

Operations

4. In article 4, for “(SD 2021/0395)” substitute “(SD 2022/0073)”.

Permissions, power to prevent aircraft flying, and exemption from Order

5. After article 8, insert—

“Revocation, suspension and variation of permissions, etc

8A. In article 145—

- (a) in the heading, omit “or article 141”;
- (b) in paragraph (1), omit “or article 141”.

Department’s power to prevent aircraft flying

8B. In article 147(2)(a)—

- (a) omit “10,”;
- (b) for “, 139 or 141” substitute “or 139”.

Exemption from Order

8C. In article 156, omit “141,.”

Interpretation

6. For article 9, substitute—

“Interpretation

9.—(1) In article 167(1)—

- (a) after the definition of “Authorised person”, insert—

““Basic Regulation” means Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and amending Regulations (EC) No 2111/2005, (EC) No 1008/2008, (EU) No 996/2010, (EU) No 376/2014 and Directives 2014/30/EU and 2014/53/EU of the European Parliament and of the Council, and repealing Regulations (EC) No 552/2004 and (EC) No 216/2008 of the European Parliament and of the Council and Council Regulation (EEC) No 3922/91(a);”;
- (b) for the definition of “the Department”, substitute—

““the Department” means the Department for Enterprise of the Isle of Man Government;”;
- (c) in the definition of “EASA”—
 - (i) after “European” insert “Union”;
 - (ii) delete “EASA” in the second place it occurs;
- (d) omit the definition of “Microlight aeroplane”;
- (e) after the definition of “Night”, insert—

(a) OJL 212, 22.8.2018, p. 1-122.

““Non-Part 21 aircraft” means an aircraft which would not be required by the Basic Regulation to hold a certificate of airworthiness or a restricted certificate of airworthiness under subpart H of Part 21 or a permit to fly under subpart P of Part 21;”;

(f) 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(a);”;

(g) 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 article 167(3), 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 transport and aerial work

7. In article 10, for “(SD 2021/0395)” substitute “(SD 2022/0073)”.

Transitional and saving provision

8. For article 14, substitute—

“Transitional and saving provision

14. Notwithstanding the revocation by article 3 of this Order of article 6 of the Air Navigation (Isle of Man) Order 2015, where an aircraft has been registered and a certificate of registration issued under article 6 of that Order, and the registration and certificate of registration are valid immediately before that revocation comes into force, the registration has effect as if done, and the certificate has effect as if issued, by the Department for Enterprise of the Isle of Man Government under article 9 of the Civil Aviation (Aircraft Registration and Marking) Order 2022.”.

(a) OJL 224, 21.8.2012, p. 1-85.

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) (“the 2015 Order”) 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.

The 2015 Order is amended by the Air Navigation (Isle of Man) (Amendment) Order 2022 (S.I. 2022/172) which revokes provision on the registration and marking of aircraft, certain aircraft operations, aircraft classification and aerodromes.

These revocations will 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 2022/0073), the Civil Aviation (Aerodromes) Order 2022 (SD No 2022/0074) and the Civil Aviation (Miscellaneous Amendments) Order 2022 (SD No 2022/0075).

The present Order makes amendments to S.I. 2022/172 before it comes into effect, to ensure that (a) all necessary consequential amendments are made to the 2015 Order following the revocations already set out in S.I. 2022/172, (b) the interpretation provisions of the 2015 Order are updated and amended where necessary following the introduction of the definition of a “single-seat deregulated aeroplane”, (c) the transitional and savings provision is sufficiently clear, and (d) cross references to the replacement Isle of Man legislation are updated.

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£4.90

<http://www.legislation.gov.uk/id/uksi/2022/324>

ISBN 978-0-34-823355-1



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