

2021 No. 751

CIVIL AVIATION

The Air Navigation (Isle of Man) (Amendment) Order 2021

Made - - - - - *23rd June 2021*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 23rd day of June 2021

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. This Order may be cited as the Air Navigation (Isle of Man) (Amendment) Order 2021 and comes into force on the date of the coming into operation of the Civil Aviation (Rules of the Air) Order 2021(b).

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

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

Commercial Air Transport, Aerial Work and Large Aircraft

3. In article 57(11), omit the words from “by rule” to “2008”.

Certain Other Aircraft

4. In article 58(6), omit the words from “by rule” to “2008”.

Rules of the Air

5. Omit article 91.

(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 2021/0184.

(c) S.I. 2015/870, as amended by S.I. 2016/155, 2016/765 and 2020/1280.

Licensing of aerodromes

6. In article 129(11), in the definition of “visual traffic pattern”, for “rule 45 of the Rules of the Air Regulations 2007” substitute “paragraph 9 of Schedule 1 to the Civil Aviation (Rules of the Air) Order 2021”.

Interpretation

7.—(1) Article 167(1) is amended as follows.

(2) In the definition of “Flight information service”, in sub-paragraph (a)(ii), for “rule 40(b) or 41(2) of the Rules of the Air Regulations 2007” substitute “point SERA.8015 in section 8 of the Annex to SERA or under paragraph 10(1)(b) or 11(2) of Schedule 1 to the Civil Aviation (Rules of the Air) Order 2021”.

(3) In the definition of “Instrument Flight Rules”, for “Section 6 of the Rules of the Air Regulations 2007” substitute “Section 5 of the Annex to SERA”.

(4) In the definition of “Notified aerodrome”, for “rule 45 of the Rules of the Air Regulations 2007” substitute “paragraph 9 of Schedule 1 to the Civil Aviation (Rules of the Air) Order 2021”.

(5) In the definition of “Notified operating hours”, for “rule 45 of the Rules of the Air Regulations 2007” substitute “paragraph 9 of Schedule 1 to the Civil Aviation (Rules of the Air) Order 2021”.

(6) After the definition of “Self-sustaining glider” insert—

““SERA” means EU Regulation No 923/2012 of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010(a), as applied to the Isle of Man by the Civil Aviation (Rules of the Air) Order 2021;”.

(7) In the definition of “Special VFR flight”, for “Rules of the Air Regulations 2007” substitute “Civil Aviation (Rules of the Air) Order 2021”.

(8) In the definition of “Visual flight rules”, for “Section 5 of the Rules of the Air Regulations 2007” substitute “Section 5 of the Annex to SERA”.

Aircraft Equipment

8.—(1) In Schedule 3, paragraph 5 is amended as follows.

(2) Under the heading “Scale C”—

(a) in sub-paragraph (1), for “Section 8 of the Rules of the Air Regulations 2007” substitute “point SERA.3215 of Section 3, Chapter 2 of the Annex to SERA”; and

(b) in sub-paragraph (3), for “Rule 61 of the Rules of the Air Regulations 2007” substitute “paragraphs 1, 2 and 3 of Appendix 1 of the Annex to SERA”.

(3) Under the heading “Scale J”, for sub-paragraph (2), substitute—

“(2) Parachute distress rocket signals capable of making, from the surface of the water, the pyrotechnical signal of distress specified in paragraphs 1, 2 and 3 of Appendix 1 of the Annex to SERA and complying with paragraph 3.1 of the International Life-Saving Appliance (LSA) Code contained in International Maritime Organization Resolution MSC.48(66), as amended**(b)**”.

(a) OJL 281, 13.10.2012, p. 1.

(b) Treaty Series No. 44 (1998); Cm 4063. International Maritime Organization (IMO) Resolution MSC.48(66) has been amended by IMO Resolutions MSC.207(81) and MSC.218(82) (CP 262), MSC.272(85) and MSC.293(87) (CP 266), MSC.320(89) (CP 263), MSC.368(93) and MSC.425(98) (CP 265). These amendments are available from the IMO at Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch/>).

Penalties

- 9.—(1) Schedule 11 is amended as follows.
- (2) In the Table in Part 1, omit the entry for article 91(5).
- (3) In the Table in Part 2, omit the entry for article 91(2).

Richard Tilbrook
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 (an Act of Tynwald), as amended by the Airports and Civil Aviation (Amendment) Act 2018, 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 to make way for the replacement provisions set out in the Civil Aviation (Rules of the Air) Order 2021 (SD No 2021/0184). This Order will commence on the same day that the Civil Aviation (Rules of the Air) Order 2021 comes into operation.

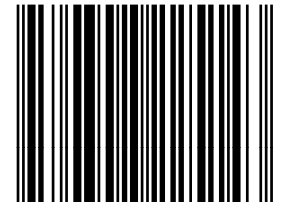
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£4.90

<http://www.legislation.gov.uk/id/uksi/2021/751>

ISBN 978-0-34-822514-3



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