STATUTORY INSTRUMENTS

1979 No. 929

CIVIL AVIATION

The Air Navigation (Isle of Man) Order 1979

Made - - -	*26th July 1979*
Laid before Parliament	*3rd August 1979*
Coming into Operation	*1st September 1979*

At the Court of Saint James, the 26th day of July 1979

Present,

The Counsellors of State in Council

Whereas Her Majesty, in pursuance of the Regency Acts 1937 to 1953, was pleased, by Letters Patent dated the 16th day of July 1979, to delegate to the six Counsellors of State therein named or any two or more of them full power and authority during the period of Her Majesty's absence from the United Kingdom to summon and hold on Her Majesty's behalf Her Privy Council and to signify thereat Her Majesty's approval for anything for which Her Majesty's approval in Council is required:

Now, therefore, Her Majesty Queen Elizabeth The Queen Mother and His Royal Highness The Prince Charles, Prince of Wales, being authorised thereto by the said Letters Patent, and in exercise of the powers conferred by sections 8, 41, 57, 58 and 61 of the Civil Aviation Act 1949(**a**), by and with the advice of Her Majesty's Privy Council, do on Her Majesty's behalf order, and it is hereby ordered, as follows:–

1. This Order may be cited as the Air Navigation (Isle of Man) Order 1979 and shall come into operation on 1st September 1979.

2. The Air Navigation (Isle of Man) Order 1972(**b**) is hereby revoked.

(**a**) 1949 c. 67; section 8 was amended by section 62(1) of the Civil Aviation Act 1971 (c. 75) and the sections cited above were extended to the Isle of Man by the Civil Aviation Act (Isle of Man) Order 1952 (S.I. 1952/1032), as amended by the Civil Aviation Act (Isle of Man) Order 1969 (S.I. 1969/594), and the Civil Aviation Act 1971 (Isle of Man) Order 1972 (S.I. 1972/451).

(**b**) S.I. 1972/454.

3. The Air Navigation Order 1976(a) shall have effect in the Isle of Man with the exceptions, adaptations and modifications specified in the Schedule to this Order.

N. E. Leigh,
Clerk of the Privy Council.

SCHEDULE

Article 3

EXCEPTIONS, ADAPTATIONS AND MODIFICATIONS IN THE APPLICATION OF THE AIR NAVIGATION ORDER 1976 TO THE ISLE OF MAN

1.—(1) Any reference to the Civil Aviation Act 1949 shall be construed as a reference to that Act as it extends to the Isle of Man.

(2) Any reference to an enactment of Tynwald shall be construed as a reference to that enactment as amended or replaced by or under any other enactment of Tynwald.

2.—(1) Except in the case of the references specified in the next following sub-paragraph, any reference to the United Kingdom shall be construed as a reference to the Isle of Man.

(2) The references to the United Kingdom which are not to be construed as references to the Isle of Man are references:–

(*a*) to Her Majesty's Government in the United Kingdom;

(*b*) to aircraft registered in, or in a country other than, or outside, the United Kingdom;

(*c*) to a country or state other than the United Kingdom;

(*d*) in Article 87(2);

(*e*) in the definitions in Article 90(1) of "The Commonwealth", "Competent authority", "Contracting State" and "Notified"; and

(*f*) in Schedules 11 and 12.

3. Article 1(2) (Commencement) shall be omitted.

4. In Article 2 (Revocations), paragraph (1) and sub-paragraph (*a*) of paragraph (2) shall be omitted, and for the words "any Order revoked by this Order", wherever they occur, there shall be substituted the words "the Air Navigation (Isle of Man) Order 1972".

5. In the proviso to paragraph (1) of Article 3 (Aircraft to be registered), for the words "United Kingdom" in sub-paragraphs (i)(*a*) and (ii)(*a*), there shall be sustituted the words "United Kingdom or the Isle of Man".

6. In the proviso to paragraph (1) of Article 7 (Certificate of airworthiness to be in force), for the words "United Kingdom", there shall be substituted the words "United Kingdom or the Isle of Man".

(a) S.I. 1976/1783; relevant amending instruments are S.I. 1977/1255, 2160; 1978/284, 1627.

7. In Article 29(5) (Public Transport: operating conditions), omit sub-paragraph (*b*).

8. In Article 31(1) (Aircraft not registered in the United Kingdom), for the references to the Authority there shall be substituted references to the Board.

9. In Article 39A (Issue of Aerial Application Certificates), for any reference to the Authority there shall be substituted a reference to the Board.

10. In Article 41(1) (Carriage of dangerous goods):–

(i) in sub-paragraph (*b*), after the word "Authority" there shall be inserted the words "or the Board"; and

(ii) in sub-paragraph (*d*), for the words "within the United Kingdom" there shall be substituted the words "within the United Kingdom and the Isle of Man".

11. In the proviso to paragraph (2) of Article 54 (Documents to be carried), for the words "United Kingdom" there shall be substituted the words "United Kingdom or the Isle of Man".

12. In Article 56(3)(*a*) (Production of documents and records), for the words "United Kingdom" there shall be substituted the words "United Kingdom or the Isle of Man".

13. At the end of Article 58 (Revocation etc.), there shall be added the following paragraph:–

"(6) The foregoing provisions of this Article shall apply in relation to aerodrome licences granted by the Board under Article 68 of this Order as if for references to the Authority there were substituted references to the Board.".

14. In Article 60 (Rules of the air and air traffic control):–

(i) for the reference to the Secretary of State in paragraph (1), there shall be substituted a reference to the Board;

(ii) sub-paragraph (*b*) of paragraph (3) shall be omitted; and

(iii) in paragraph (4), for the words from "competent authority" to the end of the paragraph there shall be substituted the word "Board".

15. In Article 62A (Flight Information Service Manual), for any reference to the Authority there shall be substituted a reference to the Board.

16. In Article 64(1) (Power to prohibit or restrict flying), for references to the Secretary of State there shall be substituted references to the Board.

17. In Article 65(1) (Balloons, kites and airships), for the reference to the Authority there shall be substituted a reference to the Board.

18. In Article 66(1)(*b*) (Aerodromes: public transport of passengers and instruction in flying), the words "or an aerodrome owned or managed by the Authority" shall be omitted.

19. For Article 67 (Use of Government and Authority aerodromes), there shall be substituted the following Article:–

"Use of Government aerodromes

67. The Board may specify, subject to such conditions as it thinks fit, any Government aerodrome as an aerodrome available for the take-off and landing of aircraft or any class of aircraft; and where it has so specified an aerodrome, the Board shall inform the Authority who shall cause the information to be notified.".

20. In Article 68 (Licensing of aerodromes), for any reference to the Authority there shall be substituted a reference to the Board.

21. In Article 69 (Radio Equipment at aerodromes), for any reference to the Authority there shall be substituted a reference to the Board.

22. In Article 70 (Records at aerodromes), for any reference to the Authority there shall be substituted a reference to the Board.

23. In Article 71 (Charges at aerodromes licensed for public use), for any reference to the Secretary of State there shall be substituted a reference to the Board.

24. In Article 73 (Noise and vibration caused by aircraft on aerodromes), for any reference to the Secretary of State there shall be substituted a reference to the Board and the words "aerodromes owned or managed by the Authority" shall be omitted.

25. In Article 74 (Aeronautical lights), for any reference to the Authority there shall be substituted a reference to the Board.

26. In Article 75 (Dangerous lights), after the word "Authority", wherever it occurs, there shall be inserted the words "or the Board".

27. Article 76 (Customs airports) shall be omitted.

28. In Article 76A (Aviation fuel at aerodromes), for any reference to the Authority there shall be substituted a reference to the Board.

29. In Article 79 (Mandatory reporting):–

(i) after the words "the Authority", wherever they occur, there shall be inserted the words "or the Board"; and

(ii) in paragraph (5) the following provision shall be substituted for the proviso:

"Provided that the record may be erased if the aircraft is outside the United Kingdom and the Isle of Man and it is not reasonably practicable to preserve the record until the aircraft reaches the United Kingdom or the Isle of Man.".

30. In Article 80 (Power to prevent aircraft flying), after the word "Authority", wherever it occurs, there shall be inserted the words ", the Board".

31. In Article 81 (Right of access to aerodromes), after the word "Authority" there shall be inserted the words ", the Board" and the words "or aerodrome owned or managed by the Authority" shall be omitted.

32. After Article 83 (Enforcement of directions), there shall be inserted the following Article:–

"Fees

83A. The Board may prescribe the fees to be paid in respect of the issue, validation, renewal, extension or variation of any certificate, licence or other document (including an application for, or the issue of a copy of, any such document), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval required by, or for the purpose of, this Order or any regulations made thereunder.".

33. In Article 84 (Penalties), for the word "indictment", wherever it occurs, there shall be substituted the word "information".

34. For Article 85 (Extra-territorial effect of the Order) and the heading thereto, there shall be substituted the following Article and heading:–

"Extent of the Order

85. The provisions of this Order shall apply to all aircraft within the Isle of Man.".

35. Article 86 (Application of Order to British-controlled aircraft not registered in the United Kingdom) shall be omittted.

36. In Article 88 (Exemption from Order):–

(*a*) for the reference to the Authority, there shall be substituted a reference to the Board in relation to any provision of this Order where the Board is substituted for the Authority by this Order and in relation to any regulations made under any such provision; and

(*b*) the words "(other than Articles 77, 78 and 89 thereof)" shall be omitted.

37. In Article 89 (Appeal to County Court and Sheriff's Court):–

(*a*) there shall be substituted the following heading:

"Appeal to the High Court of Justice of the Isle of Man";

(*b*) in paragraph (1):

(i) the words "Subject to paragraph (2) of this Article" shall be omitted;

(ii) for the words "county court" there shall be substituted the words "High Court"; and

(*c*) paragraphs (2) and (5) shall be omitted.

38. In Article 90(1) (Interpretation):–

(i) in the definition of "Aerodrome flight information unit" for the word "Authority" there shall be substituted the word "Board";

(ii) in the definition of "Air Traffic control unit", for the word "Authority" there shall be substituted the word "Board";

(iii) in the definition of "Authorised person", after the word "Authority" there shall be inserted the words "or the Board";

(iv) at the end of the definition of "the Authority" there shall be added the following words:–

"constituted by section 1 of the Civil Aviation Act 1971, as extended to the Isle of Man by the the Civil Aviation Act 1971 (Isle of Man) Order 1972";

(v) after the definition of "Beneficial interest", there shall be inserted the following definition:–

' "Board" means the Isle of Man Airports Board;';

(vi) for the definition of "Government aerodrome" there shall be substituted the following definition:–

' "Government aerodrome" means either Ronaldsway Airport or Jurby Airfield;';

(vii) after the definition of "Government aerodrome", there shall be inserted the following definition:–

' "High Court" means Her Majesty's High Court of Justice of the Isle of Man;';

(viii) in the definition of "Offshore installation" for the words "Mineral Workings (Offshore Installations) Act 1971", there shall be substituted the words "Mineral Workings Offshore Installations (Isle of Man) Act 1974 (an Act of Tynwald)";

(ix) in the definition of "Prescribed" after the words "Secretary of State", there shall be inserted the words "(and expressed by him to extend to the Isle of Man)"; and

(x) after the definition of "Special VFR flight" there shall be inserted the following definition:–

' "Summary conviction" means conviction before the High Bailiff or three justices of the peace;'.

39. In paragraph (6) of the "A Conditions" set out in Schedule 2 to the Order, the words "or an aerodrome owned or managed by the Authority" shall be omitted.

40. In Schedule 12, the reference to the Wireless Telegraphy Act 1949(**a**) shall be construed as a reference to that Act as extended to the Isle of Man by the Wireless Telegraphy (Isle of Man) Order 1952(**b**).

EXPLANATORY NOTE

(This Note is not part of the Order.)

This Order revokes the Air Navigation (Isle of Man) Order 1972 and provides that the provisions of the Air Navigation Order 1976, as amended, shall apply, with certain exceptions, adaptations and modifications, to the Isle of Man.

(**a**) 1949 c.54.

(**b**) S.I. 1952/1899.

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