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STATUTORY INSTRUMENTS

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**2007 No. 1115**

**The Air Navigation (Isle of Man) Order 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.

(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.