



**Isle of Man**  
CIVIL AVIATION ADMINISTRATION

# **Civil Aviation Act 1982**

(as amended and as applied to the Isle of Man)

**Contents**  
**Table of Contents**

Contents	i
Amendment Record.....	iii
Foreword	iii
<b>PART I — ADMINISTRATION .....</b>	<b>1</b>
1-10 <i>[omitted]</i> .....	1
11      Charges .....	1
12-23 <i>[omitted]</i> .....	2
24      Eurocontrol .....	2
<b>PART II — AERODROMES AND OTHER LAND .....</b>	<b>2</b>
1-38 <i>[omitted]</i> .....	2
39      Trespassing on licensed aerodromes.....	2
<b>PART III — REGULATION OF CIVIL AVIATION .....</b>	<b>3</b>
General.....	3
60      Power to give effect to Chicago Convention and to regulate air navigation, etc.....	3
61      Air Navigation Orders etc,: supplemental. ....	4
Air transport, etc.....	5
64      Restriction of unlicensed carriage by air for reward .....	5
74A     Enforcement of foreign judgments etc in respect of route charges .....	7
Investigation of accidents .....	10
75      Investigation of accidents .....	10
Trespass by aircraft and aircraft nuisance, noise, etc.....	11
76      Liability of aircraft in respect of trespass, nuisance and surface damage.....	11
77      Nuisance caused by aircraft on aerodromes .....	12
81      Dangerous flying .....	12
82      Prohibition of aerial advertising and propaganda .....	12
Records and provision of information, etc .....	12
83      Recording and registration of births and deaths, etc .....	12
84      Provision by others of information for Department.....	13
<b>PART IV — AIRCRAFT .....</b>	<b>15</b>
Rights etc. in relation to aircraft .....	15
87      Application of law of wreck and salvage to aircraft .....	15



88	Detention and sale of aircraft for unpaid airport charges.....	15
89	Exemption of aircraft and parts thereof from seizure on patent claims.....	18
92	Application of criminal law to aircraft .....	18
	Powers of commander of aircraft.....	21
94	Powers of commander of aircraft.....	21
	Evidence, etc.....	24
95	Provisions as to evidence in connection with aircraft.....	24
96	Use of records and documentary evidence.....	25
	Supplemental.....	26
98	Construction of certain provisions of Part IV.....	26
	<b>PART V — MISCELLANEOUS AND GENERAL .....</b>	<b>26</b>
99	Offences.....	26
105	General interpretation.....	27
106	Application of Act to territorial waters.....	29
110	Citation and commencement .....	29
	Section 24.....	29
	SCHEDULE 4 — EUROCONTROL.....	29
	Section 89.....	31
	SCHEDULE 12 — PATENT CLAIMS AGAINST AIRCRAFT NOT PROTECTED UNDER CHICAGO CONVENTION .....	31

## Amendment Record

Version	Date	Details
1	October 2017	
2	Dec 2017	Change in interpretation of "the Department" resulting from the Transfer of Functions (Economic Development and Education) Order 2017 (SD 2017/0325)

## Foreword

1. This document has been prepared to provide stakeholders with an easy reference working copy of the Civil Aviation Act 1982 'as amended' and 'as applied to the Isle of Man'. It is edited by the Isle of Man Civil Aviation Administration. However, Courts of Law will refer only to the source regulatory material.
2. The document content is compiled from the following regulations:
  - (a) Civil Aviation Act 1982<sup>1</sup>.
  - (b) Civil Aviation (Isle of Man) Order 2007<sup>2</sup> (SI 2007/614).
  - (c) Civil Aviation (Application) Order 2006<sup>3</sup>.
  - (d) Civil Aviation Acts (Application)(Amendment) Order 2017<sup>4</sup>.
3. This document will be updated regularly to take into account further amendments.

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<sup>1</sup> 1982 c.16

<sup>2</sup> SI 2007/614

<sup>3</sup> SD 910/06

<sup>4</sup> SD 2017/0001

## **PART I — ADMINISTRATION**

### **1-10 [omitted]**

### **11 Charges**

(1) The Department may, with the consent of the Treasury of the Isle of Man, make a scheme for determining the charges which are to be paid to the Department in respect of the performance of such of its functions as are specified in the scheme; and a scheme under this section may as respects any of those functions—

- (a) specify the amount of the charge or a scale of charges by reference to which that amount is to be ascertained or provide that the charges shall be of such amount, not exceeding that specified in the scheme, as may be decided by the Department, having regard to the expense incurred by the Department in performing the function in question and to such other factors (if any) as may be so specified;
- (b) provide for different charges for cases of such different descriptions as may be so specified;
- (c) specify the manner in which, the time at which and the person by whom any charge is to be paid.

(2) A scheme under this section shall come into force on such day as may be specified in the scheme, not being earlier than the expiration of the period of sixty days beginning with the day on which the scheme is published in such manner as appears to the Department to be calculated to bring it to the attention of persons who may be affected by it; and a scheme made under this section may vary or revoke a previous scheme so made.

(3) A scheme under this section may prescribe the manner in which, the time at which and the person by whom a charge is to be paid.

(4) *[omitted]*

(5) Where, as respects any function of the Department provision for a charge to be paid is made by virtue of this section it shall be the duty of the Department to charge accordingly, except that it may, if it thinks fit to do so in a particular case, waive the whole or part of the charge.

(6) Nothing in the preceding provisions of this section shall be construed as derogating from the power of the Department to enter into an agreement for the payment to it of charges of such amounts as may be determined in pursuance of the agreement in respect of the performance by it of any of its functions, other than a function in respect of which provision is made in pursuance of those provisions for the making of a charge or of no charge.

- (7) A scheme under this section shall not have effect unless it is approved by Tynwald.
- (8) References in this section to functions of the Department are to its functions under —
- (a) this Act;
  - (b) an Air Navigation Order; or
  - (c) any other instrument applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

**12-23 [omitted]**

**24 Eurocontrol**

Schedule 4 to this Act shall have effect in relation to the European Organisation for the Safety of Air Navigation established by the International Convention relating to co-operation for the safety of air navigation (entitled Eurocontrol) concluded at Brussels on 13th December 1960 (copies of which Convention were laid before Parliament by Command of Her Majesty on 13th June 1961); and in this Act—

“Eurocontrol” means that organisation, including, except where the context otherwise requires, the Permanent Commission for the Safety of Air Navigation and the Air Traffic Services Agency comprised in that Organisation; and

“the Eurocontrol Convention” means that Convention [as from time to time amended with the agreement of the contracting parties thereto].

**PART II — AERODROMES AND OTHER LAND**

**1-38 [omitted]**

**39 Trespassing on licensed aerodromes**

(1) Subject to subsection (2) below, if any person trespasses on any land forming part of an aerodrome licensed in pursuance of an Air Navigation Order, he shall be liable on summary conviction to a fine not exceeding £1,000.

(2) No person shall be liable under this section unless it is proved that, at the material time, notices warning trespassers of their liability under this section were posted so as to be readily seen and read by members of the public, in such positions on or near the boundary of the aerodrome as appear to the court to be proper.

## PART III — REGULATION OF CIVIL AVIATION

### General

#### **60 Power to give effect to Chicago Convention and to regulate air navigation, etc.**

(1) . . . Her Majesty may by Order in Council under this section (in this Act referred to as “an Air Navigation Order”) make such provision as is authorised by subsections (2) and (3) below. . .

(2) An Air Navigation Order may contain such provision as appears to Her Majesty in Council to be requisite or expedient—

(a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention; or

(b) generally for regulating air navigation.

(3) Without prejudice to the generality of subsection (2) above or to any other provision of this Act, an Air Navigation Order may contain provision—

(a) as to the registration of aircraft in the Isle of Man;

(b) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the Order are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the Order;

(c) . . . for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof . . . ;

(d) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified in the Order except in accordance with provisions in that behalf contained in the Order, and for the licensing of those employed at aerodromes licensed under the Order in the inspection or supervision of aircraft;

(e) *[omitted]*

(f) as to the conditions under which passengers may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes, as to the conditions under which goods may be carried by air, for prohibiting the carriage by air of goods of such classes as may be specified in

the Order, and for conferring, on such persons as may be so specified, powers relating to the enforcement of any such condition or prohibition (including powers to examine, take samples of, seize and detain any goods, powers to open any baggage or packages containing goods or to require them to be opened and powers to require the production of any documents);

(h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph;

(i)-(m) *[omitted]*

(n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or other document required by the Order (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document;

(o)-(p) *[omitted]*

(q) for exempting from the provisions of the Order or any of them any aircraft or persons or classes of aircraft or persons;

(4) An Air Navigation Order may make different provision with respect to different classes of aircraft, aerodromes, persons or property and with respect to different circumstances. . . .

(5) *[omitted]*

(6) In this section a reference to goods shall include a reference to mails or animals.

(7) In this section "the Chicago Convention" means the convention on International Civil Aviation which was, on 7th December 1944, signed on behalf of the Government of the United Kingdom at the International Civil Aviation Conference held at Chicago.

## **61 Air Navigation Orders etc.: supplemental.**

(1) An Air Navigation Order may, for the purpose of securing compliance with its provisions, provide—

(a) . . . for persons to be guilty of offences in such circumstances as may be specified in the Order and to be liable on conviction of those offences to such penalties as may be so specified; and

(2) The power conferred by virtue of subsection (1)(a) above shall not include power—

- (a) to provide for offences to be triable only on information;
- (b) to authorise the imposition, on summary conviction of any offence, of any term of custody or of a fine exceeding the statutory maximum;
- (c) to authorise the imposition, on conviction on indictment of an offence, of a term of custody exceeding two years.

(8) All sums received by way of fees paid under an Air Navigation Order shall be paid into the general revenue of the Isle of Man.

## Air transport, etc

### 64 Restriction of unlicensed carriage by air for reward

(1) No aircraft shall be used for the carriage for reward of passengers or cargo on a flight beginning or ending in the Isle of Man unless the operator of the aircraft holds —

- (a) a valid air operator's certificate specifying activities which include the operation of aircraft on such flights as the flight in question, and
- (b) either —
  - (i) a valid operating licence issued in accordance with the Community Regulation, or
  - (ii) a valid air transport licence, authorising him to operate aircraft on such flights as the flight in question;

and (where paragraph (b)(ii) applies) the terms of the licence are complied with so far as they relate to that flight and fall to be complied with before or during the flight.

(1A) Subsection (1) above does not apply where —

- (a) the aircraft is registered in a country other than the Isle of Man, a Member State or any of the Channel Islands,
- (b) pursuant to an Order in Council under section 60 of this Act (as it has effect in the United Kingdom) permission for the flight has been granted by or on behalf of the Secretary of State to the operator or the charterer of the aircraft or to the Government of the country in which the aircraft is registered, and
- (c) any conditions to which such permission may be subject are complied with.

(4) Where an aircraft is used for the carriage of passengers or cargo in pursuance of an arrangement made between a member of an incorporated or unincorporated body of persons and that body or another member of it, then, if by reason of relationships arising from membership of the body the carriage is not apart from this subsection carriage for reward, it shall be treated for the purposes of this section as carriage for reward.

- (5) Where an aircraft is used on a flight in contravention of subsection (1) above then—
- (a) if before the flight began the operator of the aircraft knew or ought to have known that the use of the aircraft on that flight was likely to be in contravention of that subsection, he shall be guilty of an offence under this subsection; and
  - (b) if any other person, either by negotiating a contract or otherwise howsoever, made available accommodation for the carriage of passengers or cargo on the aircraft on the flight when he knew or ought to have known before the flight began that the accommodation was likely to be provided on an aircraft when used on a flight in contravention of the said subsection (1), that person shall be guilty of an offence under this subsection;

but a person shall not (except in pursuance of section 99(1) below or the law relating to persons who aid, abet, counsel or procure the commission of offences) be guilty of an offence by virtue of paragraph (b) above in consequence of the contravention by another person of a term of a licence.

(6) For the purpose of determining in pursuance of subsection (5) above whether an offence relating to a flight has been committed by the operator of the aircraft used on the flight, it is immaterial that the relevant contravention mentioned in that subsection occurred outside the Isle of Man if when it occurred the operator—

- (a) was a United Kingdom national, or
- (b) was a body incorporated under the law of the Isle of Man, or
- (c) was a person (other than a United Kingdom national or such a body) maintaining a place of business in the Isle of Man;

and for the purpose of determining in pursuance of that subsection whether an offence relating to a flight has been committed by a person who made available such accommodation as is mentioned in that subsection it is immaterial that the relevant contravention there mentioned occurred outside the Isle of Man and that at any relevant time that person was not a United Kingdom national or such a body as aforesaid if any part of the negotiations resulting in the making available of the accommodation in question took place, whether by means of the post or otherwise, in the Isle of Man.

(7) Where the Department has reason to believe that an aircraft is intended to be used in contravention of subsection (1) above on a particular flight beginning in the Isle of Man or that any term of an air transport licence relating to such a flight and falling to be complied with at or after the end of the flight may not be complied with, the Department may—

- (a) give to the person appearing to it to be in command of the aircraft a direction that he shall not permit the aircraft to take off until it has informed him that the direction is cancelled;
- (b) whether or not it has given such a direction, detain the aircraft until it is satisfied that the aircraft will not be used on the flight in contravention of the said subsection (1) or, as the case may be, that the term aforesaid will be complied with;

and a person who fails to comply with a direction given to him in pursuance of this subsection shall be guilty of an offence under this subsection.

- (8) A person guilty of an offence under subsection (5) or (7) shall be liable—
  - (a) on summary conviction, to a fine not exceeding £5,000; and
  - (b) on conviction on information, to a fine or to custody for a term not exceeding two years or to both.

- (9) In this section —

"air operator's certificate" means a document issued to an undertaking or a group of undertakings by a Member State which affirms that the operator in question is competent to secure the safe operation of aircraft of the types specified in the certificate on flights of the description and for the purposes so specified;

"air transport licence" means a licence granted by the Civil Aviation Authority under section 65 of this Act as it has effect in the United Kingdom;

"the Community Regulation" means Council Regulation (EEC) No. 2407/92 on licensing of air carriers;

"operating licence" means an authorisation by a Member State to an undertaking, permitting it to carry passengers, mail or cargo by air for remuneration or hire.

#### **74A Enforcement of foreign judgments etc in respect of route charges**

- (1) Subject to the following provisions of this section, where a relevant authority in a Contracting State, has made a determination as to whether or not any sum is due to Eurocontrol in respect of air navigation services provided by Eurocontrol or by some other person, that determination shall, in the Isle of Man, be enforceable or, as the case may be, recognised in accordance with the following provisions of this section, but not otherwise.
- (2) For the purposes of the enforcement the Isle of Man of any determination which is enforceable by Eurocontrol under this section, the provisions of sections 2, 3(1) and 5(2) and (3) of the Judgments (Reciprocal Enforcement) (Isle of Man) Act 1968 (an Act of Tynwald) (registration of judgments, rules of court and powers of court on application to set aside registration) shall apply, with the necessary modifications, in relation to the

determination as they apply in relation to a judgement to which Part I of that Act applies; and accordingly, for the purposes of this section, in subsection (2) of section 5 of that Act –

- (a) the reference to subsection (1) of that section shall have effect as a reference to subsection (7) below; and
- (b) the reference to an appeal shall include a reference to an application for review of a determination.

(3) On an application for the purpose made by any person against whom a determination registered by virtue of subsection (2) above may be enforced, the registration shall (subject to subsection (7) below) be set aside if the court to which the application to register is made is satisfied –

- (a) that the determination is not a determination to which this section applies;
- (b) that the determination was registered in contravention to any provision applied by subsection (2) above; or
- (c) that by virtue of any of the following provisions of this section, the determination is not to be enforced in the Isle of Man.

(4) Subject to subsection (7) below, a determination in respect of any sum by a relevant authority in a Contracting State shall not under this section be enforced or recognised in the Isle of Man if –

- (a) that Contracting State is not the country, or one of the countries, in which, under subsection (5) below, proceedings in respect of that sum should have been brought; or
- (b) the determination is not final; or
- (c) the determination is manifestly contrary to public policy in the Isle of Man; or
- (d) the person against whom the proceedings resulting in the determination were brought did not (withstanding that process may have been duly served on him in the Contracting State in which those proceedings were brought) receive notice of the proceedings in sufficient time to enable him to defend them or, as the case may require, to apply for the proceedings to be reviewed; or
- (e) proceedings relating to the same sum have been brought previously, and are pending, in the Isle of Man; or
- (f) the determination is incompatible with the judgement of any court in the Isle of Man); or
- (g) the determination –

- (i) involved in the application of rules of private international law to a question concerning the status or legal capacity of natural persons, or concerning rights in property arising out of matrimonial relationships concerning wills or succession (being rules different from the corresponding rules of private international law applicable in the Isle of Man), and
- (ii) was different from the determination which would have been made if those corresponding rules had been applied.

(5) For the purposes of this section proceedings in respect of a sum payable to Eurocontrol must be brought against the person liable to pay the sum –

- (a) in the Contracting State (if any) in which that person's residence or, as the case may be, his registered office is situated;
- (b) if that person's residence or, as the case may be, his registered office is not situated in a Contracting State, in any Contracting State in which he has a place of business;
- (c) if that person's residence or, as the case may be, his registered office is not situated in a Contracting State and he has no place of business in any Contracting state, in any Contracting State in which he has assets;
- (d) if that person's residence or, as the case may be, his registered office is not situated in a Contracting State and he has neither a place of business nor any assets in any Contracting State, in the country in which Eurocontrol for the time being has its headquarters.

(6) For the purposes of this section a determination by a relevant authority in a Contracting State shall be final if neither an appeal from nor an application for review of that determination is pending in that State and it is not possible, for any of the following reasons, for such an appeal to be brought or such an application to be made, that is to say—

- (a) no appeal or review is provided for in that State in respect of the determination, being a determination made by a court or tribunal;
- (b) the time within which an appeal must be brought, or an application for review must be made, has expired;
- (c) an appeal which has been brought, or an application for review which has been made, has been withdrawn; or
- (d) the determination has been confirmed by, or made in pursuance of a direction contained in, a determination which was made by a relevant authority and is itself final.

(7) If, on an application to set aside the registration by virtue of subsection (2) above of any determination, the applicant satisfies the court to which the application to register is made that the determination is not final, the court may, on such terms as it may think fit, either –

- (a) set aside the registration; or
- (b) adjourn the application to set aside the registration until such time as the determination has become final,

but nothing in this section shall require that court to take either of these courses where there is no other ground for setting aside the registration and the court is not satisfied that the applicant intends to continue with any appeal or application for review which is pending or, as the case may be, to bring any appeal or make any such application which it is possible for him to bring or make in respect of the determination.

(8) In this section—

“Contracting State” means a country designated in an Order in Council which has been laid before Parliament as a party to the Multilateral Agreement relating to Route Charges signed at Brussels on 12th February 1981 at the Diplomatic Conference on the Protocol amending the Eurocontrol International Convention relating to Co-operation for the Safety of Air Navigation of 13th December 1960;

“relevant authority”, in relation to a Contracting State, means—

- (a) any court or tribunal which, under the law of the State, has jurisdiction to determine questions as to whether or not a sum is due to Eurocontrol in respect of air navigation services provided by Eurocontrol or some other person;
- (b) any administrative authority which, under that law, has jurisdiction to make, or is otherwise authorised to make, determinations in respect of such questions, being determinations which in that State are subject to appeal to, or review by, a court or tribunal;
- (c) any court or tribunal which, under that law, has jurisdiction to determine any appeal from, or carry out any review of, a determination made in respect of any such question by another relevant authority.

## Investigation of accidents

### 75 Investigation of accidents

(1) This section applies to regulations made under this section as it has effect in the United Kingdom and applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

(2)-(4) [omitted]

(5) If any person contravenes or fails to comply with any regulations to which this section applies he shall be liable on summary conviction to a fine not exceeding £5,000 or to custody for a term not exceeding three months.

(6) Nothing in this section shall limit the powers of any authority under sections 16 to 18 of the Wreck and Salvage (Ships and Aircraft) Act 1979 (an Act of Tynwald) or any enactment amending those sections.

(7) This section applies to civil aircraft belonging to or exclusively employed in the service of Her Majesty as it applies to other civil aircraft registered in the Isle of Man.

### **Trespass by aircraft and aircraft nuisance, noise, etc**

#### **76 Liability of aircraft in respect of trespass, nuisance and surface damage**

(1) No action shall lie in respect of trespass or in respect of nuisance, by reason only of the flight of an aircraft over any property at a height above the ground which, having regard to wind, weather and all the circumstances of the case is reasonable, or the ordinary incidents of such flight, so long as the provisions of any Air Navigation Order have been duly complied with and there has been no breach of section 81 below.

(2) Subject to subsection (3) below, where material loss or damage is caused to any person or property on land or water by, or by a person in, or an article, animal or person falling from, an aircraft while in flight, taking off or landing, then unless the loss or damage was caused or contributed to by the negligence of the person by whom it was suffered, damages in respect of the loss or damage shall be recoverable without proof of negligence or intention or other cause of action, as if the loss or damage had been caused by the wilful act, neglect, or default of the owner of the aircraft.

(3) Where material loss or damage is caused as aforesaid in circumstances which –

- (a) damages are recoverable in respect of the said loss or damage by virtue only of subsection (2) above, and
- (b) a legal liability is created in some person other than the owner to pay damages in respect of the said loss or damage,

the owner shall be entitled to be indemnified by that other person against any claim in respect of the said loss or damage.

(4) Where the aircraft concerned has been bona fide demised, let or hired out for any period exceeding fourteen days to any other person by the owner thereof, and no pilot, commander, navigator or operative member of the crew of the aircraft is in the employment of the owner, this section shall have effect as if for references to the owner there were substituted references to the person to whom the aircraft has been so demised, let or hired out.



(5) This section applies to civil aircraft belonging to or exclusively employed in the service of Her Majesty as it applies to other civil aircraft registered in the Isle of Man.

**77 Nuisance caused by aircraft on aerodromes**

(1) Subsection (2) below applies to any aerodrome as respects which provision is made by an Air Navigation Order for regulating the conditions under which noise and vibration may be caused by aircraft.

(2) No action shall lie in respect of nuisance by reason only of the noise and vibration caused by aircraft on an aerodrome to which this subsection applies by virtue of an Air Navigation Order, as long as the provisions of any such Order are duly complied with.

**81 Dangerous flying**

(1) Where an aircraft is flown in such a manner as to be the cause of unnecessary danger to any person or property on land or water, the pilot or the person in charge of the aircraft, and also the owner thereof, unless he proves to the satisfaction of the court that the aircraft was so flown without his actual fault or privity, shall be liable on summary conviction to a fine not exceeding £1,000 or to custody for a term not exceeding six months or to both.

(2) In this section the expression "owner" in relation to an aircraft includes any person by whom the aircraft is hired at the time of the offence.

(3) The provisions of this section shall be in addition to and not in derogation of any provision made by an Air Navigation Order.

**82 Prohibition of aerial advertising and propaganda**

(1) Save in such circumstances as may be prescribed, no aircraft while in the air over the Isle of Man shall be used, whether wholly or partly for emitting or displaying any advertisement or other communication in such a way that the advertisement or communication is audible or visible from the ground.

(2) Any person who uses an aircraft, or knowingly causes or permits an aircraft to be used, in contravention of subsection (1) above shall be guilty of an offence and liable on summary conviction to a fine not exceeding £2,500 or to custody for a term not exceeding 3 months or to both.

**Records and provision of information, etc**

**83 Recording and registration of births and deaths, etc**

(1) This section applies to regulations made under this section as it has effect in the United Kingdom and applied to the Isle of Man under section 11 of the Airports and Civil Aviation Act 1987 (an Act of Tynwald).

(2) Any person who fails to comply with a requirement of regulations to which this section applies shall be liable on summary conviction to a fine not exceeding £500.

(3) Proceedings for an offence under this section shall not be instituted except by or with the consent of the Department or Her Majesty's Attorney General for the Isle of Man.

(5) Where certified copies of records made pursuant to regulations to which this section applies are sent to the Chief Registrar in accordance with the regulations, he shall cause them to be filed and preserved in a book to be kept by him for the purpose, and to be called the Air Register Book of Births and Deaths.

(7) Where a certified copy of a corrected entry is sent to the Chief Registrar in accordance with the regulations, he shall cause the corrected entry to be substituted for the corresponding entry for the time being made in the Air Register Book of Births and Deaths.

(8) The enactments relating to the registration of births and deaths in the Isle of Man shall have effect as if the Air Register Book of Births and Deaths were a certified copy or duplicate register transmitted to the Chief Registrar in accordance with those enactments.

#### **84 Provision by others of information for Department**

(1) The Department may, by a notice in writing served in the prescribed manner on a person of any of the following descriptions, that is to say –

- (a) the holder of any licence or certificate issued, granted or validated by the CAA or the Department;
- (b) a recipient of an approval given or validated by the CAA or the Department under an Air Navigation Order,
- (c) a person who in the Isle of Man has, at any time during the period of two years ending with the date of service of the notice, held himself out as one who may as a principal or otherwise enter into a contract to make available accommodation for the carriage of persons or cargo on flights in any part of the world in aircraft of which he is not the operator,
- (d) a person carrying on business in the Isle of Man as a manufacturer of aircraft or engines or other equipment for aircraft or as an insurer of aircraft,

require him to furnish to the Department, in such form and at such times as may be specified in the notice, information of such descriptions as may be so specified, being—

- (i) in the case of such a holder or recipient as aforesaid (other than the holder of an aerodrome licence), descriptions of information which relates to his past, present or future activities as the holder or recipient of the licence, certificate or approval in question or his past activities as the holder or recipient of any similar licence, certificate or approval or is of a kind which the Department considers that it requires for the purpose of reviewing the licence, certificate or approval in question,

- (ii) in the case of such a person as is mentioned in paragraph (c) of this subsection, descriptions of information which relates to his past, present or future activities in the Isle of Man connected with the making available of accommodation so mentioned,
- (iii) in the case of such a person as is mentioned in paragraph (d) of this subsection or the holder of an aerodrome licence, descriptions of information which relates to his past, present or future activities (including, in the case of a holder of an aerodrome licence, information as to the numbers of aircraft and passengers and the quantity of cargo passing and expected to pass through the relevant aerodrome) and is of a kind which the Department considers that it requires for the purpose of performing any of its functions.

In this subsection "aerodrome licence" means a licence to operate an aerodrome issued by the Department under an Air Navigation Order.

(2) Without prejudice to the generality of subsection (1) above, the information relating to the activities of the holder of a licence which the Department may require him to furnish in pursuance of that subsection includes particulars of any contract or arrangement—

- (a) to which he is or was at any time a party and, if he is not or was not then an operator of aircraft registered in the Isle of Man, the United Kingdom, any of the Channel Islands or any colony, to which such an operator is or was then a party; and
- (b) which constitutes or relates to an agreement or understanding between operators of aircraft or such operators and other persons with respect to any of the following matters, that is to say—
  - (i) the provision of flights or of accommodation in aircraft,
  - (ii) the sharing or transfer of revenue from flights on particular routes,
  - (iii) the sale by a party to the contract or arrangement of tickets for flights in aircraft operated by another party to it,
  - (iv) the making available by a party to the contract or arrangement of staff, equipment or other facilities for use by another party to it.

(4) If a person required to furnish information by virtue of any of the preceding provisions of this section fails to comply with the requirement or in purported compliance with the requirement knowingly or recklessly furnishes information which is false in a material particular, then—

- (a) in the case of a failure to comply with the requirement he shall be guilty of an offence and liable on summary conviction to a fine of an amount not exceeding £1,000; and
- (b) in any other case he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000 and on conviction on information to a fine or to custody for a term not exceeding two years or to both; and
- (c) if the requirement was made by virtue of subsection (1) or (2) above, the Department may, whether or not any proceedings in respect of the requirement have been brought in pursuance of paragraph (a) or (b) of this subsection, revoke any licence or certificate or approval which was issued, granted, validated or given by the Department and to which the requirement related;

and a person who fails to comply with a requirement imposed on him in pursuance of this section shall be guilty of an offence by virtue of paragraph (a) of this subsection notwithstanding that at any relevant time he is outside the United Kingdom and is neither a United Kingdom national nor a body incorporated under the law of the Isle of Man.

## **PART IV — AIRCRAFT**

### **Rights etc. in relation to aircraft**

#### **87 Application of law of wreck and salvage to aircraft**

- (1) Any services rendered in assisting, or in saving life from, or in saving the cargo or apparel of, an aircraft in, on or over the sea or any tidal water, or on or over the shores of the sea or any tidal water, shall be deemed to be salvage services in all cases in which they would have been salvage services if they had been rendered in relation to a vessel.
- (2) Where salvage services are rendered by an aircraft to any property or person, the owner of the aircraft shall be entitled to the same reward for those services as he would have been entitled to if the aircraft had been a vessel.
- (3) Subsections (1) and (2) above shall have effect notwithstanding that the aircraft concerned is a foreign aircraft and notwithstanding that the services in question are rendered elsewhere than within the limits of the territorial waters adjacent to any part of Her Majesty's dominions.

#### **88 Detention and sale of aircraft for unpaid airport charges**

- (1) Where default is made in the payment of airport charges incurred in respect of any aircraft at an aerodrome to which this section applies, the aerodrome authority may, subject to the provisions of this section—
  - (a) detain, pending payment, either—

- (i) the aircraft in respect of which the charges were incurred (whether or not they were incurred by the person who is the operator of the aircraft at the time when the detention begins); or
    - (ii) any other aircraft of which the person in default is the operator at the time when the detention begins; and
  - (b) if the charges are not paid within 56 days of the date when the detention begins, sell the aircraft in order to satisfy the charges.
- (2) An aerodrome authority shall not detain or continue to detain an aircraft under this section by reason of any alleged default in the payment of airport charges if the operator of the aircraft or any other person claiming an interest therein—
- (a) disputes that the charges, or any of them, are due or, if the aircraft is detained under subsection (1)(a)(i) above, that the charges in question were incurred in respect of that aircraft; and
  - (b) gives to the authority, pending the determination of the dispute, sufficient security for the payment of the charges which are alleged to be due.
- (3) An aerodrome authority shall not sell an aircraft under this section without the leave of the court; and the court shall not give leave except on proof—
- (a) that a sum is due to the authority for airport charges;
  - (b) that default has been made in the payment thereof; and
  - (c) that the aircraft which the authority seek leave to sell is liable to sale under this section by reason of the default.
- (4) An aerodrome authority proposing to apply for leave to sell an aircraft under this section shall take such steps as may be prescribed—
- (a) for bringing the proposed application to the notice of persons whose interests may be affected by the determination of the court thereon; and
  - (b) for affording to any such person an opportunity of becoming a party to the proceedings on the application;
- and, if leave is given, the aerodrome authority shall secure that the aircraft is sold for the best price that can reasonably be obtained.
- (5) Failure to comply with any requirement of subsection (4) above in respect of any sale, while actionable as against the aerodrome authority concerned at the suit of any person suffering loss in consequence thereof, shall not, after the sale has taken place, be a ground for impugning its validity.

(6) The proceeds of any sale under this section shall be applied as follows, and in the following order, that is to say—

- (a) in payment of any duty (whether of customs or excise) chargeable on imported goods or value added tax which is due in consequence of the aircraft's having been brought into the United Kingdom;
- (b) in payment of the expenses incurred by the aerodrome authority in detaining, keeping and selling the aircraft, including their expenses in connection with the application to the court;
- (c) in payment of the airport charges which the court has found to be due;

and the surplus, if any, shall be paid to or among the person or persons whose interests in the aircraft have been divested by reason of the sale.

(7) The power of detention and sale conferred by this section in respect of an aircraft extends to the equipment of the aircraft and any stores for use in connection with its operation (being equipment and stores carried in the aircraft) whether or not the property of the person who is its operator, and references to the aircraft in subsections (2) to (6) above include, except where the context otherwise requires, references to any such equipment and stores.

(8) The power of detention conferred by this section in respect of an aircraft extends to any aircraft documents carried in it, and any such documents may, if the aircraft is sold under this section, be transferred by the aerodrome authority to the purchaser.

(9) The power conferred by this section to detain an aircraft in respect of which charges have been incurred may be exercised on the occasion on which the charges have been incurred or on any subsequent occasion when the aircraft is on the aerodrome on which those charges were incurred or on any other aerodrome owned or managed by the aerodrome authority.

(10) This section applies to any aerodrome owned or managed by the Department of Infrastructure, and in this section—

“aerodrome authority” in relation to any aerodrome, means the person owning or managing it;

“airport charges” means charges payable to an aerodrome authority for the use of, or for services provided at, an aerodrome;

“aircraft documents”, in relation to any aircraft, means any certificate of registration, maintenance or airworthiness of that aircraft, any log book relating to the use of that aircraft or its equipment and any similar document;

“the court” means the High Court of Justice of the Isle of Man.

(11) *Omitted*

(12) Nothing in this section shall prejudice any right of an aerodrome authority to recover any charges, or any part thereof, by action.

### **89 Exemption of aircraft and parts thereof from seizure on patent claims**

(1) Any lawful entry into the Isle of Man or any lawful transit across the Isle of Man, with or without landings, of an aircraft to which this section applies shall not entail any seizure or detention of the aircraft or any proceedings being brought against the owner or operator thereof or any other interference therewith by or on behalf of any person in the Isle of Man, on the ground that the construction, mechanism, parts, accessories or operation of the aircraft is or are an infringement of any patent, design or model.

(2) Subject to subsection (3) below, the importation into, and storage in, the Isle of Man of spare parts and spare equipment for an aircraft to which this section applies and the use and installation thereof in the repair of such an aircraft shall not entail any seizure or detention of the aircraft or of the spare parts or spare equipment or any proceedings being brought against the owner or operator of the aircraft or the owner of the spare parts or spare equipment or any other interference with the aircraft by or on behalf of any person in the Isle of Man on the ground that the spare parts or spare equipment or their installation are or is an infringement of any patent, design or model.

(3) Subsection (2) above shall not apply in relation to any spare parts or spare equipment which are sold or distributed in the Isle of Man or are exported from the Isle of Man for sale or distribution.

(4) This section applies—

(a) to an aircraft other than an aircraft used in military, customs or police services, registered in any country or territory in the case of which there is for the time being in force a declaration made by Her Majesty by Order in Council with a view to the fulfilment of the provisions of the Chicago Convention to which this section relates, that the benefits of those provisions apply to that country or territory; and

(b) to such other aircraft as Her Majesty may by Order in Council specify.

(5) Schedule 12 to this Act shall have effect with respect to detention on patent claims in respect of foreign aircraft other than aircraft to which this section applies.

### **92 Application of criminal law to aircraft**

(1) Any act or omission taking place on board a Manx-controlled aircraft [or (subject to subsection (1A) below) a foreign aircraft] while in flight elsewhere than in or over the Isle of Man which, if taking place in the Isle of Man, would constitute an offence under the law in force in the Isle of Man shall constitute that offence; but this subsection shall not apply to any act or omission which is expressly or impliedly authorised by or under that law when taking place outside the Isle of Man.

(1A) Subsection (1) above shall only apply to an act or omission which takes place on board a foreign aircraft where—

- (a) the next landing of the aircraft is in the Isle of Man, and
- (b) in the case of an aircraft registered in a country other than the Isle of Man, the act or omission would, if taking place there, also constitute an offence under the law in force in that country.

(1B) Any act or omission punishable under the law in force in any country is an offence under that law for the purposes of subsection (1A) above, however it is described in that law.

(2) Subject to any provision to the contrary in any Act passed after 14th July 1967 (being an Act of Tynwald or an Act of Parliament extending to the Isle of Man), no proceedings for any offence under the law in force in the Isle of Man committed on board an aircraft while in flight elsewhere than in or over the Isle of Man (other than an offence under, or under any instrument made under, any of the air navigation enactments) shall be instituted except by or with the consent of Her Majesty's Attorney General for the Isle of Man.

(2A) The requirement in subsection (1A)(b) above shall be taken to be met unless, not later than the rules of court may provide, the defence serve on the prosecution a notice—

- (a) stating that, on the facts as alleged with respect to the act or omission, the requirement is not in their opinion met;
- (b) showing the grounds for their opinion; and
- (c) requiring the prosecution to prove that it is met.

(2B) The court, if it thinks fit, may permit the defence to require the prosecution to prove that the requirement is met without the prior service of a notice under subsection (2A) above.

(2C) In a Court of General Gaol Delivery the question whether the requirement is met is to be decided by the judge alone.

(3) For the purpose of conferring jurisdiction, any offence under the law in force in the Isle of Man committed on board an aircraft in flight shall be deemed to have been committed in any place in the Isle of Man where the offender may for the time being be.

(4) For the purposes of this section the period during which an aircraft is in flight shall be deemed to include any period from the moment when power is applied for the purpose of the aircraft taking off on a flight until the moment when the landing run (if any) at the termination of that flight ends; and any reference in this section to an aircraft in flight shall

include a reference to an aircraft during any period when it is on the surface of the sea or land but not within the territorial limits of any country.

(5) In this section, except where the context otherwise requires—

“aircraft” means any aircraft, whether or not a Manx-controlled aircraft, other than—

- (a) a military aircraft; or
- (b) an aircraft which, not being a military aircraft, belongs to or is exclusively employed in the service of Her Majesty in right of the United Kingdom;

“the air navigation enactments” mean the enactments contained in sections 75 to 77, 81 to 83 and 87 of this Act;

“foreign aircraft” means any aircraft other than a Manx-controlled aircraft;

“Manx-controlled aircraft” means an aircraft—

- (a) which is for the time being registered in the Isle of Man; or
- (b) which is not for the time being registered in any country but in the case of which either the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely—
  - (i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in the Isle of Man; and
  - (ii) that he resides or has his principal place of business in the Isle of Man; or
- (c) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements aforesaid;

“military aircraft” means—

- (a) an aircraft of the naval, military or air forces of any country; or
- (b) any other aircraft in respect of which there is in force a certificate issued in accordance with an Air Navigation Order that the aircraft is to be treated for the purposes of that Order as a military aircraft;

and a certificate of the Secretary of State that any aircraft is or is not a military aircraft for the purposes of this section shall be conclusive evidence of the fact certified.

## Powers of commander of aircraft

### 94 Powers of commander of aircraft

(1) The provisions of subsections (2) to (5) below shall have effect for the purposes of any proceedings before any court in the Isle of Man.

(2) If the commander of an aircraft in flight, wherever that aircraft may be, has reasonable grounds to believe in respect of any person on board the aircraft—

- (a) that the person in question has done or is about to do any act on the aircraft while it is in flight which jeopardises or may jeopardise—
  - (i) the safety of the aircraft or of persons or property on board the aircraft, or
  - (ii) good order and discipline on board the aircraft, or
- (b) that the person in question has done on the aircraft while in flight any act which in the opinion of the commander is a serious offence under any law in force in the country in which the aircraft is registered, not being a law of a political nature or based on racial or religious discrimination,

then, subject to subsection (4) below, the commander may take with respect to that person such reasonable measures, including restraint of his person, as may be necessary—

- (i) to protect the safety of the aircraft or of persons or property on board the aircraft; or
- (ii) to maintain good order and discipline on board the aircraft; or
- (iii) to enable the commander to disembark or deliver that person in accordance with subsection (5) below,

and for the purposes of paragraph (b) of this subsection any Manx-controlled aircraft shall be deemed to be registered in the Isle of Man whether or not it is in fact so registered and whether or not it is in fact registered in some other country.

(3) Any member of the crew of an aircraft and any other person on board the aircraft may, at the request or with the authority of the commander of the aircraft, and any such member shall if so required by that commander, render assistance in restraining any person whom the commander is entitled under subsection (2) above to restrain; and at any time when the aircraft is in flight any such member or other person may, without obtaining the authority of the commander, take with respect to any person on board the aircraft any measures such as are mentioned in that subsection which he has reasonable grounds to believe are immediately necessary to protect the safety of the aircraft or of persons or property on board the aircraft.

(4) Any restraint imposed on any person on board an aircraft under the powers conferred by the preceding provisions of this section shall not be continued after the time when the aircraft first thereafter ceases to be in flight unless before or as soon as is reasonably practicable after that time the commander of the aircraft causes notification of the fact that a person on board the aircraft is under restraint and of the reasons therefor to be sent to an appropriate authority of the country in which the aircraft so ceases to be in flight, but subject to such notification may be continued after that time—

- (a) for any period (including the period of any further flight) between that time and the first occasion thereafter on which the commander is able with any requisite consent of the appropriate authorities to disembark or deliver the person under restraint in accordance with subsection (5) below; or
- (b) if the person under restraint agrees to continue his journey under restraint on board that aircraft.

(5) The commander of an aircraft—

- (a) if in the case of any person on board the aircraft he has reasonable grounds—
  - (i) to believe as mentioned in subsection (2)(a) above, and
  - (ii) to believe that it is necessary so to do in order to protect the safety of the aircraft or of persons or property on board the aircraft or to maintain good order and discipline on board the aircraft,

may disembark that person in any country in which that aircraft may be; and

- (b) if in the case of any person on board the aircraft he has reasonable grounds to believe as mentioned in subsection (2)(b) above, may deliver that person—
  - (i) in the Isle of Man, to a constable or immigration officer; or
  - (ii) in any other country which is a Convention country, to an officer having functions corresponding to the functions in the Isle of Man either of a constable or of an immigration officer.

(6) The commander of an aircraft—

- (a) if he disembarks any person in pursuance of subsection (5)(a) above, in the case of a Manx-controlled aircraft in any country or, in the case of any other aircraft in the Isle of Man, shall report the fact of, and the reasons for, that disembarkation to—
  - (i) an appropriate authority in the country of disembarkation; and
  - (ii) the appropriate diplomatic or consular office of the country of nationality of that person;

- (b) if he intends to deliver any person in accordance with subsection (5)(b) above in the Isle of Man or, in the case of a Manx-controlled aircraft, in any other country which is a Convention country, shall before or as soon as reasonably practicable after landing give notification of his intention and of the reasons therefore—
- (i) where the country in question is the Isle of Man, to a constable or immigration officer or, in the case of any other country, to an officer having functions corresponding to the functions in the Isle of Man either of a constable or of an immigration officer;
  - (ii) in either case to the appropriate diplomatic or consular office of the country of nationality of that person;

and any commander of an aircraft who without reasonable cause fails to comply with the requirements of this subsection shall be liable on summary conviction to a fine not exceeding £1,000.

(7) In this section—

“commander” in relation to an aircraft, means the member of the crew designated as commander of that aircraft by the operator thereof, or, failing such a person, the person who is for the time being the pilot in command of the aircraft; and

“pilot in command” in relation to an aircraft, means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

and, subject to subsection (8) below, subsections (4) and (5) of section 92 above shall apply for the purposes of this section as they apply for the purposes of that section.

(8) The time during which an aircraft is in flight shall, for the purposes of this section, be deemed to include, in addition to such a period as is mentioned in subsection (4) of section 92 above—

- (a) any further period from the moment when all external doors, if any, of the aircraft are closed following embarkation for a flight until the moment when any such door is opened for disembarkation after that flight; and
- (b) if the aircraft makes a forced landing, any period thereafter until the time when competent authorities of the country in which the forced landing takes place take over the responsibility for the aircraft and for the persons and property on board the aircraft (being, if the forced landing takes place in the Isle of Man, the time when a constable arrives at the place of landing).

## Evidence, etc

### 95 Provisions as to evidence in connection with aircraft

(1) Where in any proceedings before a court in the Isle of Man for an offence committed on board an aircraft the testimony of any person is required and the court is satisfied that the person in question cannot be found in the Isle of Man, there shall be admissible in evidence before that court any deposition relating to the subject matter of those proceedings previously made on oath by that person outside the Isle of Man which was so made—

- (a) in the presence of the person charged with the offence; and
- (b) before a judge or magistrate of a country such as is mentioned in Schedule 3 to the British Nationality Act 1981 as for the time being in force or which was part of Her Majesty's dominions at the time the deposition was made or in which Her Majesty had jurisdiction at that time, or before a consular officer of Her Majesty's Government in the United Kingdom.

(2) Any such deposition shall be authenticated by the signature of the judge, magistrate or consular officer before whom it was made who shall certify that the person charged with the offence was present at the taking of the deposition.

(3) It shall not be necessary in any proceedings to prove the signature or official character of the person appearing so to have authenticated any such deposition or to have given such a certificate, and such a certificate shall, unless the contrary is proved, be sufficient evidence in any proceedings that the person charged with the offence was present at the making of the deposition.

(4) If a complaint is made to such a consular officer as aforesaid that [—

- (a) any offence has been committed on a Manx-controlled aircraft while in flight elsewhere than in or over the Isle of Man, or
- (b) there has taken place on board a foreign aircraft an act or omission which constitutes an offence by virtue of section 92(1) above,]

that officer may inquire into the case upon oath.

(5) In this section—

“deposition” includes any affidavit, affirmation or statement made upon oath; and

“oath” includes an affirmation or declaration in the case of persons allowed by law to affirm or declare instead of swearing;

and subsections (4) and (5) of section 92 above shall apply for the purposes of this section as they apply for the purposes of that section.

(6) Nothing in this section shall prejudice the admission as evidence of any deposition which is admissible in evidence apart from this section.

(Amended by Civil Aviation (Amendment) Act 1996)

## **96 Use of records and documentary evidence**

(1) In any legal proceedings—

(a) a document purporting to be certified by such authority or person as may be designated for the purpose by regulations made by the Department as being, or being a true copy of, or of part of, a document issued or record kept in pursuance of —

(i) an Air Navigation Order, or

(ii) the Civil Aviation (Licensing) Act 1960,

by, or by the Minister in charge of, a Department of the Isle of Man Government or United Kingdom government department, by an official of a government department specified for the purpose in an Air Navigation Order or by the Air Registration Board or the Air Transport Licensing Board, or

(b) a document printed by either Her Majesty's Stationery Office or the CAA and purporting to be the publication known as the "United Kingdom Air Pilot" or a publication of the series known as "Notam – United Kingdom",

shall be evidence of the matters appearing from the document.

(2) In any legal proceedings any record made by any such authority or person as may be designated for the purposes of this subsection by regulations made by the Department, or by a person acting under the control of such an authority or person, being a record purporting to show –

(a) the position of an aircraft at any material time, or

(b) the terms or content of any message or signal transmitted to any aircraft, either alone or in common with other aircraft, or received from any aircraft, by the first-mentioned authority or person, or by a person acting under the control of that authority or person,

shall, if produced from the custody of that authority or person, be evidence of the matters appearing from the record.

(3) The references in subsection (2) above to a record made by or under the control of any authority or person include references to a document or article purporting to be a copy of a record so made, and certified to be a true copy by or on behalf of that authority or person; and in relation to such a copy that subsection shall have effect as if the words "if produced from the custody of that authority or person" were omitted.

(4) Any person who wilfully certifies any document or article to be a true copy of any such record as is mentioned in subsection (2) above knowing it not to be a true copy shall be liable—

- (a) on summary conviction, to a fine not exceeding £5,000 or to custody for a term not exceeding three months or to both; and
- (b) on conviction on information to a fine or to custody for a term not exceeding two years or to both.

(5) In this section “record” has the same meaning as in section 73 above.

## Supplemental

### 98 Construction of certain provisions of Part IV

If the Department is satisfied that the requirements of Article 18 of the Tokyo Convention have been satisfied (which Article makes provision as to the country which is to be treated as the country of registration of certain aircraft operated by joint air transport organisations or international operating agencies established by two or more Convention countries) the Department may by order provide that for the purposes of sections 92, 94 and 95 above such aircraft as may be specified in the order shall be treated as registered in such Convention country as may be so specified.

## PART V — MISCELLANEOUS AND GENERAL

### 99 Offences

(1) Where an offence to which this subsection applies has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a body corporate are managed by its members subsection (1) above shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.

(3) Any offence to which this subsection applies shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

(4) Subsection (1) above applies to any offence under section 64(5), 82, 83 or 84(4) above.

(5) Subsection (3) above applies to any offence under any provision made by or under this Act, except, without prejudice to section 92(3) above—

- (a) . . .
- (b) an offence under section 83, or 94(6) above.

## **105 General interpretation**

(1) In this Act, except where the context otherwise requires—

“aerodrome” means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically;

“Air Navigation Order” means an Order in Council under section 60 of this Act;

“air navigation services” includes information, directions and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft, and includes the control of movement of vehicles in any part of an aerodrome used for the movement of aircraft;

“air transport licence” has the meaning given by section 64(1)(a) above;

“air transport service” means a service for the carriage by air of passengers or cargo;

“the CAA” means the Civil Aviation Authority;

“cargo” includes mail; “the Chicago Convention” means the convention on International Civil Aviation which was, on 7th December 1944, signed on behalf of the Government of the United Kingdom at the International Civil Aviation Conference held at Chicago;

“Convention country” means a country in which the Tokyo Convention is for the time being in force; and Her Majesty may by Order in Council certify that any country specified in the Order is for the time being a Convention country and any such Order in Council for the time being in force shall be conclusive evidence that the country in question is for the time being a Convention country;

“the Department” means the Department for Enterprise (a Department of the Isle of Man Government);

“EEA Agreement” means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

“EEA State” means a State which is a Contracting Party to the EEA Agreement but until the EEA Agreement comes into force in relation to Liechtenstein does not include the State of Liechtenstein;

“Eurocontrol” and “the Eurocontrol Convention” have the meanings given by section 24 above;

“flight” means a journey by air beginning when the aircraft in question takes off and ending when it next lands;

“functions” includes powers and duties;

“loss or damage” includes, in relation to persons, loss of life and personal injury;

“modifications” includes additions, omissions and amendments, and “modify” shall be construed accordingly;

“operator”, in relation to an aircraft, means the person having the management of the aircraft for the time being or, in relation to a time, at that time;

“reward”, in relation to a flight, includes any form of consideration received or to be received wholly or partly in connection with the flight irrespective of the person by whom or to whom the consideration has been or is to be given;

“Tokyo Convention” means the Convention on Offences and certain other Acts Committed on board Aircraft, which was signed at Tokyo on 14th September 1963;

“United Kingdom national” means an individual who is—

- (a) a British citizen, a [British overseas territories citizen][, a British National (Overseas)] or a British Overseas citizen;
- (b) a person who under the British Nationality Act 1981 is a British subject; or
- (c) a British protected person (within the meaning of that Act).

(2) Except where the context otherwise requires, any reference in this Act to the provisions of an Order in Council shall, if paragraph 3 of Part III of Schedule 13 to this Act (power to authorise making of regulations) applies to the power to make the Order in question, include a reference to the provisions of any regulations made, or directions given, under the Order in Council.

(3) Without prejudice to any transitional or transitory provision made by this Act or to section 17(2) of the Interpretation Act 1978 (repeal and re-enactment), any reference in any enactment contained in this Act (including a reference to a provision of that enactment or to any other enactment so contained) to a provision which is a re-enactment of a repealed enactment or to things done or falling to be done under such a provision shall, so far as the context permits, be construed as including, in relation to times, circumstances and purposes in relation to which the repealed enactment had effect, a reference to, or to things done or falling to be done under, that repealed enactment; and where the repealed enactment was itself a re-enactment of an earlier provision the reference shall extend in the same way to that earlier provision, and so on.

(4) Any reference in this Act to the re-enactment of a provision includes a reference to its re-enactment with modifications.

(Amended by British Overseas Territories Act 2002 and SI 1986/948)

**106 Application of Act to territorial waters**

- (1) Except where the context otherwise requires, in any provision of this Act to which this section applies a reference to a country or territory or to the territorial limits of any country shall be construed as including a reference to the territorial waters of the country or territory, as the case may be;
- (2) This section applies to Parts III and IV of this Act, except sections 64 and 84.
- (3) Nothing in this section shall prejudice the construction of any provision of this Act to which this section does not apply.

**110 Citation and commencement**

- (1) This Act may be cited as the Civil Aviation Act 1982.

**Section 24**

**SCHEDULE 4 — EUROCONTROL**

1

- (1) Eurocontrol shall have the legal capacity of a body corporate; and anything which may be required or authorised by law to be done by or to Eurocontrol may be done by or to the Agency on behalf of Eurocontrol.
- (2) Eurocontrol shall be entitled to the exemptions and reliefs described in paragraphs 3 to 5 of Schedule 1 to the International Organisations Act 1968 (rates and taxes, import duties and import and export restrictions).
- (3) Subject to sub-paragraph (4) below, [the inviolability which, in accordance with the 1961 Convention Articles, is accorded in respect of the official archives and premises of a diplomatic mission] shall extend to the official archives of Eurocontrol, and to premises occupied by Eurocontrol wholly or mainly for the housing of its installations; and without prejudice to the foregoing provisions, no judgment or order of any court shall be enforced by the levying of execution or by diligence upon anything forming part of any such installations.
- (4) Sub-paragraph (3) above (except so far as it relates to execution or diligence) shall not preclude access to any premises or the inspection of any record or document [where the Director-General of the Agency is given advance notice of the exercise of the power conferred by this sub-paragraph and the access or inspection is]—
  - (a) by a constable or other person acting in the execution of a warrant or other legal process;
  - (b) by a Court of Inquiry or an Inspector of Accidents acting in pursuance of regulations made under section 75 of this Act; or

- (c) by a constable having reason to believe that an offence has been or is being or is about to be committed on the premises.

(4A) Without prejudice to the preceding provisions of this paragraph, the property and assets of Eurocontrol shall be immune from the exercise by any person of any right or power without the leave of a court to seize or otherwise interfere with such property or assets.

(4B) No court or tribunal in the Isle of Man shall have jurisdiction in respect of any matter involving Eurocontrol and any of its officers or servants, being a matter which by virtue of any international agreement to which the United Kingdom is a party and which extends to the Isle of Man is within the exclusive jurisdiction of the Administrative Tribunal of the International Labour Organisation.

(4C) For the purposes of sub-paragraph (4B) above, a certificate of the Department that any matter is or is not, as mentioned in that sub-paragraph, within the exclusive jurisdiction of the Administrative Tribunal of the International Labour Organisation shall be conclusive of what is certified.

(5) In this paragraph—

“the Agency” means the Air Traffic Services Agency comprised in Eurocontrol;

“installations” means apparatus for locating, directing, affording navigational aid to, or otherwise communicating with, aircraft in flight, including apparatus for recording or processing material received or transmitted by such apparatus, and any other apparatus for use in connection with any such apparatus as aforesaid;

“the 1961 Convention Articles” means the Articles (being certain Articles of the Convention on Diplomatic Relations signed in 1961) which are set out in Schedule 1 to the Diplomatic Privileges Act 1964;

(6) For the purposes of this paragraph a record includes (in addition to a record in writing)—

- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (c) a photograph.

3

(1) Subject to [paragraph 1 above and] sub-paragraph (2) below, a court in the Isle of Man shall have jurisdiction to hear and determine a claim against Eurocontrol for damages in respect of any wrongful act, neglect or default, notwithstanding that the act, neglect or

default did not take place within the jurisdiction of the court or that Eurocontrol is not present within the jurisdiction of the court.

(2) A court shall not have jurisdiction by virtue of sub-paragraph (1) above in respect of damage or injury sustained wholly within or over a country to which the provisions of this Act relating to Eurocontrol do not extend.

## Section 89

### **SCHEDULE 12 — PATENT CLAIMS AGAINST AIRCRAFT NOT PROTECTED UNDER CHICAGO CONVENTION**

1 Where it is alleged by any person interested that a foreign aircraft which is not an aircraft to which section 89 of this Act applies, and which is making a passage through or over the Isle of Man, infringes in itself or in any part of it any invention, design or model which is entitled to protection in the Isle of Man, it shall be lawful, subject to and in accordance with rules of court, to detain the aircraft until the owner thereof deposits or secures in respect of the alleged infringement a sum (in this Schedule referred to as “the deposited sum”); and thereupon the aircraft shall not during the continuance or in the course of the passage be subject to any lien, arrest, detention or prohibition (whether by order of a court or otherwise) in respect or on account of the alleged infringement.

2 The deposited sum shall be such sum as may be agreed between the parties interested or, in default of agreement, fixed by the Department or some person duly authorised on his behalf; and payment thereof shall be made or secured to the Department in such manner as the Department shall approve.

3 The deposited sum shall be dealt with by such tribunal and in accordance with such procedure as may be specified by rules of court, and such rules may provide generally for carrying this Schedule into effect.

4 For the purposes of this Schedule—

“owner” shall include the actual owner of an aircraft and any person claiming through or under him; and

“passage” shall include all reasonable landings and stoppages in the course or for the purpose of the passage.