

---

STATUTORY INSTRUMENTS

---

**2015 No. 870**

**The Air Navigation (Isle of Man) Order 2015**

**PART 3**

**Airworthiness of aircraft**

**Certificate of airworthiness to be in force**

- 15.**—(1) Subject to paragraph (2), an aircraft must not fly unless –
- (a) there is in force for the aircraft a certificate of airworthiness issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; and
  - (b) any conditions subject to which the certificate was issued or rendered valid are complied with.
- (2) The prohibition in paragraph (1) does not apply to flights, beginning and ending in the Isle of Man without passing over any other country, of –
- (a) a glider flying on a private flight or an aerial work flight that consists of the giving of instruction or testing in a club environment;
  - (b) a balloon flying on a private flight;
  - (c) a kite;
  - (d) an aircraft flying in accordance with the conditions set out in Schedule 1;
  - (e) an aircraft flying in accordance with a national permit to fly;
  - (f) an aircraft flying in accordance with a certificate of validation issued by the Department under article 21; or
  - (g) a microlight aeroplane that—
    - (i) is designed to carry only one person;
    - (ii) has a maximum mass without its pilot and fuel of 115 kg;
    - (iii) has a maximum wing loading without its pilot and fuel of 10 kg per square metre; and
    - (iv) is flying on a private flight.
- (3) An aircraft registered in the Isle of Man with a certificate of airworthiness must not fly otherwise than in accordance with any conditions or limitations contained in its flight manual unless otherwise permitted by the Department.

**Issue and renewal of certificates of airworthiness**

- 16.**—(1) Subject to paragraph (2), the Department must issue for an aircraft registered in the Isle of Man 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 in the aircraft), and of any equipment carried in the aircraft that 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 for an aircraft that, 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 the other aircraft conforms to such prototype or modification.
- (3) A certificate of airworthiness must —
  - (a) specify the category “Private”; and
  - (b) be issued subject to the condition that the aircraft may not be flown except for the purposes (which may not include commercial air 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.
- (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 such a certificate if the application is not supported by a report from a person approved under article 158 as the Department may specify, either generally or in a particular case or class of case.
- (7) In this article, a certificate of validation means a certificate rendering valid for the purposes of this Order a certificate of airworthiness issued for an aircraft registered elsewhere than in the Isle of Man under the law of a country other than the Isle of Man.

#### **Certificate of airworthiness ceasing to be in force and issue of airworthiness directives**

- 17.—(1) Subject to paragraph (3), a certificate of airworthiness or a certificate of validation issued for an aircraft registered in the Isle of Man ceases to be in force if—
- (a) the aircraft or a part of it or such of its equipment as is necessary for its airworthiness has been overhauled, repaired, replaced, modified or maintained;
  - (b) maintenance or an inspection of the aircraft or of equipment necessary for its airworthiness is required by a maintenance programme approved by the Department for the aircraft under article 22;
  - (c) maintenance of the aircraft or of equipment necessary for its airworthiness has been made mandatory by a directive issued by the Department;
  - (d) an inspection for the purpose of ascertaining whether the aircraft remains airworthy has been made mandatory by a directive issued by the Department; or
  - (e) any modification of the aircraft or of any equipment is necessary for its airworthiness has been made mandatory by a directive issued by the Department for the purpose of ensuring that the aircraft remains airworthy.
- (2) A certificate of airworthiness or a certificate of validation that has ceased to be in force under paragraph (1) becomes valid again on the issue of a certificate of release to service under this Order relating to the overhaul, repair, replacement, modification, maintenance or inspection.
- (3) A certificate of airworthiness that would not be in force by reason of paragraph (1) remains in force if the aircraft is flying in the circumstances specified in article 24(3) or 25.
- (4) In this article, a certificate of validation has the same meaning as in article 16(7).

#### **Issue of national permits to fly**

- 18.—(1) Subject to paragraph (2), the Department must issue for an 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.

(2) The Department must refuse to issue a national permit to fly for 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.

(3) 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.

(4) Nothing in this Order requires the Department to accept an application for the issue, variation or renewal of a national permit to fly if the application is not supported by a report from a person approved under article 158 as the Department may specify, either generally or in a particular case or class of cases.

### **National permits to fly ceasing to be in force and issue of airworthiness directives for permit aircraft**

19.—(1) A national permit to fly ceases to be in force if—

- (a) the Department has issued a directive that requires—
  - (i) an inspection to be carried out for the purpose of ascertaining whether the aircraft remains airworthy; or
  - (ii) modification or maintenance of the aircraft or any of its equipment necessary for its airworthiness for the purpose of ensuring that the aircraft remains airworthy; or
- (b) completion of an inspection, modification or maintenance of the aircraft is required as a condition of the permit to fly.

(2) A national permit to fly that has ceased to be in force under paragraph (1) comes into force again as soon as—

- (a) any such inspection, modification or maintenance has been satisfactorily completed; and
- (b) in the case of an inspection, any consequential repair, replacement or modification has been satisfactorily carried out.

(3) A national permit to fly ceases to be in force—

- (a) if any condition (other than a condition of the permit requiring an inspection, modification or maintenance) is not complied with;
- (b) if the aircraft, engines or propellers, or such of its equipment as is necessary for its airworthiness are modified or repaired, unless the repair or modification has been approved by the Department or by a person approved by the Department for that purpose.

(4) A national permit to fly is not in force unless the permit includes a current certificate of validity issued by the Department or by a person approved by the Department for that purpose.

(5) In this article a certificate of validity means a certificate that certifies that a national permit to fly remains valid for the period specified in the certificate and a certificate of validity is current during that period.

### **Limitations of national permits to fly**

20.—(1) Subject to paragraph (3), an aircraft flying in accordance with a national permit to fly must not fly for the purpose of—

- (a) commercial air transport; or
- (b) aerial work other than aerial work that consists of flights for flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

(2) A person may not be carried during flights for flying displays or demonstration flying (except for the minimum required flight crew), unless the prior permission of the Department has been obtained.

(3) An aircraft flying in accordance with a national permit to fly may fly for aerial work that consists of instruction or testing in a club environment if it does so with the permission of the Department.

(4) A placard must be affixed to an aircraft flying in accordance with a national permit to fly in full view of the occupants that must be worded as follows—

**“Occupant warning  
This aircraft has not been certificated to  
an International Requirement”**

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

(6) In paragraph (5) “day” means the time from half an hour before sunrise until half an hour after sunset, with sunset and sunrise being determined at surface level.

#### **Issue and validity of certificates of validation of permits to fly or equivalent documents**

**21.**—(1) In this article, a certificate of validation means a certificate authorising an aircraft registered elsewhere than in the Isle of Man to fly in or over the Isle of Man.

(2) The Department must issue a certificate of validation if it is satisfied that the aircraft has a permit to fly or equivalent document issued or validated by the competent authority of the country in which the aircraft is registered and the authority applies standards that are substantially equivalent to those required for the issue of a permit to fly by the Department.

(3) An aircraft flying in accordance with a certificate of validation must not fly for the purpose of —

- (a) commercial air transport; or
- (b) aerial work other than aerial work that consists of flights for flying displays, associated practice, test and positioning flights or the exhibition or demonstration of the aircraft.

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

#### **Requirement for an approved maintenance programme**

**22.**—(1) An aircraft registered in the Isle of Man for which a certificate of airworthiness is in force must not fly unless the aircraft (including its engines), together with its equipment and radio station, is maintained in accordance with a maintenance programme approved by the Department for that aircraft.

(2) The design and application of the maintenance programme must observe Human Factors principles as specified in any guidance material published by the Department.

#### **Technical log**

**23.**—(1) This article applies to each aircraft registered in the Isle of Man for which a certificate of airworthiness is in force and which is used for international air navigation.

(2) A technical log must be kept for every aircraft to which this article applies.

(3) In the case of an aircraft that has a maximum total mass authorised of 2730kg or less, a record approved by the Department (in this article called “an approved record”) may be kept instead of a technical log.

(4) Subject to paragraph (5), at the end of every flight the commander must enter in the technical log—

- (a) the times when the aircraft took off and landed,
- (b) information about any defect that is known to him and that affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect, and
- (c) such other information about the airworthiness or operation of the aircraft as the Department may require,

and must sign and date each entry.

(5) Subject to paragraph (6), if there are two or more consecutive flights, each of which begins and ends—

- (a) within the same period of 24 hours,
- (b) at the same aerodrome, and
- (c) with the same person as commander of the aircraft,

the commander may make the entries specified in paragraph (3) at the end of the last of such consecutive flights.

(6) Paragraph (5) does not apply if the commander becomes aware of a defect during an earlier flight.

(7) When a defect entered in a technical log or approved record is rectified the person issuing a certificate of release to service issued under this Order or under Part 145 in respect of the defect must enter the certificate in the technical log in such a position as to be readily identifiable with the defect to which it relates.

(8) Subject to paragraph (9) the technical log must be carried in the aircraft when article 84 so requires and a copy of the entries required by this article must be kept on the ground.

(9) In the case of an aeroplane that has a maximum total mass authorised of 2730 kg or less, or a helicopter, if it is not reasonably practicable for the copy of the technical log to be kept on the ground it may be carried in the aeroplane or helicopter, provided that it is removed and kept on the ground as soon as reasonably practicable.

(10) Subject to article 90, a technical log required by this article must be preserved by the operator of the aircraft to which it relates for at least two years after the aircraft has been destroyed or has been permanently withdrawn from use, or for such shorter period as the Department may permit in a particular case.

### **Requirement for a certificate of release to service for aircraft**

**24.—**(1) This article applies to an aircraft registered in the Isle of Man that has a certificate of airworthiness.

(2) Subject to paragraph (3) and article 25, if an aircraft or a part of it or such of its equipment as is necessary for its airworthiness has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in article 17(1)(b) or (d), it must not be flown unless there is in force for it a certificate of release to service issued under and in accordance with this Order.

(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 that satisfies each of the criteria in paragraph (5).

(4) If the aircraft flies in the circumstances referred to in paragraph (3), the commander of the aircraft must cause written information about the flight, and the reasons for making it, to be given to the Department within 10 days.

(5) 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.

(6) Subject to paragraph (8), equipment provided in compliance with Schedule 3 (except equipment specified in paragraph 4 of the Schedule) must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected.

(7) Subject to paragraph (8), radio communication and radio navigation equipment provided for use in an aircraft or in a survival craft carried in an aircraft, whether or not the equipment is provided in compliance with Schedule 4 or any other provision of this Order or any applied regulations, must not be installed or placed on board for use in an aircraft after being overhauled, repaired, modified or inspected.

(8) Equipment specified in paragraphs (6) and (7) may be installed or placed on board for use in an aircraft if there is in force for the equipment, at the time when it is installed or placed on board, a certificate of release to service issued under this Order.

### **Circumstances where a certificate of release to service is not required**

**25.**—(1) A certificate of release to service is not required to be in force for a private aircraft to which article 24 applies that has a maximum total mass authorised of not more than 2730 kg if it flies in the circumstances specified in paragraph (2).

(2) Those circumstances are—

- (a) the only repairs or replacements for 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 granted or rendered valid under this Order who is the owner or operator of the aircraft;
- (c) the person carrying out the repairs or replacements keeps in the aircraft log book kept for the aircraft under article 29 a record that identifies the repairs or replacements and signs and dates the entries; and
- (d) any equipment or parts used in carrying out the repairs or replacements are of a type approved by the Department, either generally or in relation to a class of aircraft or the particular aircraft.

### **Contents of a certificate of release to service**

**26.**—(1) If an aircraft or a part of the aircraft or its equipment has been overhauled, repaired, replaced, modified or maintained, a certificate of release to service issued under this Order must—

- (a) identify the overhaul, repair, replacement, modification or maintenance to which the certificate relates;
- (b) include detailed information about the work done;

- (c) certify that the specified work has been completed with material of a type approved by the Department, either generally or in relation to a class of aircraft or the particular aircraft;
  - (d) in the case of an overhaul, removal or replacement, certify that the specified work conforms with the continuing airworthiness instructions issued by the relevant type certificate holder; and
  - (e) certify that—
    - (i) the specified work has been completed in a manner approved by the Department, either generally or in relation to a class of aircraft or the particular aircraft; or
    - (ii) in the case of a repair or modification that has been classified as minor by a person authorised to do so by the Department and approved by that person, it has been completed in accordance with the approval.
- (2) A certificate of release to service issued under this Order in relation to an inspection required in accordance with article 17(1)(b) or (d) must certify that the aircraft or the part of it or its equipment that has been required to be inspected—
- (a) has been inspected in accordance with the requirements; and
  - (b) that any consequential repair, replacement or modification has been satisfactorily carried out.
- (3) In this article, a “minor repair or modification” means one that has no appreciable effect on the mass, balance, structural strength, reliability, operational characteristics, noise, fuel venting, exhaust emission or other characteristics affecting the airworthiness of the aircraft, part or equipment.

#### **Who may issue a certificate of release to service**

27. A certificate of release to service issued under this Order may be issued only by a person, whether an individual or an incorporated person, who is —

- (a) the holder of an aircraft maintenance engineer’s licence —
  - (i) granted under this Order, being a licence that entitles the holder to issue the certificate; or
  - (ii) granted under the law of a country other than the Isle of Man and rendered valid under this Order, being a licence that entitles the holder to issue the certificate in accordance with the privileges endorsed on the licence;
- (b) approved by the Department as being competent to issue the certification and who is acting in accordance with the approval;
- (c) in a particular case, authorised by the Department to issue the certificate and who is acting in accordance with the approval;
- (d) 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;
- (e) approved in accordance with Part 145 and who is acting in accordance with the approval; or
- (f) listed in the maintenance organisation manual of a maintenance organisation approved under Part M Subpart F as a member of the certifying staff of the organisation and who is acting in accordance with the scope of the person’s approval as stated in the manual.

#### **Validation of maintenance engineers’ licences etc.**

28.—(1) The Department may, subject to any 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 Part M Subpart F; or
- (c) an aircraft maintenance licence granted by a State that is in conformity with Annex 1 to the Chicago Convention<sup>(1)</sup>.

(2) Subject to paragraph (3) the holder of a licence that is valid by virtue of paragraph (1) may be either an individual or an incorporated body.

(3) If the holder is an individual, the individual must not exercise the privileges of such a licence if he or she knows or suspects that his or her physical or mental condition renders the individual unfit to exercise such privileges.

### **Aircraft, engine and propeller log books**

**29.**—(1) In addition to any other log book required to be kept by or under this Order, the following log books must be kept for an aircraft registered in the Isle of Man —

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

(2) The log books must include the information specified in Schedule 5.

(3) With the exception of an entry of the type referred to in paragraph 3(d)(ii) or 4(d)(ii) of Schedule 5 each entry in the log book —

- (a) must be made as soon as practicable, but in no event more than 30 days, after the occurrence to which it relates;
- (b) must be made on each occasion that any overhaul, repair, replacement, modification, maintenance or inspection is undertaken on the engine or propeller.

(4) A document that is incorporated by reference in a log book is to be taken, for the purposes of this Order, to be part of the log book.

(5) The operator of an aircraft for which log books are required to be kept must keep them or cause them to be kept in accordance with this article.

(6) Subject to article 90 a log book must be preserved by the operator of the aircraft for at least two years after the aircraft, the engine or the variable pitch propeller has been destroyed or has been permanently withdrawn from use.

### **Aircraft mass schedule**

**30.**—(1) This article applies to a flying machine or a glider for which a certificate of airworthiness issued by the Department or rendered valid under this Order is in force.

(2) An aircraft to which this article applies must be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Department may require.

(3) When the aircraft is weighed its operator must prepare a mass schedule showing —

- (a) either the basic mass, or such other mass as may be approved by the Department for that aircraft; and
- (b) either the position of the centre of gravity at its basic mass or such other position of the centre of gravity as may be approved by the Department for that aircraft.

---

(1) Annex 1 is published by the International Civil Aviation Organisation ISBN 978-92-9231-810-9.



(4) Subject to article 90, the mass schedule must be preserved by the operator of the aircraft for at least six months after the next occasion on which the aircraft is weighed for the purposes of this article.

(5) In this article “basic mass” means the empty mass of the aircraft established in accordance with the type certification basis of the aircraft.

#### **Access and inspection for airworthiness purposes**

**31.**—(1) 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.

(2) A person authorised to do so by the Department may at any reasonable time inspect a part of, or material intended to be incorporated in or used in the manufacture of any part of an aircraft or its equipment or a document relating to the aircraft and may for that purpose go onto an aerodrome or enter an aircraft factory.