STATUTORY INSTRUMENTS

2016 No. 155

CIVIL AVIATION

The Air Navigation (Isle of Man) (Amendment) Order 2016

Made - - - - 10th February 2016
Coming into force - - 1st May 2016

At the Court at Buckingham Palace, the 10th day of February 2016
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(**1**), is pleased, by and with the advice of Her Privy Council, to make the following Order:

Citation and commencement

1. This Order may be cited as the Air Navigation (Isle of Man) (Amendment) Order 2016 and comes into force on 1st May 2016.

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

2. The Air Navigation (Isle of Man) Order 2015(**2**) is amended in accordance with articles 3 to 22.

3. In article 22 (requirement for an approved maintenance programme), after paragraph (2) add—

"(3) The operator of an aircraft registered in the Isle of Man and which has a maximum total mass authorised in excess of 5,700 kg must ensure that the information resulting from the maintenance and operational experience with respect to its continuing airworthiness is transmitted to the organisation responsible for the type design of the aircraft.".

4. Omit article 23 (technical log).

5. In article 27 (who may issue a certificate of release to service), in paragraph (c) for "actin" substitute "acting".

6. After article 32 (equipment of aircraft) insert—

(**1**) 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).
(**2**) S.I. 2015/870.

"**Survival equipment**

32A.—(1) The pilot in command of an aircraft that is registered in the Isle of Man must be satisfied on reasonable grounds before take-off that the aircraft carries such additional equipment as the pilot in command reasonably considers necessary to facilitate the survival of the persons carried in the aircraft.

(2) In complying with paragraph (1) the pilot in command must have regard to the circumstances of the intended flight, including, in particular, the likelihood of ditching and the availability of search and rescue facilities.".

7. After article 51 (commander to ensure demonstration of use of oxygen) insert —

"**Refuelling with passengers on board**

51A. The commander of an aircraft registered in the Isle of Man must ensure that prior to the aircraft being refuelled whilst passengers are embarking, on board or disembarking—

(a) qualified personnel are readily available to initiate and direct the evacuation of the aircraft;

(b) passengers are instructed to ensure that any seat belts or harnesses are unfastened; and

(c) two-way communication is maintained between the ground crew supervising the refuelling and the qualified personnel on board the aircraft.

Requirement for notification of accident

51B.—(1) This article applies if an aircraft registered in the Isle of Man is involved in an accident resulting in—

(a) serious injury or death; or

(b) substantial damage to the aircraft or other property.

(2) The pilot in command of the aircraft must notify the nearest appropriate authority by the quickest available means.

(3) If the pilot in command is unable to comply with the requirement in paragraph (2), the operator of the aircraft must do so.".

8. After article 52 (pilot to remain at controls and be secured in seat) insert—

"**Pilot in command – responsibility for journey log**

52A.—(1) This article applies to an aircraft—

(a) registered in the Isle of Man;

(b) in respect of which a certificate of airworthiness is in force; and

(c) that is used for international air navigation.

(2) The operator of the aircraft must ensure that a journey log is kept for the aircraft.

(3) Except as provided by paragraph (4), the pilot in command of a flight of the aircraft must at the end of the flight enter in the journey log—

(a) details of the aircraft's nationality and registration;

(b) the date of the flight;

(c) the names of the crew members and their duty assignments;

(d) the departure and arrival points and times of the flight;

(e) the purpose of the flight; and

(f) any observations regarding the flight,

and sign the log.

(4) If an aircraft undertakes two or more consecutive flights, each of which begins and ends—

(a) within a period of 24 hours;

(b) at the same aerodrome; and

(c) with the same pilot in command,

the pilot in command may complete the log as required by paragraph (3) at the end of the last of those flights.

(5) Except as otherwise provided by article 90, the operator of an aircraft must preserve the journey log for the aircraft 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.

(6) In this article, "journey log" means the document described as "Document H" in Schedule 7 and in the case of an aircraft that has a maximum total mass authorised of 2730kg or less, includes a record acceptable to the Department in lieu of a journey log.".

9. For Part 10 substitute —

"PART 10

Aerodrome Operating Minima

Commercial Air Transport, Aerial Work and Large Aircraft

57.—(1) This article applies to an aircraft—

(a) registered in the Isle of Man and which has a maximum total mass authorised exceeding 5,700kg;

(b) registered in the Isle of Man and which is equipped with one or more turbojet engines;

(c) registered in the Isle of Man and which has a maximum approved passenger seating configuration of more than 9 seats, or

(d) registered elsewhere and which is being operated in the Isle of Man for commercial air transport.

(2) The operator of an aircraft must not permit the aircraft to fly in or over the Isle of Man unless the operator has made available to its flight crew aerodrome operating minima that comply with paragraph (3) in respect of each aerodrome at or from which it is intended the aircraft should land or take off and each alternate aerodrome at or from which the aircraft may be required to land at or take off.

(3) The aerodrome operating minima to be provided in accordance with paragraph (2) must be no less restrictive than—

(a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or

(b) minima that comply with the law of the jurisdiction in which the aircraft is registered,

being whichever minima are the more restrictive.

(4) The pilot in command of an aircraft must not—

(a) conduct a Category II, Category IIIA or Category IIIB approach or landing; or

(b) take off when the relevant runway visual range is less than 400 metres,

except in accordance with the terms of any approval to do so granted under the law of the country in which the aircraft is registered.

(5) In the case of an aircraft registered in the Isle of Man, the approval referred to in paragraph (4) must be an approval which has been issued by the Department.

(6) The pilot in command of an aircraft must not cause the aircraft to take off from or to land at an aerodrome in the Isle of Man in contravention of the specified aerodrome operating minima.

(7) Without prejudice to paragraphs (4) and (6), the pilot in command of an aircraft when causing the aircraft to descend at an aerodrome to a runway for which there is a notified instrument approach, must not cause the aircraft to descend from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(8) Without prejudice to paragraphs (4) and (6), the pilot in command of an aircraft, when causing the aircraft to descend to a runway for which there is a notified instrument approach, must not—

(a) continue an approach to landing on the runway by flying below the relevant specified decision height; or

(b) cause the aircraft to descend below the relevant specified minimum descent height,

unless, in either case, the specified visual reference for landing is established and maintained from that height.

(9) The pilot in command of an aircraft must select a take-off alternate aerodrome and specify it in the flight plan if—

(a) the meteorological conditions at the aerodrome of intended departure are below the applicable aerodrome landing minima for that operation; or

(b) it would not be possible to return to that aerodrome for any other reason.

(10) The pilot in command of an aircraft must select the take-off alternate aerodrome so that any available information indicates that at the estimated time of use the conditions will be at or above the applicable aerodrome operating minima for that use and be located—

(a) in the case of an aircraft with two engines – within one hour of flight time at a one-engine inoperative cruising speed, determined from the aircraft operating manual, calculated in international standard atmospheres and still air conditions using the actual take-off mass; or

(b) in the case of an aircraft with three or more engines – within two hours of flight time at an all engines operating cruising speed, determined from the aircraft operating manual, calculated in international standard atmospheres and still air conditions using the actual take-off mass.

(11) If, according to any available information, an aircraft would be required by rule 18(1), 19(1) or 20 of the Rules of the Air Regulations 2007(**3**) as applied to the Isle of Man

(**3**) S.I. 2007/734 as amended by SI 2007/1371.

by the Civil Aviation (Subordinate Legislation) (Application) Order 2008(**4**) to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot in command of the aircraft must select an alternate aerodrome before take-off unless no aerodrome suitable for that purpose is available.

(12) The pilot in command of an aircraft must not commence a flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome where no suitable alternate aerodrome is available 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.

(13) The pilot in command of an aircraft must not continue a flight towards the aerodrome of intended landing unless the latest available information indicates that conditions at the aerodrome, or at least one alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.

(14) In this article—

"aircraft" means an aircraft to which this article applies;

"specified", in respect of an aerodrome operating minima, means such detailed information about an aerodrome's operating minima as have been notified for the aerodrome or, if the relevant minima have not been notified, such minima as are ascertainable by reference to the notified method for calculating an aerodrome's operating minima;

"designated", in respect of an instrument approach procedure, means notified, prescribed or otherwise designated by the relevant competent authority.

Certain Other Aircraft

58.—(1) This article applies to an aircraft to which article 57 does not apply—

(a) that is registered in the Isle of Man; or

(b) that is being operated in the Isle of Man.

(2) The pilot in command of an aircraft must not —

(a) conduct a Category II, Category IIIA or Category IIIB approach or landing, or

(b) take off when the relevant runway visual range is less than 400 metres,

except in accordance with the terms of any approval to do so granted under the law of the jurisdiction in which the aircraft is registered.

(3) In the case of an aircraft registered in the Isle of Man, the approval referred to in paragraph (2) must be an approval which has been issued by the Department.

(4) Without prejudice to paragraph (2), the pilot in command of an aircraft when making a descent at an aerodrome to a runway for which there is a notified instrument approach procedure must not cause the aircraft to descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(**4**) SD 835/08.