the JAA;

“JAA licence” means a flight crew licence granted under JAR-FCL 1 or 2 by the competent authority of a JAA Full Member State in accordance with a procedure which has been assessed as satisfactory following an inspection by a licensing and a medical standardisation team of the JAA;

“JAR-FCL 1” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st July 2003;

“kg” means kilogramme or kilogrammes as the context requires;

“to land” in relation to aircraft includes alighting on the water;

“legal personal representative” means the person so constituted executor, administrator, or other representative, of a deceased person;

“licence” in relation to a flight crew licence includes any certificate of competency or certificate of validation or revalidation issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

“licensed aerodrome” means an aerodrome licensed under this Order;

“lifejacket” includes any device designed to support a person individually in or on the water;

“log book” in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the relevant NAA in the particular case;

“maintenance” means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

“maximum approved passenger seating configuration” means the maximum number of passengers which may be carried in the aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Order;

“maximum total weight authorised” in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

“Microwave Landing System” means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position within a defined volume of airspace whilst carrying out an approach to land;

“minimum descent height” in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

“National Aviation Authority” and “NAA” means the national aviation authority for the purposes of Regulation (EC) No. 1592/2002 of the European Parliament and of the Council of 15th July 2002 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency⁽¹⁰⁾;

“national permit to fly” means a permit to fly issued under and in accordance with Part 3 of this Order;

“night” means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

“non-precision approach” means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

“North Atlantic Minimum Navigation Performance Specification airspace” means the airspace prescribed as such;

“notified” means set out with the authority of the CAA in a document published by or under an arrangement entered into with the CAA and entitled “United Kingdom Notam” or “Air Pilot” and for the time being in force;

“occurrence” means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident as those terms are defined in regulation 2 of the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996⁽¹¹⁾;

“operator” has the meaning given by paragraph (3);

“Part 66” means annex III so entitled to Commission Regulation (EC) No. 2042/2003⁽¹²⁾;

“Part 145” means annex II so entitled to Commission Regulation (EC) No. 2042/2003;

“passenger” means a person other than a member of the crew;

“pilot in command” in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

“pre-flight inspection” means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

⁽¹⁰⁾ O.J. No. L240, 7.9.2002, p.1.

⁽¹¹⁾ S.I. 1996/2798.

⁽¹²⁾ O.J. No. L 315, 28.11.2003, p. 1.

“precision approach” means an instrument approach using an Instrument Landing System, Microwave Landing System or precision approach radar for guidance in both azimuth and elevation;

“pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“private aircraft” means an aircraft which is neither an aerial work nor a public transport aircraft;

“private flight” means a flight which is neither for the purpose of aerial work nor public transport;

“public transport” has the meaning given by Schedule 9;

“public transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

“record” includes, in addition to a record in writing —

- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (c) a photograph;

“reduced vertical separation minimum airspace” means any airspace between flight level 290 and flight level 410 inclusive designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1,000 feet or 300 metres shall be applied;

“relevant overseas territory” means any colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;

“replacement” in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

“runway visual range” in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in—

- (a) the vicinity of the touchdown zone; or
 - (b) where this is not reasonably practicable, in the vicinity of the midpoint of the runway;
- and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

“self-launching motor glider” means an aircraft with the characteristics of a non-power-driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

“self-propelled hang-glider” means an aircraft comprising an aerofoil wing and a mechanical propulsion device which—

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed;
- (c) carries a maximum of two persons;

- (d) has a maximum fuel capacity of 10 litres; and
- (e) has a maximum unladen weight, including full fuel, of 60 kg for single place aircraft and 70 kg for two place aircraft;

“self-sustaining glider” means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

“small aircraft” means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

“small balloon” means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

“State aircraft” means an aircraft engaged in military, customs, police or similar services;

“State of the operator” means the State in which the operator of an aircraft has his principal place of business or, if he has no such place of business, his permanent residence, in circumstances where—

- (a) that aircraft is registered in another Contracting State;
- (b) the operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement;
- (c) the State in which that aircraft is registered has, by agreement with the State in which the operator of the aircraft has his principal place of business or, if he has no such place of business, his permanent residence, agreed to transfer to it its functions and duties as State of registry in respect of that aircraft in relation to, in the case of article 6(1), airworthiness, in the case of article 15(1), aircraft radio equipment, in the case of article 21(3), flight crew licensing or, in the case of article 29(1), radio licensing; and
- (d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the CAA;

“type rating” in respect of aeroplanes has the meaning specified in paragraph 1.215 of Section 1 of JAR-FCL 1;

“type rating” in respect of helicopters has the meaning specified in paragraph 2.215 of Section 1 of JAR-FCL 2;

“validated licence” means a JAA licence or ICAO licence rendered valid under article 22;

“valuable consideration” means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

“Visual Flight Rules” means Visual Flight Rules prescribed by Section V of the Rules of the Air Regulations 1996.

(2) A piloted flying machine shall be deemed to be in flight 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” shall be construed accordingly.

(3) Subject to paragraph (4), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.

(4) For the purposes of the application of any provision in Part 3 of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport

undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, paragraph (3) shall have effect as if that agreement had not been entered into.

(5) The expressions appearing in the “Classification of Aircraft” in Part A of Schedule 1 shall have the meanings thereby given to them.

(6) References in this Order to regulations made under this Order include references to regulations made or having effect as if made under the Air Navigation Order 2005 and applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

(7) References in this Order to any provision of the Rules of the Air Regulations 1996 or the Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996 are to that provision as applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

Exceptions from application of provisions of the Order for certain classes of aircraft

69. The provisions of this Order other than article 39 shall not apply to or in relation to—

- (a) any small balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any small aircraft; or
- (d) any parachute including a parascending parachute.

Approval of persons to furnish reports

70. In relation to any of its functions under any of the provisions of this Order the Department may approve a person as qualified to furnish reports to it and may accept such reports.

Certificates, authorisations, approvals and permissions

71. Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the Department, unless otherwise provided, such a certificate, authorisation, approval or permission—

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the Department thinks fit; and
- (c) may be issued or granted, subject to article 53, for such periods as the Department thinks fit.

Saving

72.—(1) Nothing in this Order or any regulations made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in this Order shall oblige the Department to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

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Meriel McCullagh
Deputy Clerk of the Privy Council

SCHEDULE 1

Article 3

Classification and marking of aircraft and dealer certification

PART A

Classification of aircraft

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 5</i>
			{ Free balloon
		{ Non-power driven	{
	{ Lighter-	{	{ Captive balloon
	{ than-air	{	
	{ Aircraft	{	
	{	{ Power driven	Airship
	{		
	{		
Aircraft	{		{ Glider
	{	{ Non-power driven	{
	{	{	{ Kite
	{	{	
	{	{	
	{ Heavier-	{	{ Aeroplane (Landplane)
	{ than-air	{	{
	{ aircraft	{	{ Aeroplane (Seaplane)
		{	{
		{	{ Aeroplane (Amphibian)
		{ Power driven	{
		{ (flying machines)	{ Aeroplane (Self-
			launching motor glider)
			{
			{
			{ Powered lift (tilt rotor)
			{
			{ Helicopter
		{ Rotorcraft	{
			{ Gyroplane

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 5</i>
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PART B

Nationality and registration marks of aircraft registered in the Isle of Man

General

1.—(1) The nationality mark of the aircraft shall be the capital letter “M” in Roman character and the registration mark shall be a group of four capital letters in Roman character assigned by the Department on the registration of the aircraft. The letters shall be without ornamentation and a hyphen shall be placed between the nationality mark and the registration mark.

(2) The nationality and registration marks shall be displayed to the best advantage, taking into consideration the constructional features of the aircraft and shall always be kept clean and visible.

(3) The letters constituting each group of marks shall be of equal height and they, and the hyphen, shall all be of the same single colour which shall clearly contrast with the background on which they appear.

(4) The nationality and registration marks shall also be inscribed on a fire-proof metal plate affixed in a prominent position on the fuselage.

(5) The nationality and registration marks shall be painted on the aircraft, or shall be affixed thereto by any other means ensuring a similar degree of permanence, in the manner specified in paragraphs 2 and 3 of this Part.

Position and size of marks

2. The position and size of marks on heavier than air aircraft (excluding kites) shall be as follows—

- (a) on the horizontal surfaces of the wings—
 - (i) on aircraft having a fixed wing surface, the marks shall appear on the lower surface of the wing structure and shall be on the port wing unless they extend across the whole surface of both wings. So far as is possible the marks shall be located equidistant from the leading and trailing edges of the wings. The tops of the letters shall be towards the leading edge of the wing;
 - (ii) the height of the letters shall be—
 - (aa) subject to sub-paragraph (bb), at least 50 centimetres;
 - (bb) if the wings are not large enough for the marks to be 50 centimetres in height, marks of the greatest height practicable in the circumstances;
- (b) on the fuselage (or equivalent structure) and vertical tail surfaces—
 - (i) the marks shall also appear either—
 - (aa) on each side of the fuselage (or equivalent structure), and shall, in the case of fixed wing aircraft be located between the wings and the horizontal tail surface; or
 - (bb) on the vertical tail surfaces;
 - (ii) when located on a single vertical tail surface, the marks shall appear on both sides. When located on multi-vertical tail surfaces, the marks shall appear on the outboard

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sides of the outer-surfaces. Subject to sub-paragraphs (iv) and (v), the height of the letters constituting each group of marks shall be at least 30 centimetres;

- (iii) if one of the surfaces authorised for displaying the required marks is large enough for those marks to be 30 centimetres in height (whilst complying with sub-paragraph (v)) and the other is not, marks of 30 centimetres in height shall be placed on the largest authorised surface;
- (iv) if neither authorised surface is large enough for marks of 30 centimetres in height (whilst complying with sub-paragraph (v)), marks of the greatest height practicable in the circumstances shall be displayed on the larger of the two authorised surfaces;
- (v) marks on the vertical tail surfaces shall be such as to leave a margin of at least 5 centimetres along each side of the vertical tail surface;
- (vi) on rotary wing aircraft where owing to the structure of the aircraft the greatest height practicable for the marks on the side of the fuselage (or equivalent structure) is less than 30 centimetres, the marks shall also appear on the lower surface of the fuselage as close to the line of symmetry as is practicable, and shall be placed with the tops of the letters towards the nose. The height of the letters constituting each group of marks shall be—
 - (aa) subject to sub-paragraph (bb), at least 50 centimetres; or
 - (bb) if the lower surface of the fuselage is not large enough for the marks to be of 50 centimetres in height, marks of the greatest height practicable in the circumstances;
- (c) wherever in this paragraph marks of the greatest height practicable in the circumstances are required, that height shall be such as is consistent with compliance with paragraph 3 of this Part.

Width, spacing and thickness of marks

- 3.—(1) For the purposes of this paragraph—
- (a) “standard letter” means any letter other than the letters I, M and W;
 - (b) the width of each standard letter and the length of the hyphen between the nationality mark and the registration mark shall be two thirds of the height of a letter;
 - (c) the width of the letters M and W shall be neither less than two thirds of their height nor more than their height; and
 - (d) the width of the letter I shall be one sixth of the height of the letter.
- (2) The thickness of the lines comprising each letter and hyphen shall be one sixth of the height of the letters forming the marks.
- (3) Each letter and hyphen shall be separated from the letter or hyphen which it immediately precedes or follows by a space equal to either one quarter or one half of the width of a standard letter. Each such space shall be equal to every other such space within the marks.

PART C

Conditions in aircraft dealer’s certificate

The conditions in an aircraft dealer’s certificate shall be as follows—

- (1) The operator of the aircraft shall be the registered owner of the aircraft, who shall be the holder of an aircraft dealer’s certificate granted under this Order.
- (2) The aircraft shall fly only for the purpose of—

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- (a) testing the aircraft;
 - (b) demonstrating the aircraft with a view to the sale of that aircraft or of other similar aircraft;
 - (c) proceeding to or from a place at which the aircraft is to be tested or demonstrated as aforesaid, or overhauled, repaired or modified;
 - (d) delivering the aircraft to a person who has agreed to buy, lease or sell it; or
 - (e) proceeding to or from a place for the purpose of storage.
- (3) Without prejudice to article 27 the operator of the aircraft shall satisfy himself before the aircraft takes off that the aircraft is in every way fit for the intended flight.
- (4) The aircraft shall fly only within the Isle of Man.

SCHEDULE 2

Article 68

A and B Conditions

A Conditions

1.—(1) An aircraft registered in the Isle of Man may fly for a purpose set out in paragraph (2) subject to the conditions contained in paragraphs (3) to (8) when either:

- (a) it does not have a certificate of airworthiness duly issued or rendered valid under the law of the Isle of Man; or
 - (b) the certificate of airworthiness or certificate of validation issued in respect of the aircraft has ceased to be in force by virtue of any of the matters specified in article 8.
- (2) The purposes referred to in paragraph (1) are—
- (a) in the case of an aircraft falling within paragraph (1)(a) the aircraft shall fly only so as to enable it to—
 - (i) qualify for the issue, renewal or validation of a certificate of airworthiness after an application has been made for such issue, renewal or validation as the case may be, or carry out a functional check of a previously approved modification of the aircraft (and for the purpose of this Schedule “a previously approved modification” shall mean a modification which has previously been approved by the Department or by an organisation approved for that purpose by the Department in respect of that aircraft or another aircraft of the same type);
 - (ii) proceed to or from a place at which any inspection, repair, modification, maintenance, approval, test or weighing of, or the installation of equipment in, the aircraft is to take place or has taken place for a purpose referred to in subparagraph (i), after any relevant application has been made, or at which the installation of furnishings in, or the painting of, the aircraft is to be undertaken; or
 - (iii) proceed to or from a place at which the aircraft is to be or has been stored.
 - (b) in the case of an aircraft falling within paragraph (1)(b), the aircraft shall fly only so as to enable it to—
 - (i) proceed to a place at which any inspection or maintenance required by virtue of article 8(b)(ii) is to take place; or
 - (ii) proceed to a place at which any inspection, maintenance or modification required by virtue of article 8(b)(i) or (c) is to take place and in respect of which flight the Department has given permission in writing; or

- (iii) carry out a functional check, test or in-flight adjustment in connection with the carrying out in a manner approved by the Department of any overhaul, repair, previously approved modification, inspection or maintenance required by virtue of article 8.

(3) The aircraft, including any modifications, shall be of a design which previously has been approved by the Department, or by an organisation approved for that purpose by the Department, as being compliant with a standard accepted by the Department as appropriate for the issue of a certificate of airworthiness.

(4) The aircraft and its engines shall be certified as fit for flight by the holder of an aircraft maintenance engineer's licence rendered valid under this Order, being a licence which entitles him to issue that certificate or by a person approved by the Department for the purpose of issuing certificates under this condition, and in accordance with that approval.

(5) The aircraft shall carry the minimum flight crew specified in any certificate of airworthiness or validation or flight manual which has previously been in force under the Order in respect of the aircraft, or is or has previously been in force in respect of any other aircraft of identical design.

(6) The aircraft shall not carry any persons or cargo except persons performing duties in the aircraft in connection with the flight or persons who are carried in the aircraft to perform duties in connection with a purpose referred to in paragraph (2).

(7) The aircraft shall not fly over any congested area of a city, town or settlement except to the extent that it is necessary to do so in order to take off or land.

B Conditions

2.—(1) An aircraft may fly for a purpose set out in paragraph (2) subject to the conditions set out in paragraphs (3) to (8) whether or not it is registered in accordance with article 2(1) and when there is not in force—

- (a) in the case of an aircraft which is so registered, a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered; or
 - (b) in the case of an aircraft which is not so registered, either a certificate of airworthiness duly issued or rendered valid under the law of the Isle of Man or a permit to fly issued by the Department in respect of that aircraft.
- (2) The purposes referred to in paragraph (1) are—
- (a) experimenting with or testing the aircraft (including any engines installed thereon) or any equipment installed or carried in the aircraft;
 - (b) enabling the aircraft to qualify for the issue or validation of a certificate of airworthiness or the approval of a modification of the aircraft or the issue of a permit to fly;
 - (c) demonstrating and displaying the aircraft, any engines installed thereon or any equipment installed or carried in the aircraft with a view to its sale or of other similar aircraft, engines or equipment;
 - (d) demonstrating and displaying the aircraft to employees of the operator;
 - (e) the giving of flying training to or the testing of flight crew employed by the operator or the training or testing of other persons employed by the operator and who are carried or are intended to be carried under paragraph (7)(a); or
 - (f) proceeding to or from a place at which any experiment, inspection, repair, modification, maintenance, approval, test or weighing of the aircraft, the installation of equipment in the aircraft, demonstration, display or training is to take place for a purpose referred to in subparagraph (a), (b), (c), (d) or (e) or at which installation of furnishings in, or the painting of, the aircraft is to be undertaken.

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(3) The flight shall be operated by a person approved by the Department for the purposes of these Conditions and subject to any additional conditions which may be specified in such an approval.

(4) If not registered in the Isle of Man the aircraft shall be marked in a manner approved by the Department for the purposes of these Conditions, and articles 15, 17, 27, 29, 48 and 50 shall be complied with in relation to the aircraft as if it were registered in the Isle of Man.

(5) If not registered in the Isle of Man, the aircraft shall carry such flight crew as may be necessary to ensure the safety of the aircraft.

(6) No person shall act as pilot in command of the aircraft except a person approved for the purpose by the Department.

(7) The aircraft shall not carry any cargo, or any persons other than the flight crew except the following—

- (a) persons employed by the operator who during the flight carry out duties or are tested or receive training in connection with a purpose specified in paragraph (2);
- (b) persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft for carrying out during the flight duties in connection with a purpose so specified;
- (c) persons approved by the Department under article 70 as qualified to furnish reports for the purposes of article 7;
- (d) persons other than those carried under the preceding provisions of this paragraph who are carried in the aircraft in order to carry out a technical evaluation of the aircraft or its operation;
- (e) cargo which comprises equipment carried in connection with a purpose specified in paragraph (2)(f); or
- (f) persons employed by the operator or persons acting on behalf of the manufacturers of component parts of the aircraft (including its engines) or of equipment installed in or carried in the aircraft in connection with a purpose specified in paragraph (2)(f) which persons have duties in connection with that purpose.

(8) The aircraft shall not fly, except in accordance with procedures which have been approved by the Department in relation to that flight, over any congested area of a city, town or settlement.

SCHEDULE 3

Article 12

Aircraft equipment

1. Every aircraft of a description specified in the first column of the Table in paragraph 5 of this Schedule and which is registered in the Isle of Man shall be provided, when flying in the circumstances specified in the second column of the said Table, with adequate equipment, and for the purpose of this paragraph the expression “adequate equipment” shall mean, subject to paragraph 2, the scales of equipment respectively indicated in the third column of that Table.

2.—(1) If the aircraft is flying in a combination of such circumstances, the scales of equipment shall not on that account be required to be duplicated.

(2) The equipment carried in an aircraft as being necessary for the airworthiness of the aircraft shall be taken into account in determining whether this Schedule is complied with in respect of that aircraft.

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3.—(1) For the purposes of the Table in paragraph 5, flying time in relation to a helicopter or gyroplane shall be calculated on the assumption that it is flying in still air at the speed specified in the relevant flight manual as the speed for compliance with regulations governing flights over water.

(2) In this Schedule “day” means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level.

4. The following items of equipment shall not be required to be of a type approved by the Department —

- (a) the equipment referred to in Scale A (2);
- (b) first aid equipment and handbook, referred to in Scale A;
- (c) time-pieces, referred to in Scale F;
- (d) torches, referred to in Scales G, H, K and Z;
- (e) whistles, referred to in Scale H;
- (f) sea anchors, referred to in Scales J and K;
- (g) rocket signals, referred to in Scale J;
- (h) equipment for mooring, anchoring or manoeuvring aircraft on the water, referred to in Scale J;
- (i) paddles, referred to in Scale K;
- (j) food and water, referred to in Scales K, U and V;
- (k) first aid equipment, referred to in Scales K, U and V;
- (l) stoves, cooking utensils, snow shovels, ice saws, sleeping bags and Arctic suits, referred to in Scale V;
- (m) megaphones, referred to in Scale Y.

5. Table

<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
(1) Aeroplanes	flying for purposes other than public transport; and	A(1) and (2) and B(1), (2), (3), (4), (5) and (6)
	(i) when flying by night	C and D
	(ii) when flying under Instrument Flight Rules;	
	(aa) outside controlled airspace	D
	(bb) within Class A, B or C airspace	E with E(4) duplicated and F
	(cc) within Class D and E airspace	E and F
	(iii) when carrying out aerobatic manoeuvres	B(8) and (9)
(2) Private aeroplanes for which an individual certificate of airworthiness was first issued on or after 1st June 1990 and which have a maximum total	when flying on any flight	S(6)

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
weight authorised exceeding 27,000 kg.		
(3) Aeroplanes which are powered by one or more turbine jets or one or more turbine propeller engines and which have a maximum total weight authorised exceeding 5,700 kg or with a maximum approved passenger seating configuration of more than 9;		
(a) in respect of which there is in force a certificate of airworthiness except any such aeroplanes as come within subparagraph (b); or	when flying for purposes other than public transport	X(1) or X(2)
(b) in respect of which there is in force a certificate of airworthiness and which have equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water installed before 1st April 2000	when flying for purposes other than public transport on or after 1st January 2007	X(1) or X(2)
(4) Aeroplanes;		
(a) powered by one or more turbine jets	when flying on any flight	AA
(b) powered by one or more turbine propeller engines and having a maximum total weight authorised exceeding 5,700 kg and issued with a certificate of airworthiness in the Isle of Man	when flying on any flight	AA
(5) Helicopters and Gyroplanes	flying for purposes other than public transport; and	A(1) and (2) and B(1), (2), (3), (4), (5) and (6)
	(i) when flying by day under Visual Flight Rules with visual ground reference;	D
	(ii) when flying by day under Instrument Flight Rules or without visual ground reference;	

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<i>Description of Aircraft</i>	<i>Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
	(aa) outside controlled airspace	E with E(2) duplicated
	(bb) within controlled airspace	E with both E(2) and E(4) duplicated and F with F(4) for all weights
	(iii) when flying at night;	
	(aa) with visual ground reference	C, E, G(3) and G(5) and (6)
	(bb) without visual ground reference outside controlled airspace	C, E with E(2) duplicated, G(3), (5) and (6)
	(cc) without visual ground reference within controlled airspace	C, E with both E(2) and E(4) duplicated, F with F(4) for all weights, G(3), (5) and (6)
(6) Helicopters and Gyroplanes;		
(i) which have a maximum total weight authorised exceeding 2,730 kg but not exceeding 7,000 kg or with a maximum approved passenger seating configuration of more than 9 or both	when flying on any flight	SS(1) or (3)
(ii) which have a maximum total weight authorised exceeding 7,000 kg	when flying on any flight	SS(2) or (3)

6. The scales of equipment indicated in the foregoing Table shall be as follows—

Scale A

- (1) Spare fuses for all electrical circuits the fuses of which can be replaced in flight, consisting of 10 per cent of the number of each rating or three of each rating, whichever is the greater.
- (2) Maps, charts, codes and other documents and navigational equipment necessary, in addition to any other equipment required under this Order, for the intended flight of the aircraft including any diversion which may reasonably be expected.
- (3) First aid equipment of good quality, sufficient in quantity, having regard to the number of persons on board the aircraft, and including the following—
 - (a) roller bandages;
 - (b) triangular bandages;
 - (c) adhesive plaster;
 - (d) absorbent gauze or wound dressings;
 - (e) cotton wool or wound dressings;
 - (f) burn dressings;
 - (g) safety pins;

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- (h) haemostatic bandages or tourniquets;
- (i) scissors;
- (j) antiseptic;
- (k) analgesic and stimulant drugs;
- (l) splints, in the case of aeroplanes the maximum total weight authorised of which exceeds 5,700 kg;
- (m) a handbook on first aid.

Scale AA

- (1) Subject to sub-paragraph (2), an altitude alerting system capable of alerting the pilot upon approaching a preselected altitude in either ascent or descent, by a sequence of visual and aural signals in sufficient time to establish level flight at that preselected altitude and when deviating above or below that preselected altitude, by a visual and an aural signal.
- (2) If the system becomes unserviceable, the aircraft may fly or continue to fly, until it first lands at a place at which it is reasonably practicable for the system to be repaired or replaced.

Scale B

- (3) If the maximum total weight authorised of the aircraft is 2,730 kg or less, for every pilot's seat and for any seat situated alongside a pilot's seat, either a safety belt with one diagonal shoulder strap or a safety harness, or with the permission of the Department, a safety belt without a diagonal shoulder strap which permission may be granted if the Department is satisfied that it is not reasonably practicable to fit a safety belt with one diagonal shoulder strap or a safety harness.
- (4) If the maximum total weight authorised of the aircraft exceeds 2,730 kg, either a safety harness for every pilot's seat and for any seat situated alongside a pilot's seat, or with the permission of the Department, a safety belt with one diagonal shoulder strap which permission may be granted if the Department is satisfied that it is not reasonably practicable to fit a safety harness.
- (5) For every seat in use (not being a seat referred to in paragraphs (1), (2) and (5)) a safety belt with or without one diagonal shoulder strap or a safety harness.
- (6) In addition, and to be attached to or secured by the equipment required in paragraph (3) above, a child restraint device for every child under the age of two years on board.
- (7) On all flights in aeroplanes in respect of which a certificate of airworthiness was first issued on or after 1st February 1989, the maximum total weight authorised of which does not exceed 5,700 kg but with a maximum approved passenger seating configuration of more than 9, (otherwise than in seats referred to under paragraph (1) or (2)), a safety belt with one diagonal shoulder strap or a safety harness for each seat intended for use by a passenger.
- (8) If the commander cannot, from his own seat, see all the passengers' seats in the aircraft, a means of indicating to the passengers that seat belts should be fastened.
- (9) Subject to paragraph (7), a safety harness for every seat in use.
- (10) In the case of an aircraft carrying out aerobatic manoeuvres consisting only of erect spinning, the Department may permit a safety belt with one diagonal shoulder strap to be fitted if it is satisfied that such restraint is sufficient for the carrying out of erect spinning in that aircraft and that it is not reasonably practicable to fit a safety harness in that aircraft.

Scale C

- (1) Equipment for displaying the lights required by the Rules of the Air Regulations 1996.
- (2) Electrical equipment, supplied from the main source of supply in the aircraft, to provide sufficient illumination to enable the flight crew properly to carry out their duties during flight.
- (3) Unless the aircraft is equipped with radio, devices for making the visual signal specified in the Rules of the Air Regulations 1996 as indicating a request for permission to land.

Scale D

- (1) In the case of a helicopter or gyroplane, a slip indicator.
- (2) In the case of any other flying machine either—
 - (a) a turn indicator and a slip indicator; or
 - (b) a gyroscopic bank and pitch indicator and a gyroscopic direction indicator.
- (3) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale E

- (4) In the case of—
 - (a) a helicopter or gyroplane, a slip indicator;
 - (b) any other flying machine, a slip indicator and either a turn indicator or, at the option of the operator, an additional gyroscopic bank and pitch indicator.
- (5) A gyroscopic bank and pitch indicator.
- (6) A gyroscopic direction indicator.
- (7) A sensitive pressure altimeter adjustable for any sea level barometric pressure which the weather report or forecasts available to the commander of the aircraft indicate is likely to be encountered during the intended flight.

Scale F

- (1) A timepiece indicating the time in hours, minutes and seconds.
- (2) A means of indicating whether the power supply to the gyroscopic instrument is adequate.
- (3) A rate of climb and descent indicator.
- (4) A means of indicating in the flight crew compartment the outside air temperature calibrated in degrees celsius.
- (5) If the maximum total weight authorised of the aircraft exceeds 5,700 kg two air speed indicators.

Scale G

- (1) In the case of an aircraft other than a helicopter or gyroplane landing lights consisting of 2 single filament lamps, or one dual filament lamp with separately energised filaments.
- (2) An electrical lighting system to provide illumination in every passenger compartment.
- (3) Either—
 - (a) one electric torch for each member of the crew of the aircraft; or
 - (b) one electric torch—
 - (i) for each member of the flight crew of the aircraft; and

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- (ii) affixed adjacent to each floor level exit intended for the disembarkation of passengers whether normally or in an emergency, provided that such torches shall—
 - (aa) be readily accessible for use by the crew of the aircraft at all times; and
 - (bb) number in total not less than the minimum number of members of the cabin crew required to be carried with a full passenger complement.
- (4) In the case of an aircraft other than a helicopter or gyroplane of which the maximum total weight authorised exceeds 5,700 kg, means of observing the existence and build up of ice on the aircraft.
- (5) In the case of a helicopter carrying out Performance Class 1 or 2 operations or a gyroplane in respect of which there is in force a certificate of airworthiness designating the gyroplane as being of performance group A, either—
 - (a) 2 landing lights both of which are adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane and one of which is adjustable so as to illuminate the ground on either side of the helicopter or gyroplane; or
 - (b) one landing light or, if the maximum total weight authorised of the helicopter or gyroplane exceeds 5,700 kg, one dual filament landing light with separately energised filaments, or 2 single filament lights, each of which is adjustable so as to illuminate the ground in front of and below the helicopter or gyroplane, and 2 parachute flares.
- (6) In the case of a helicopter carrying out Performance Class 3 operations or a gyroplane in respect of which there is in force a certificate of airworthiness designating the gyroplane as being of performance group B, either—
 - (a) one landing light and 2 parachute flares; or
 - (b) if the maximum total weight authorised of the helicopter or gyroplane exceeds 5,700 kg, either one dual filament landing light with separately energised filaments or 2 single filament landing lights, and 2 parachute flares.

Scale H

- (1) Subject to paragraph (2), for each person on board, a lifejacket equipped with a whistle and waterproof torch.
- (2) Lifejackets constructed and carried solely for use by children under three years of age need not be equipped with a whistle.

Scale J

- (1) Additional flotation equipment, capable of supporting one-fifth of the number of persons on board, and provided in a place of stowage accessible from outside the flying machine.
- (2) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in the Rules of the Air Regulations 1996 and complying with Part III of Schedule 15 to the Merchant Shipping (Life-Saving Appliances) Regulations 1980(13).
- (3) A sea anchor and other equipment necessary to facilitate mooring, anchoring or manoeuvring the flying machine on water, appropriate to its size, weight and handling characteristics.

Scale K

- (1) In the case of—

(13) S.I. 1980/538.

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- (a) a flying machine, other than a helicopter or gyroplane carrying 20 or more persons, liferafts sufficient to accommodate all persons on board;
 - (b) a helicopter or gyroplane carrying 20 or more persons, a minimum of 2 liferafts sufficient together to accommodate all persons on board.
- (2) Each liferaft shall contain the following equipment—
- (a) means for maintaining buoyancy;
 - (b) a sea anchor;
 - (c) life-lines, and means of attaching one liferaft to another;
 - (d) paddles or other means of propulsion;
 - (e) means of protecting the occupants from the elements;
 - (f) a waterproof torch;
 - (g) marine type pyrotechnical distress signals;
 - (h) means of making sea water drinkable, unless the full quantity of fresh water is carried as specified in sub-paragraph (i);
 - (i) for each 4 or proportion of 4 persons the liferaft is designed to carry—
 - (i) 100 grammes of glucose toffee tablets; and
 - (ii) ½ litre of fresh water in durable containers or in any case in which it is not reasonably practicable to carry the quantity of water above specified, as large a quantity of fresh water as is reasonably practicable in the circumstances; provided that in no case shall the quantity of water carried be less than is sufficient, when added to the amount of fresh water capable of being produced by means of the equipment specified in sub-paragraph (h) to provide ½ litre of water for each 4 or proportion of 4 persons the liferaft is designed to carry; and
 - (j) first aid equipment.
- (3) Items (2)(f) to (j) inclusive shall be contained in a pack.
- (4) The number of survival beacon radio apparatus carried when the aircraft is carrying the number of liferafts specified in column 1 of the following Table shall be not less than the number specified in, or calculated in accordance with, column 2.

<i>Column 1</i>	<i>Column 2</i>
Not more than 8 life rafts	2 survival beacon radio apparatus
For every additional 4 or proportion of 4 life rafts	1 additional survival beacon radio apparatus

Scale KK

- (1) A survival emergency locator transmitter capable of operating in accordance with the relevant provisions of Annex 10 to the Chicago Convention, Volume III (Fifth Edition July 1995) and of transmitting on 121.5 MHz and 406 MHz.
- (2) An automatic emergency locator transmitter capable of operating in accordance with the relevant provisions of Annex 10 to the Chicago Convention, Volume III (Fifth Edition July 1995) and transmitting on 121.5 MHz and 406 MHz.
- (3) An automatically deployable emergency locator transmitter capable of operating in accordance with the relevant provisions of Annex 10 to the Chicago Convention, Volume III (Fifth Edition July 1995) and transmitting on 121.5 MHz and 406 MHz.

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Scale LI: Part I

- (1) In every flying machine which is provided with means for maintaining a pressure greater than 700 hectopascals throughout the flight in the flight crew compartment and in the compartments in which the passengers are carried—
 - (a) a supply of oxygen sufficient, in the event of failure to maintain such pressure, occurring in the circumstances specified in columns 1 and 2 of the Table set out in Part II, for continuous use, during the periods specified in column 3 of the said Table, by the persons for whom oxygen is to be provided in accordance with column 4 of that Table; and
 - (b) in addition, in every case where the flying machine flies above flight level 350, a supply of oxygen in a portable container sufficient for the simultaneous first aid treatment of 2 passengers;
 together with suitable and sufficient apparatus to enable such persons to use the oxygen.
- (2) In any other flying machine—
 - (a) a supply of oxygen sufficient for continuous use by all the crew other than the flight crew, and if passengers are carried, by 10% of the number of passengers, for any period exceeding 30 minutes during which the flying machine flies above flight level 100 but not above flight level 130 and the flight crew shall be supplied with oxygen sufficient for continuous use for any period during which the flying machine flies above flight level 100; and
 - (b) a supply of oxygen sufficient for continuous use by all persons on board for the whole time during which the flying machine flies above flight level 130;
 together with suitable and sufficient apparatus to enable such persons to use the oxygen.

Scale LI: Part II

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Vertical displacement of the flying machine in relation to flight levels</i>	<i>Capability of flying machine to descend (where relevant)</i>	<i>Period of supply of oxygen</i>	<i>Persons for whom oxygen is to be provided</i>
Above flight level 100	—	{ 30 minutes or the { period specified at A { hereunder whichever { is the greater { {	In addition to any passengers for whom oxygen is provided as specified below, all the crew 10% of number of passengers
	{ Flying machine is { either flying at or	{ 30 minutes or the { period specified at A	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Vertical displacement of the flying machine in relation to flight levels</i>	<i>Capability of flying machine to descend (where relevant)</i>	<i>Period of supply of oxygen</i>	<i>Persons for whom oxygen is to be provided</i>
	{ below flight level 150	{ hereunder whichever	
	{ or is capable of descending and	{ is the greater	
	{ continuing destination	to	
	{ as specified in X		
Above flight level 100	{ hereunder		
but not above flight level 300	{	{ 10 minutes or the	All passengers
	{	{ period specified at B	
	{	{ hereunder whichever	
	{	{ is the greater	
	{	{	
	{ Flying machine is flying	{ and in addition 30	10% of number of
	{ above flight level 150	{ minutes or the	passengers
	{ and is not so capable	{ period specified at C	
		{ hereunder whichever	
		{ is the greater	
	{ Flying machine is capable of descending	30 minutes or the	15% of number of
	{ and continuing to destination as specified	period specified at A	passengers
	{ in Y hereunder	hereunder whichever	
		is the greater	

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>	<i>Column 4</i>
<i>Vertical displacement of the flying machine in relation to flight levels</i>	<i>Capability of flying machine to descend (where relevant)</i>	<i>Period of supply of oxygen</i>	<i>Persons for whom oxygen is to be provided</i>
Above flight level 300		{ 10 minutes or the	All passengers
but not above flight level 350		{ period specified at B	
		{ hereunder whichever	
		{ is the greater	
	{ Flying machine is not so capable	{	
		{ and in addition 30 minutes or the period	15% of number of passengers
		{ specified at C	
		{ hereunder whichever	
		{ is the greater	
		{	
		{ 10 minutes or the	All passengers
		{ period specified at B	
		{ hereunder whichever	
		{ is the greater	
		{	
Above flight level 350		{ and in addition 30 minutes or the period	15% of number of passengers
		{ specified at C	
		{ hereunder whichever	
		{ is the greater	

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- A. The whole period during which, after a failure to maintain a pressure greater than 700 hectopascals in the control compartment and in the compartments in which passengers are carried has occurred, the flying machine flies above flight level 100.
- B. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 150.
- C. The whole period during which, after a failure to maintain such pressure has occurred, the flying machine flies above flight level 100, but not above flight level 150.
- X. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 6 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.
- Y. The flying machine is capable, at the time when a failure to maintain such pressure occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 150 within 4 minutes, and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale L2

- (1) A supply of oxygen and the associated equipment to meet the requirements set out in Part I in the case of unpressurised aircraft and Part II in the case of pressurised aircraft.
- (2) The duration for the purposes of this Scale shall be whichever is the greater of—
 - (a) that calculated in accordance with the operations manual prior to the commencement of the flight, being the period or periods which it is reasonably anticipated that the aircraft will be flown in the circumstances of the intended flight at a height where the said requirements apply and in calculating the said duration account shall be taken of—
 - (i) in the case of pressurised aircraft, the possibility of depressurisation when flying above flight level 100;
 - (ii) the possibility of failure of one or more of the aircraft engines;
 - (iii) restrictions due to required minimum safe altitude;
 - (iv) fuel requirement; and
 - (v) the performance of the aircraft; or
 - (b) the period or periods during which the aircraft is actually flown in the circumstances specified in the said Parts.

Part I: Unpressurised aircraft

- (1) When flying at or below flight level 100—
Nil.
- (2) When flying above flight level 100 but not exceeding flight level 120—

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 100
(b) Members of the cabin crew and 10% of passengers	For any continuous period exceeding 30 minutes during which the aircraft flies above flight level 100 but not exceeding

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<i>Supply for</i>	<i>Duration</i>
	flight level 120, the duration shall be the period by which 30 minutes is exceeded
(3) When flying above flight level 120—	
<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	Any period during which the aircraft flies above flight level 120
(b) Members of the cabin crew and all passengers	Any period during which the aircraft flies above flight level 120

Part II: Pressurised aircraft

- (1) When flying at or below flight level 100—
Nil.
- (2) When flying above flight level 100 but not exceeding flight level 250—

<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	30 minutes or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
(b) Members of the cabin crew and 10% of passengers	<ul style="list-style-type: none"> (i) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, 30 minutes or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater (ii) When the aircraft is not so capable, whenever the cabin pressure altitude is greater than 10,000 ft but does not exceed 12,000 ft
(c) Members of the cabin crew and all passengers	<ul style="list-style-type: none"> (i) When the aircraft is capable of descending and continuing to its destination as specified at A hereunder, no requirement other than that at (2)(b) (aa) of this Part of this Scale (ii) When the aircraft is not so capable and the cabin pressure altitude exceeds 12,000 ft, the duration shall be the period when the cabin pressure altitude

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<i>Supply for</i>	<i>Duration</i>
	exceeds 12,000 ft or 10 minutes, whichever is the greater
(3) When flying above flight level 250—	
<i>Supply for</i>	<i>Duration</i>
(a) Members of the flight crew	2 hours or whenever the cabin pressure altitude exceeds 10,000 ft, whichever is the greater
(b) Members of the cabin crew	Whenever the cabin pressure altitude exceeds 10,000 ft, and a portable supply for 15 minutes
(c) 10% of passengers	Whenever the cabin pressure altitude exceeds 10,000 ft but does not exceed 12,000 ft
(d) 30% of passengers	Whenever the cabin pressure altitude exceeds 12,000 ft but does not exceed 15,000 ft
(e) All passengers	If the cabin pressure altitude exceeds 15,000 ft, the duration shall be the period when the cabin pressure altitude exceeds 15,000 ft or 10 minutes, whichever is the greater
(f) 2% of passengers or 2 passengers, whichever is the greater, being a supply of first aid oxygen which must be available for simultaneous first aid treatment of 2% or 2 passengers wherever they are seated in the aircraft	Whenever, after decompression, the cabin pressure altitude exceeds 8,000 ft
A.	The flying machine is capable, at the time when a failure to maintain cabin pressurisation occurs, of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aircraft, to flight level 120 within 5 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale M

Equipment to prevent the impairment through ice formation of the functioning of the controls, means of propulsion, lifting surfaces, windows or equipment of the aircraft so as to endanger the safety of the aircraft.

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Scale N

An intercommunication system for use by all members of the flight crew and including microphones, not of a hand-held type, for use by the pilot and flight engineer (if any).

Scale O

- (1) Subject to paragraph (2), a radar set capable of giving warning to the pilot in command of the aircraft and to the co-pilot of the presence of cumulo-nimbus clouds and other potentially hazardous weather conditions.
- (2) A flight may commence if the set is unserviceable or continue if the set becomes unserviceable thereafter—
 - (a) so as to give the warning only to one pilot, so long as the aircraft is flying only to the place at which it first becomes reasonably practicable for the set to be repaired; or
 - (b) when the weather report or forecasts available to the commander of the aircraft indicate that cumulo-nimbus clouds or other potentially hazardous weather conditions, which can be detected by the set when in working order, are unlikely to be encountered on the intended route or any planned diversion therefrom or the commander has satisfied himself that any such weather conditions will be encountered in daylight and can be seen and avoided, and the aircraft is in either case operated throughout the flight in accordance with any relevant instructions given in the operations manual.

Scale P

- (1) Subject to paragraphs (2) and (5), a flight data recorder which is capable of recording, by reference to a time-scale, the following data—
 - (a) indicated airspeed;
 - (b) indicated altitude;
 - (c) vertical acceleration;
 - (d) magnetic heading;
 - (e) pitch attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
 - (f) engine power, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded;
 - (g) flap position;
 - (h) roll attitude, if the equipment provided in the aeroplane is of such a nature as to enable this item to be recorded.
- (2) Subject to paragraph (5), any aeroplane having a maximum total weight authorised not exceeding 11,400 kg may be provided with—
 - (a) a flight data recorder capable of recording the data described in paragraph (1)(a) to (1)(h); or
 - (b) a 4 channel cockpit voice recorder.
- (3) Subject to paragraph (5), in addition, on all flights by turbine-powered aeroplanes having a maximum total weight authorised exceeding 11,400 kg, a 4 channel cockpit voice recorder.
- (4) The flight data recorder and cockpit voice recorder referred to above shall be so constructed that the record would be likely to be preserved in the event of an accident to the aeroplane.

- (5) An aeroplane shall not be required to carry the said equipment if, before take off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Department.

Scale Q

If the maximum total weight authorised of the aeroplane exceeds 5,700 kg and it was first registered on or after 1st June 1965, a door between the flight crew compartment and any adjacent compartment to which passengers have access, which door shall be fitted with a lock or bolt capable of being worked from the flight crew compartment.

Scale R

- (1) In respect of—
- (a) aeroplanes having a maximum total weight authorised exceeding 5,700 kg, equipment sufficient to protect the eyes, nose and mouth of all members of the flight crew required to be carried by virtue of article 20 for a period of not less than 15 minutes and, in addition, where the minimum flight crew required as aforesaid is more than one and a member of the cabin crew is not required to be carried by virtue of article 20, portable equipment sufficient to protect the eyes, nose and mouth of one member of the flight crew for a period of not less than 15 minutes;
 - (b) aeroplanes having a maximum total weight authorised not exceeding 5,700 kg, either the equipment specified in sub-paragraph (1)(a) or, in the case of such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at paragraph (4) such equipment sufficient to protect the eyes only.
- (2) In respect of—
- (a) aeroplanes having a maximum total weight authorised exceeding 5,700 kg, portable equipment to protect the eyes, nose and mouth of all members of the cabin crew required to be carried by virtue of article 20 for a period of not less than 15 minutes;
 - (b) aeroplanes having a maximum total weight authorised not exceeding 5,700 kg, subject to paragraph (3), the equipment specified in sub-paragraph (2)(a).
- (3) Sub-paragraph (2)(b) shall not apply to such aeroplanes restricted by virtue of the operator's operations manual to flight at or below flight level 250 and capable of descending as specified at paragraph (4).
- (4) The aeroplane is capable of descending in accordance with the emergency descent procedure specified in the relevant flight manual and without flying below the minimum altitudes for safe flight specified in the operations manual relating to the aeroplane, to flight level 100 within 4 minutes and of continuing at or below that flight level to its place of intended destination or any other place at which a safe landing can be made.

Scale S

- (1) Subject to paragraphs (7) and (8), either a 4 channel cockpit voice recorder or a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the flight path, attitude and the basic lift, thrust and drag forces acting upon it.
- (2) Subject to paragraphs (7) and (8), a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane: the information specified in paragraph (1) together with use of VHF transmitters.
- (3) Subject to paragraphs (7) and (8), a 4 channel cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine

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the following matters accurately in respect of the aeroplane: the flight path, attitude, the basic lift, thrust and drag forces acting upon it, the selection of high lift devices (if any) and airbrakes (if any), the position of primary flying control and pitch trim surfaces, outside air temperature, instrument landing deviations, use of automatic flight control systems, use of VHF transmitters, radio altitude (if any), the level or availability of essential AC electricity supply and cockpit warnings relating to engine fire and engine shut-down, cabin pressurisation, presence of smoke and hydraulic/pneumatic power supply.

- (4) Subject to paragraphs (7) and (8), either a cockpit voice recorder and a flight data recorder or a combined cockpit voice recorder/flight data recorder capable in either case of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—
 - (a) the flight path;
 - (b) speed;
 - (c) attitude;
 - (d) engine power;
 - (e) outside air temperature;
 - (f) configuration of lift and drag devices;
 - (g) use of VHF transmitters; and
 - (h) use of automatic flight control systems.
- (5) Subject to paragraphs (7) and (8), a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—
 - (a) the flight path;
 - (b) speed;
 - (c) attitude;
 - (d) engine power;
 - (e) outside air temperature;
 - (f) configuration of lift and drag devices;
 - (g) use of VHF transmitters; and
 - (h) use of automatic flight control systems.
- (6) Subject to paragraphs (7) and (8), a cockpit voice recorder and a flight data recorder capable of recording by reference to a time scale the data required to determine the following matters accurately in respect of the aeroplane—
 - (a) the flight path;
 - (b) speed;
 - (c) attitude;
 - (d) engine power;
 - (e) outside air temperature;
 - (f) instrument landing system deviations;
 - (g) marker beacon passage;
 - (h) radio altitude;
 - (i) configuration of the landing gear and lift and drag devices;

- (j) position of primary flying controls;
 - (k) pitch trim position;
 - (l) use of automatic flight control systems;
 - (m) use of VHF transmitters;
 - (n) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the aeroplane is of such a nature as to enable this information to be recorded with reasonable practicability;
 - (o) cockpit warnings relating to ground proximity; and
 - (p) the master warning system.
- (7) An aircraft shall not be required to carry the equipment specified in paragraphs (1) to (6) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Department.
- (8) The cockpit voice recorder or flight data recorder or combined cockpit voice recorder/flight data recorder, as the case may be, shall be so constructed that the record would be likely to be preserved in the event of an accident.

Scale SS

- (1) Subject to paragraphs (4) and (5), a 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine by reference to a time scale the following matters accurately in respect of the helicopter or gyroplane—
- (a) flight path;
 - (b) speed;
 - (c) attitude;
 - (d) engine power;
 - (e) main rotor speed;
 - (f) outside air temperature;
 - (g) position of pilot's primary flight controls;
 - (h) use of VHF transmitters;
 - (i) use of automatic flight controls (if any);
 - (j) use of stability augmentation system (if any);
 - (k) cockpit warnings relating to the master warning system; and
 - (l) selection of hydraulic system and cockpit warnings of failure of essential hydraulic systems.
- (2) Subject to paragraphs (4) and (5), a 4 channel cockpit voice recorder capable of recording and retaining the data recorded during at least the last 30 minutes of its operation and a flight data recorder capable of recording and retaining the data recorded during at least the last 8 hours of its operation being the data required to determine by reference to a time scale the information specified in paragraph (1) together with the following matters accurately in respect of the helicopter or gyroplane—
- (a) landing gear configuration;
 - (b) indicated sling load force if an indicator is provided in the helicopter or gyroplane of such a nature as to enable this information to be recorded with reasonable practicability;

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- (c) radio altitude;
 - (d) instrument landing system deviations;
 - (e) marker beacon passage;
 - (f) ground speed/drift angle or latitude/longitude if the navigational equipment provided in the helicopter or gyroplane is of such a nature as to enable this information to be recorded with reasonable practicability; and
 - (g) main gear box oil temperature and pressure.
- (3) Subject to paragraphs (4) and (5)—
- (a) a combined cockpit voice recorder/flight data recorder which meets the following requirements—
 - (i) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (1) the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;
 - (ii) in the case of a helicopter or gyroplane which is otherwise required to carry a flight data recorder specified at paragraph (2) the flight data recorder shall be capable of recording the data specified therein and retaining it for the duration therein specified;
 - (iii) the cockpit voice recorder shall be capable of recording and retaining at least the last hour of cockpit voice recording information on not less than three separate channels;
 - (b) in any case when a combined cockpit voice recorder/flight data recorder specified at paragraph (3)(a) is required to be carried by or under this Order, the flight data recorder shall be capable of retaining—
 - (i) as protected data the data recorded during at least the last 5 hours of its operation or the maximum duration of the flight, whichever is the greater; and
 - (ii) additional data as unprotected data for a period which together with the period for which protected data is required to be retained amounts to a total of 8 hours; provided that the flight data recorder need not be capable of retaining the said additional data if additional data is retained which relates to the period immediately preceding the period to which the required protected data relates or for such other period or periods as the Department may permit under article 62 and the additional data is retained in accordance with arrangements approved by the Department.
- (4) A helicopter or gyroplane shall not be required to carry the equipment specified in paragraphs (1) to (3) if, before take-off, the equipment is found to be unserviceable and the aircraft flies in accordance with arrangements approved by the Department.
- (5) With the exception of flight data which it is expressly stated above may be unprotected, the cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder, as the case may be, shall be so constructed and installed that the record (herein referred to as “protected data”) would be likely to be preserved in the event of an accident and each cockpit voice recorder, flight data recorder or combined cockpit voice recorder/flight data recorder required to be carried on the helicopter or gyroplane shall have attached an automatically activated underwater sonar location device or an emergency locator radio transmitter.

Scale T

An underwater sonar location device except in respect of those helicopters or gyroplanes which are required to carry equipment in accordance with Scale SS.

Scale U

- (1) 1 survival beacon radio apparatus.
- (2) Marine type pyrotechnical distress signals.
- (3) For each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets.
- (4) For each 4 or proportion of 4 persons on board, ½ litre of fresh water in durable containers.
- (5) First aid equipment.

Scale V

- (1) 1 survival beacon radio apparatus.
- (2) Marine type pyrotechnical distress signals.
- (3) For each 4 or proportion of 4 persons on board, 100 grammes of glucose toffee tablets.
- (4) For each 4 or proportion of 4 persons on board, ½ litre of fresh water in durable containers.
- (5) First aid equipment.
- (6) For every 75 or proportion of 75 persons on board, 1 stove suitable for use with aircraft fuel.
- (7) 1 cooking utensil, in which snow or ice can be melted.
- (8) 2 snow shovels.
- (9) 2 ice saws.
- (10) Single or multiple sleeping-bags, sufficient for the use of one-third of all persons on board.
- (11) 1 arctic suit for each member of the crew of the aircraft.

Scale W

- (1) Subject to paragraph (2), cosmic radiation detection equipment calibrated in millirems per hour and capable of indicating the action and alert levels of radiation dose rate.
- (2) An aircraft shall not be required to carry the said equipment if before take-off the equipment is found to be unserviceable and it is not reasonably practicable to repair or replace it at the aerodrome of departure and the radiation forecast available to the commander of the aircraft indicates that hazardous radiation conditions are unlikely to be encountered by the aircraft on its intended route or any planned diversion therefrom.

Scale X

- (1) Subject to paragraph (3), a Terrain Awareness and Warning System known as Class A, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including excessive closure rate to terrain, flight into terrain when not in landing configuration, excessive downward deviation from an instrument landing system glideslope, a predictive terrain hazard warning function and a visual display.
- (2) Subject to paragraph (3), a Terrain Awareness and Warning System known as Class B, being equipment capable of giving warning to the pilot of the potentially hazardous proximity of ground or water, including a predictive terrain hazard warning function.

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- (3) If the equipment becomes unserviceable, the aircraft may fly or continue to fly until it first lands at a place at which it is reasonably practicable for the equipment to be repaired or replaced.

Scale Y

- (1) If the aircraft may in accordance with its certificate of airworthiness carry more than 19 and less than 100 passengers, one portable battery-powered megaphone capable of conveying instructions to all persons in the passenger compartment and readily available for use by a member of the crew.
- (2) If the aircraft may in accordance with its certificate of airworthiness carry more than 99 and less than 200 passengers, 2 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.
- (3) If the aircraft may in accordance with its certificate of airworthiness carry more than 199 passengers, 3 portable battery-powered megaphones together capable of conveying instructions to all persons in the passenger compartment and each readily available for use by a member of the crew.
- (4) If the aircraft may in accordance with its certificate of airworthiness carry more than 19 passengers—
 - (a) a public address system; and
 - (b) an interphone system of communication between members of the flight crew and the cabin crew.

Scale Z

- (1) An emergency lighting system to provide illumination in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (2) of Scale G.
- (2) An emergency lighting system to provide illumination outside the aircraft sufficient to facilitate the evacuation of the aircraft.
- (3) An emergency floor path lighting system in the passenger compartment sufficient to facilitate the evacuation of the aircraft notwithstanding the failure of the lighting systems specified in paragraph (2) of Scale G; provided that if the equipment becomes unserviceable the aircraft may fly or continue to fly in accordance with arrangements approved by the Department.

SCHEDULE 4

Article 15

Radio communication and radio navigation equipment to be carried in aircraft

1. Subject to paragraph 3, every aircraft shall be provided, when flying in the circumstances specified in the first column of the Table in paragraph 2 of this Schedule, with the scales of equipment respectively indicated in the second column of that Table; provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. Table

<i>Aircraft and Circumstances of Flight</i>	<i>Scale of Equipment Required</i>									
	A	B	C	D	E	F	G	H	I	J

<i>Aircraft and Circumstances of Flight</i>	<i>Scale of Equipment Required</i>	
(1) All aircraft (other than gliders) within the Isle of Man —		
(a) when flying under Instrument Flight Rules within controlled airspace	A	E1 F
(b) when flying within controlled airspace	A	
(c) when making an approach to landing at an aerodrome notified for the purpose of this sub-paragraph		G
(d) when flying for the purpose of public transport		E1
(2) All aircraft within the Isle of Man —		
(a) when flying at or above flight level 245	A	
(b) when flying within airspace notified for the purposes of this sub paragraph	A	
(3) All aircraft (other than gliders) within the Isle of Man —		
(a) when flying at or above flight level 245		E1 F
(b) when flying within airspace notified for the purposes of this sub-paragraph		E1
(c) when flying at or above flight level 100		E1
(4) When flying under Instrument Flight Rules within airspace notified for the purposes of this paragraph—		
(a) all aeroplanes having a maximum take-off weight authorised not exceeding 5,700 kg and a maximum cruising true airspeed capability not exceeding 250 knots		E2
(b) all rotorcraft		E2
(c) all aeroplanes having either a maximum take-off weight authorised of more than 5,700 kg or a maximum cruising true airspeed capability of more than 250 knots		E3
(d) all aircraft required to carry		E2 or E3
(5) All aircraft registered in the Isle of Man, wherever they may be, when flying under Instrument Flight Rules within controlled airspace	A	

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<i>Aircraft and Circumstances of Flight</i>	<i>Scale of Equipment Required</i>
(6) All aeroplanes registered in the Isle of Man, wherever they may be, and all aeroplanes wherever registered when flying in the Isle of Man, powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight exceeding 15,000 kg or with a maximum approved passenger seating configuration of more than 30	J
(7) All aeroplanes powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight exceeding 5,700 kg or a maximum approved passenger seating configuration of more than 19; and—	
(a) registered in the Isle of Man and flying within the airspace of the member states of the European Civil Aviation Conference; or	J
(b) flying in the Isle of Man	J

3.—(1) In the case of sub-paragraphs (1), (2), (3), (4)(a), (4)(c) and (5) of paragraph 2, the specified equipment need not be carried if the appropriate air traffic control unit otherwise permits in relation to the particular flight and the aircraft complies with any instructions which the air traffic control unit may give in the particular case.

(2) An aircraft which is not a public transport aircraft and which is flying in Class D or Class E airspace shall not be required to be provided with distance measuring equipment in accordance with paragraph (b) of Scale F when flying in the circumstances specified in sub-paragraph (1)(a) of paragraph 2.

4. The scales of radio communication and radio navigation equipment indicated in the foregoing Table shall be as follows—

Scale A

Radio communication equipment capable of maintaining direct two-way communication with the appropriate aeronautical radio stations.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio communication equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio navigation equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E1

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Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E2

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Elementary Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E3

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Enhanced Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale EE

The aircraft shall, in the circumstances specified in paragraph 2.1.5.3 of Volume IV (Third Edition July 2002) of Annex 10 to the Chicago Convention, comply with the requirements for antenna diversity set out in that paragraph.

Scale F

Radio communication and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including—

- (a) automatic direction finding equipment;
- (b) distance measuring equipment; and
- (c) VHF omni-range equipment.

Scale G

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale H

- (1) Subject to paragraphs (2) and (3), radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including—
 - (a) automatic direction finding equipment;
 - (b) distance measuring equipment;
 - (c) duplicated VHF omni-range equipment; and
 - (d) a 75 MHz marker beacon receiver.
- (2) An aircraft may fly notwithstanding that it does not carry the equipment specified in this Scale if it carries alternative radio navigation equipment or navigational equipment approved in accordance with article 14(7).
- (3) Where not more than one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if—
 - (a) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight;
 - (b) the aircraft has not made more than one flight since the item was last serviceable; and

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- (c) the commander of the aircraft has satisfied himself that, taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion) and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit.

Scale J

An airborne collision avoidance system.

5. In this Schedule—

(1) “Airborne collision avoidance system” means an aeroplane system which conforms to requirements prescribed for the purpose; is based on secondary surveillance radar transponder signals; operates independently of ground based equipment and which is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar and are in undue proximity;

(2) “Automatic direction finding equipment” means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;

(3) “Distance measuring equipment” means radio equipment capable of providing a continuous indication of the aircraft’s distance from the appropriate aeronautical radio stations;

(4) “Mode A” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for identity and surveillance with identity provided in the form of a 4 digit identity code;

(5) “Mode C” means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for automatic pressure-altitude transmission and surveillance;

(6) “Secondary surveillance radar equipment” means such type of radio equipment as may be notified as being capable of—

- (a) replying to an interrogation from secondary surveillance radar units on the surface; and
- (b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;

(7) “VHF omni-range equipment” means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

SCHEDULE 5

Article 17

Aircraft, engine and propeller log books

Aircraft log book

1. The following entries shall be included in the aircraft log book—

- (1) the name of the constructor, the type of the aircraft, the number assigned to it by the constructor and the date of the construction of the aircraft;
- (2) the nationality and registration marks of the aircraft;
- (3) the name and address of the operator of the aircraft;

(4) the date of each flight and the duration of the period between take-off and landing, or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day;

(5) subject to paragraph (8), particulars of all maintenance work carried out on the aircraft or its equipment;

(6) subject to paragraph (8), particulars of any defects occurring in the aircraft or in any equipment required to be carried therein by or under this Order, and of the action taken to rectify such defects;

(7) subject to paragraph (8), particulars of any overhauls, repairs, replacements and modifications relating to the aircraft or any such equipment as aforesaid;

(8) entries shall not be required to be made under paragraphs (5), (6) and (7) in respect of any engine or variable pitch propeller.

Engine log book

2. The following entries shall be included in the engine log book—

(1) the name of the constructor, the type of engine, the number assigned to it by the constructor and the date of the construction of the engine;

(2) the nationality and registration marks of each aircraft in which the engine is fitted;

(3) the name and address of the operator of each such aircraft;

(4) either—

(a) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or

(b) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the engine;

(5) particulars of all maintenance work done on the engine;

(6) particulars of any defects occurring in the engine, and of the rectification of such defects;

(7) particulars of all overhauls, repairs, replacements and modifications relating to the engine or any of its accessories.

Variable pitch propeller log book

3. The following entries shall be included in the variable pitch propeller log book—

(1) the name of the constructor, the type of propeller, the number assigned to it by the constructor and the date of the construction of the propeller;

(2) the nationality and registration marks of each aircraft, and the type and number of each engine, to which the propeller is fitted;

(3) the name and address of the operator of each such aircraft;

(4) either—

(a) the date of each flight and the duration of the period between take-off and landing or, if more than one flight was made on that day, the number of flights and the total duration of the periods between take-offs and landings on that day; or

(b) the aggregate duration of periods between take-off and landing for all flights made by that aircraft since the immediately preceding occasion that any maintenance, overhaul, repair, replacement, modification or inspection was undertaken on the propeller;

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- (5) particulars of all maintenance work done on the propeller;
- (6) particulars of any defects occurring in the propeller, and of the rectification of such defects;
- (7) particulars of any overhauls, repairs, replacements and modifications relating to the propeller.

SCHEDULE 6

Article 22

Flight crew licences

Aeroplane pilots

- United Kingdom National Private Pilot's Licence (Aeroplanes)
- Private Pilot's Licence (Aeroplanes)
- Basic Commercial Pilot's Licence (Aeroplanes)
- Commercial Pilot's Licence (Aeroplanes)
- Airline Transport Pilot's Licence (Aeroplanes)

Helicopter pilots

- Private Pilot's Licence (Helicopters)
- Commercial Pilot's Licence (Helicopters)
- Airline Transport Pilot's Licence (Helicopters)

Other flight crew

- Flight Navigator's Licence
- Flight Engineer's Licence
- Flight Radiotelephony Operator's Licence

SCHEDULE 7

Article 48

Documents to be carried

Circumstances in which documents are to be carried

- 1.—(1) On a private flight, being international air navigation, Documents A, B, C, G and I shall be carried.
- (2) On a flight made in accordance with the terms of a permission granted to the operator under article 16 Document J shall be carried.

Description of documents

2. For the purposes of this Schedule—
 - (1) “Document A” means the licence in force under the Wireless Telegraphy Act 1949⁽¹⁴⁾ in respect of the aircraft radio station installed in the aircraft;
 - (2) “Document B” means the certificate of airworthiness in force in respect of the aircraft;
 - (3) “Document C” means the licences of the members of the flight crew of the aircraft;

(14) 1949 c.54.

- (4) “Document G” means the certificate of registration in force in respect of the aircraft;
- (5) “Document I” means a copy of the notified procedures to be followed by the pilot in command of an intercepted aircraft, and the notified visual signals for use by intercepting and intercepted aircraft;
- (6) “Document J” means the permission, if any, granted in respect of the aircraft under article 16.

Definition

3. For the purposes of this Schedule “international air navigation” means any flight which includes passage over the territory of any country other than the United Kingdom, except any of the Channel Islands, the Isle of Man or any other relevant overseas territory to which there is power to extend the Civil Aviation Act 1982 under section 108(1) of that Act.

SCHEDULE 8

Article 62

Penalties

PART A

Provisions referred to in article 62(5)

<i>Article</i>	<i>Subject Matter</i>
2	Aircraft flying unregistered
4	Aircraft flying with false or incorrect markings
11	Flight without appropriate maintenance
12	Flight without a certificate of release to service
13(2) and (3)	Aircraft maintenance whilst unfit or drunk etc.
14	Flight without required equipment
15	Flight without required radio equipment
16	Minimum equipment requirements
17	Failure to keep log books
18	Requirement to weigh aircraft and keep weight schedule
20	Crew requirement
23(1)	Flight without valid medical certificate
23(2)	Flight in unfit condition
25	Aerodrome operating minima — non-public transport aircraft
26	Requirement for pilot to remain at controls
27	Pre-flight action by commander of aircraft
28	Requirement for passenger briefing
29	Requirements for licensing and operation of radio station in aircraft

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<i>Article</i>	<i>Subject Matter</i>
30	Requirement for minimum navigation performance equipment
31	Requirement for height keeping performance equipment — aircraft registered in the Isle of Man
32	Requirement for area navigation equipment and required navigation performance — aircraft registered in the Isle of Man
33	Requirement for an airborne collision avoidance system
34	Use of flight recording systems and preservation of records
37	Carriage of persons in or on any part of an aircraft not designed for that purpose
41	Prohibition of smoking in aircraft
42	Requirement to obey lawful commands of aircraft commander
43(a) and (b)	Acting in a disruptive manner
44	Prohibition of stowaways
55	Breach of the Rules of the Air
60	Obstruction of persons performing duties under the Order

PART B

Provisions referred to in article 62(6)

<i>Article</i>	<i>Subject Matter</i>
5	Use of aircraft for public transport or aerial work
6	Flight without a certificate of airworthiness
21	Requirement to hold an appropriate flight crew licence
35	Prohibition of carriage of weapons and munitions of war
36	Requirements for the carriage of dangerous goods
38	Endangering safety of aircraft
39	Endangering safety of persons or property
40	Prohibition of drunkenness in aircraft
43 (c)	Intentional interference
45	Crew's obligation not to fly in dangerous state of fatigue
47	Protection of air crew from cosmic radiation
49	Keeping and production of records of exposure to cosmic radiation
54 (except (3))	Use of false or unauthorised documents and records
56	Obligations in respect of flights over any foreign country
57(5), (6) and (7)	Failure to report an occurrence

<i>Article</i>	<i>Subject Matter</i>
57(8)	Making a false occurrence report
58	Flight in contravention of direction not to fly

SCHEDULE 9

Article 68

Public transport and aerial work

General rules

1.—(1) Subject to the provisions of this Schedule, aerial work means any purpose (other than public transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.

(2) If the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Part 3 of this Order.

(3) Subject to the provisions of this Schedule, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport—

- (a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;
- (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors), persons with the authority of the Department either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
- (c) for the purposes of Part 3 of this Order (other than articles 14(2) and 15(2)), if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum total weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.

(4) Notwithstanding that an aircraft may be flying for the purpose of public transport by reason of sub-paragraph (3)(c), it shall not be deemed to be flying for the purpose of the public transport of passengers unless valuable consideration is given or promised for the carriage of those passengers.

(5) A glider shall not be deemed to fly for the purpose of public transport for the purposes of Part 3 of this Order by virtue of sub-paragraph (3)(c) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(6) Notwithstanding the giving or promising of valuable consideration specified in sub-paragraph (3)(c) in respect of the flight or the purpose of the flight it shall—

- (a) subject to (b) below, for all purposes other than Part 3 of this Order; and
- (b) for the purposes of articles 14(2) and 15(2);

be deemed to be a private flight.

(7) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable

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consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

- (8) For the purposes of—
- (a) sub-paragraph (3)(a), there shall be disregarded any valuable consideration given or promised in respect of a flight or the purpose of a flight by one company to another company which is—
 - (i) its holding company;
 - (ii) its subsidiary; or
 - (iii) another subsidiary of the same holding company;
 - (b) this paragraph “holding company” and “subsidiary” have the meanings respectively specified in section 736 of the Companies Act 1985⁽¹⁵⁾.

Exceptions — flying displays etc.

- 2.—(1) A flight shall, for the purposes of Part 4 of this Order, be deemed to be a private flight if—
- (a) the flight is—
 - (i) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;
 - (ii) for the purpose of positioning the aircraft for such a flight as is specified in (i) above and is made with the intention of carrying out such a flight; or
 - (iii) for the purpose of returning after such a flight as is specified in (i) above to a place at which the aircraft is usually based; and
 - (b) the only valuable consideration in respect of the flight or the purpose of the flight other than—
 - (i) valuable consideration specified in paragraph 1(3)(c); or
 - (ii) in the case of an aircraft owned in accordance with paragraph 6(2), valuable consideration which falls within paragraph 6(3);
 falls within sub-paragraph (2)(a) or (2)(b) or both.
- (2) Valuable consideration falls within this sub-paragraph if it either is—
- (a) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or
 - (b) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission of the Department granted to the organiser of the race or contest;

or falls within both (a) and (b) above.

(3) Any prize falling within sub-paragraph (2)(b) shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

(15) 1985 c.6.

Exceptions — charity flights

3.—(1) Subject to sub-paragraph (2), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

- (a) valuable consideration specified in paragraph 1(3)(c); or
- (b) in the case of an aircraft owned in accordance with paragraph 6(2), valuable consideration which falls within paragraph 6(3);

is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission of the Department and in accordance with any conditions therein specified.

(2) If valuable consideration specified in paragraph 1(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 14(2) and 15(2)) be deemed to be for the purpose of public transport.

(3) In this paragraph “registered charity” has the same meaning as in the Charities Registration Act 1989 (an Act of Tynwald), and includes an institution which is prescribed under section 2(3) of that Act.

Exceptions — cost sharing

4.—(1) Subject to sub-paragraph (4), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within sub-paragraph (2) and the criteria in sub-paragraph (3) are satisfied.

(2) Valuable consideration falls within this paragraph if it is—

- (a) valuable consideration specified in paragraph 1(3)(c);
- (b) in the case of an aircraft owned in accordance with paragraph 6(2), valuable consideration which falls within paragraph 6(3); or
- (c) is a contribution to the direct costs of the flight otherwise payable by the pilot in command;

or falls within any two or all three of (a) to (c) above.

(3) The criteria in this sub-paragraph are satisfied if—

- (a) no more than 4 persons (including the pilot) are carried;
- (b) the proportion which the contribution referred to in sub-paragraph (2)(c) bears to the direct costs shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);
- (c) no information shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club; and
- (d) no person acting as a pilot shall be employed as a pilot by, or be a party to a contract for the provision of services as a pilot with, the operator of the aircraft which is being flown.

(4) If valuable consideration specified in paragraph 1(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 14(2) and 15(2)) be deemed to be for the purpose of public transport.

Exceptions — recovery of direct costs

5.—(1) Subject to sub-paragraph (2), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than—

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- (a) valuable consideration specified in paragraph 1(3)(c); or
- (b) in the case of an aircraft owned in accordance with paragraph 6(2), valuable consideration which falls within paragraph 6(3);

is the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, or by or on behalf of a body corporate of which the pilot in command is a director, provided that neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried.

(2) If valuable consideration specified in paragraph 1(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order (other than articles 14(2) and 15(2)) be deemed to be for the purpose of public transport.

Exceptions — jointly owned aircraft

6.—(1) A flight shall be deemed to be a private flight if the aircraft falls within sub-paragraph (2) and the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within sub-paragraph (3).

- (2) An aircraft falls within this sub-paragraph if it is owned—
 - (a) jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and—
 - (i) the aircraft is registered in the names of all the joint owners; or
 - (ii) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners and written notice has been given to the Department of the names of all the persons beneficially entitled to a share in the aircraft; or
 - (b) by a company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each holds not less than 5% of the shares in that company.
- (3) Valuable consideration falls within sub-paragraph if it is either—
 - (a) in respect of and is no greater than the direct costs of the flight and is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or
 - (b) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid);

or falls within both (a) and (b) above.

Exceptions — parachuting

7.—(1) A flight shall be deemed to be for the purpose of aerial work if it is a flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of—

- (a) the dropping of persons by parachute and which is made under and in accordance with the terms of a parachuting permission;
- (b) positioning the aircraft for such a flight as is specified in (a) above and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a parachuting permission; or

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(c) returning after such a flight as is specified in (a) above to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in (a) above.

(2) In this paragraph “parachuting permission” means a parachuting permission granted by the Department under article 67 of the Air Navigation Order 2005 as applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision for the Isle of Man corresponding to certain provisions of the Air Navigation Order 2005 (S.I. 2005/1970) relating to the registration, marking, airworthiness, equipment, manning, operation, movement and safety of aircraft and the licensing and welfare of flight crew. The Order will facilitate the establishment of an Isle of Man Register of Aircraft.