

2008 No. 1487

CIVIL AVIATION

The Air Navigation (Isle of Man) (Amendment) Order 2008

Made - - - - *11th June 2008*

Coming into force - - *1st July 2008*

At the Court at Buckingham Palace, the 11th day of June 2008

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred on Her by sections 60 and 61 of the Civil Aviation Act 1982(a), as extended by the Civil Aviation (Isle of Man) Order 2007(b), is pleased, by and with the advice of her Privy Council, to order as follows:

Citation and commencement

1. This Order may be cited as the Air Navigation (Isle of Man) (Amendment) Order 2008 and shall come into force on 1st July 2008.

Amendment of the Air Navigation (Isle of Man) Order 2007

2. The Air Navigation (Isle of Man) Order 2007(c) shall be amended as follows.

Requirements for non-public transport flights

3.—(1) After article 25(6) insert —

“(6A) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable alternate aerodrome is available shall not be commenced unless —

- (a) a designated instrument approach procedure is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before to two hours after the estimated time of arrival.

(6B) A flight shall not be continued towards the aerodrome of intended landing unless the latest available information indicates that conditions at that aerodrome, or at at least one

(a) 1982 c.16.
(b) S.I. 2007/614.
(c) S.I. 2007/1115.

alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.”.

(2) After article 25(8) add —

“(8A) In this article “designated” in relation to an instrument approach procedure means notified, prescribed or otherwise designated by the relevant competent authority.”.

(3) After article 26(3) add —

“(4) An operator shall not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled in accordance with article 21 of this Order to act as pilot-in-command of the helicopter.”.

(4) In article 27 omit “registered in the Isle of Man”.

(5) After article 27 add —

“Survival equipment

27A.—(1) This article shall apply to any aircraft registered in the Isle of Man.

(2) The commander of an aircraft to which this article applies shall reasonably satisfy himself before take-off that the aircraft carries such additional equipment as the commander reasonably considers necessary for the purpose of facilitating the survival of the persons carried in the aircraft.

(3) In satisfying himself as required by paragraph (2) the commander shall have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.”.

(6) After article 28 add —

“Additional duties of commander

28A.—(1) This article shall apply to any aircraft registered in the Isle of Man.

(2) In relation to every flight to which this article applies the commander of the aircraft shall, except in a case where a pressure greater than 700 hectopascals is maintained in all passenger and crew compartments throughout the flight, take all reasonable steps to ensure that —

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of article 14 of and Schedule 3 to this Order is demonstrated to all passengers;
- (b) when flying above flight level 130 all passengers are recommended to use oxygen;
- (c) during any period when the aircraft is flying above flight level 100 up to and including flight level 130 oxygen is used by all the flight crew of the aircraft for that part of the flight at those altitudes that is of more than 30 minutes duration; and
- (d) during any period when the aircraft is flying above flight level 130 oxygen is used by all the flight crew of the aircraft.”.

(7) After article 37 add —

“Marking of break-in areas

37A.—(1) This article shall apply to all aircraft registered in the Isle of Man.

(2) An operator shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on an aircraft to which this article applies, such areas shall be marked upon the exterior surface of the fuselage with markings to show the areas (in this article referred to as ‘break-in areas’) which can, for the purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(3) (a) The break-in areas shall be marked by right angled corner markings, each arm of which shall be 9 cm in length along its outer edge and 3 cm in width.

(b) If the corner markings are more than 2 metres apart, intermediate lines 9 cm x 3 cm shall be inserted so that there is no more than 2 metres between adjacent marks.

(4) The colour of break-in markings shall be red or yellow, and if necessary they shall be outlined in white to contrast with the background.

(5) If instructions are marked on the break-in areas, the words “Cut Here in Emergency” shall be marked across the centre of each break-in area in capital letters.

(6) The markings required by this article shall —

(a) be painted, or affixed by other equally permanent means; and

(b) be kept at all times clean and unobscured.”.

(8) In article 68(1), after the definition of “ICAO licence” insert —

““instrument approach procedure” means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply;”.

Introduction of 8.33kHz channel spacing

4. In Schedule 4 —

(a) in sub-paragraph 2(2)(a) in the table, for “when flying at or above flight level 245” substitute “when flying at or above flight level 195”;

(b) in paragraph 4, for the entry relating to Scale A substitute —

“*Scale A*

Radiocommunications equipment capable of maintaining direct two-way communication with the appropriate air traffic control units on the intended route using the frequencies notified or otherwise designated by the competent authority for that purpose.”.

Other changes

5.—(1) Omit article 3(14).

(2) In articles 12(10)(f) and 13(1)(b), after “Part 145” insert “or Part M Subpart F”.

(3) In article 17(3)(a), omit the words from “, but in no event” to “occurrence”.

(4) In article 21, for paragraph (4) substitute —

“(4) For the purposes of this Part of this Order a licence granted under the law of a Contracting State other than the United Kingdom or the Isle of Man, purporting to authorise the holder thereof 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 in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Order but does not entitle the holder —

(a) to act as a member of the flight crew of any aircraft on any flight in respect of which he receives remuneration for his services as a member of the flight crew; or

(b) in the case of a pilot’s licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules;
or

(c) to give any instruction in flying.”.

(5) For article 22 substitute —

“Validation of licences

22. The Department may, subject to such conditions as it thinks fit, issue a certificate of validation rendering valid for the purposes of this Order any flight crew licence granted under the law of any country other than the Isle of Man.”.

(6) In article 68(1) —

- (a) omit the definition of “certificate of maintenance review”;
- (b) for the definition of “the Department” substitute —
““the Department” means the Department of Trade and Industry of the Isle of Man Government;”;
- (c) for the definition of “JAR-FCL 1” substitute —
““JAR-FCL 1” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 5 adopted by the JAA on 1st March 2006;”;
- (d) after the definition of “JAR-FCL 1” insert —
““JAR-FCL 2” means the Joint Aviation Requirement of the JAA bearing that title including Amendment 3 adopted by the JAA on 1st September 2003;”;
- (e) after the definition of “Part 66” insert —
““Part M Subpart F” means Subpart F of annex I entitled “Part M” to Commission Regulation (EC) No. 2042/2003;”.

(7) In Schedule 3, paragraph 5, for sub-paragraph (3) in the table substitute —

“(3) Aeroplanes which are powered by one or more turbine jets or one or more turbine propeller engines, which have a maximum total weight authorised exceeding 5,700 kg or with a maximum approved passenger seating configuration of more than 9 and in respect of which there is in force a certificate of airworthiness	when flying for purposes other than public transport	X(1) or X(2)”.
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(8) In Schedule 3, paragraph 6, for the entry relating to Scale B substitute —

“Scale B

(1) 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.

(2) 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.

(3) 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.

(4) 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.

(5) 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 and with a maximum approved passenger seating configuration of 9 or

less (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.

(6) 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.

(7) Subject to paragraph (8), a safety harness for every seat in use.

(8) 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.”.

Judith Simpson
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Air Navigation (Isle of Man) Order 2007 (S.I. 2007/1115), which makes provision for the Isle of Man corresponding to certain provisions of the Air Navigation Order 2005 (S.I. 2005/1970). In addition to minor and drafting amendments, this Order makes changes corresponding to certain amendments made to the Air Navigation Order 2005 by the Air Navigation (Amendment) Order 2007 (S.I. 2007/274) relating to requirements for non-public transport flights and the introduction of 8.33kHz channel spacing. It also transfers the functions of the Department of Transport of the Isle of Man Government under the Air Navigation (Isle of Man) Order 2007 to the Department of Trade and Industry of that Government.

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