STATUTORY INSTRUMENTS

2022 No. 172

CIVIL AVIATION

The Air Navigation (Isle of Man) (Amendment) Order 2022

Made - - - - 16th February 2022

Coming into force in accordance with article 1

At the Court at Windsor Castle, the 16th day of February 2022

Present,

The Queen's Most Excellent Majesty in Council

This Order is made in exercise of the powers conferred by sections 60 and 61 of the Civil Aviation Act 1982(**a**).

Her Majesty, by and with the advice of Her Privy Council, orders as follows:

Citation and commencement

1.—(1) This Order may be cited as the Air Navigation (Isle of Man) (Amendment) Order 2022.

(2) Subject to paragraphs (3) and (4), this Order comes into force on the date of the coming into operation of the Civil Aviation (Aircraft Registration and Marking) Order 2022(**b**).

(3) Articles 7, 12 and 13(1)(b), (2)(b) and (3)(a) come into force on the date of the coming into operation of the Civil Aviation (Aerodromes) Order 2022(**c**).

(4) Articles 8, 9(2), 11(a) and 13(3)(b) come into force on the date of the coming into operation of the Civil Aviation (Miscellaneous Amendments) Order 2022(**d**).

Amendment to the Air Navigation (Isle of Man) Order 2015

2. The Air Navigation (Isle of Man) Order 2015(**e**) is amended as follows.

Registration and marking of aircraft

3. Omit articles 4 to 10.

(**a**) 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).
(**b**) SD No 2021/0395.
(**c**) SD No 2021/0396.
(**d**) SD No 2021/0394.
(**e**) S.I. 2015/870, as amended by S.I. 2016/155, 2016/765, 2020/1280 and 2021/751.

Operations

4. In article 11, after "an aircraft registered in the Isle of Man", insert "prior to the date of the coming into operation of the Civil Aviation (Aircraft Registration and Marking) Order 2022 (SD 2021/0395)".

Certificate of airworthiness

5. In article 15(2), for subparagraph (g) substitute—

"(g) a single-seat deregulated aeroplane which is flying on a private flight.".

Marking of break-in areas

6. Omit article 63.

Aerodromes, aeronautical lights and dangerous lights

7. Omit articles 126 to 134.

Restriction on aerial photography, aerial survey and aerial work

8. Omit article 141.

Interpretation

9.—(1) In paragraph (1) of article 167—

(a) for the definition of "the Department", substitute—

""the Department" means the Department for Enterprise of the Isle of Man Government;";

(b) omit the definition of "Microlight aeroplane";

(c) for the definition of "Part 21", substitute—

""Part 21" means the Annex so entitled to Commission Regulation (EU) No 748/2012 of 3 August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations;";

(d) after the definition of "Self-sustaining glider", insert—

""Single-seat deregulated aeroplane" means a non-Part 21 aircraft, other than an unmanned aircraft, which is designed to carry not more than one person, which has—

(a) a maximum take-off mass not exceeding—

(i) 300kg for a landplane (or 390kg for a landplane of which at least 51% was built by an amateur, or non-profit making association of amateurs ("the association"), for the amateur or the association's own purposes and without any commercial objective, in respect of which a permit to fly issued by the CAA was in force prior to 1st January 2003);

(ii) 330kg for an amphibian or floatplane; or

(iii) 315kg for a landplane equipped with an airframe mounted total recovery parachute system; and

(b) a stalling speed, or minimum steady flight speed in the landing configuration, at the maximum take-off mass not exceeding 35 knots calibrated airspeed;".

(2) For paragraph (3) of article 167, substitute—

"(3) Aircraft shall be classified in accordance with the Classification of Aircraft in the Schedule to the Civil Aviation (Miscellaneous Provisions) Order 2020 (SD 2020/0134).".

Commercial air transport and aerial work

10. In article 172, after "commercial air transport flight", insert "by an aircraft registered in the Isle of Man prior to the date of the coming into operation of the Civil Aviation (Aircraft Registration and Marking) Order 2022 (SD 2021/0395)".

Classification and marking of aircraft and dealer certification

11. In Schedule 2, omit—

(a) Part 1 (classification of aircraft); and

(b) Parts 2 (conditions in aircraft dealer's certificate) and 3 (nationality and registration marks of aircraft registered in the Isle of Man).

Information and instructions to be included in an aerodrome manual

12. Omit Schedule 9.

Penalties

13.—(1) In Part 1 of Schedule 11, omit the entries in respect of—

(a) articles 6(6) and 7(1) to 7(3);

(b) articles 129(3), 130(4), 131 and 132.

(2) In Part 2 of Schedule 11, omit the entries in respect of—

(a) articles 10(1), 10(3) and 63(2);

(b) articles 126, 128, 129(4), 129(5), 129(7) to 129(10), 132A(3), 134(1) and 134(2), and 134(4) and 134(5).

(3) In Part 3 of Schedule 11, omit the entries in respect of—

(a) articles 134(6) and 134(7);

(b) article 141.

Savings

14. A certificate of registration granted under the Air Navigation (Isle of Man) Order 2015 will continue in force as if granted by the Department for Enterprise of the Isle of Man Government under the Civil Aviation (Aircraft Registration and Marking) Order 2022.

Ceri King
Deputy Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

The Air Navigation (Isle of Man) Order 2015 (S.I. 2015/870) makes provision for the Isle of Man in relation to the registration, marking, airworthiness, equipment, manning, operation, movement and safety of aircraft and the licensing and welfare of flight crew.

The Airports and Civil Aviation Act 1987 (AT 10 of 1987) (an Act of Tynwald), as amended by the Airports and Civil Aviation (Amendment) Act 2018 (AT 12 of 2018) (an Act of Tynwald), provides enabling powers so that the Isle of Man is able to make its own secondary legislation in relation to civil aviation.

This Order accordingly amends the Air Navigation (Isle of Man) Order 2015 by revoking provisions relating to the registration and marking of aircraft, certain aircraft operations, aircraft classification and aerodromes.

These revocations have effect from the date when replacement provisions made by the Isle of Man come into force. These can be found in the Civil Aviation (Aircraft Registration and Marking) Order 2022 (SD No 2021/0395), the Civil Aviation (Aerodromes) Order 2022 (SD No 2021/0396) and the Civil Aviation (Miscellaneous Amendments) Order 2022 (SD No 2021/0394).

Provision relating to the requirement for a certificate of airworthiness is also amended to provide an exemption for certain flights of single-seat deregulated aeroplanes, and will also take effect upon commencement of the Civil Aviation (Aircraft Registration and Marking) Order 2022. The exemption for single-seat deregulated aeroplanes replaces the previous exemption which referred to microlight aeroplanes to align with recent changes to the Air Navigation Order 2016 (S.I. 2016/765) made by the Air Navigation (Amendment) Order 2021 (S.I. 2021/879).

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