



**Isle of Man**  
CIVIL AVIATION ADMINISTRATION

# **Civil Aviation (Insurance) Regulations 2005**

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

## Amendment Record

Version	Date	Details
1	August 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)

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## Foreword

1. This document has been prepared to provide stakeholders with an easy reference working copy of the Civil Aviation (Insurance) Regulations 2005 '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) Isle of Man Statutory Document No 909/06 – The Civil Aviation (Subordinate Legislation) (Application) Order 2006.
  - (b) UK Statutory Instrument 2005 No 1089 – Civil Aviation (Insurance) Regulations 2005.
3. This document will be updated regularly to take into account further amendments.



1. Citation and commencement

These Regulations may be cited as the Civil Aviation (Insurance) Regulations 2005.

2. Interpretation

(1) In these Regulations —

**"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, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

**"the Department"** means the Department for Enterprise;

**"the Insurance Regulation"** means Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators;

**"Member State"** does not include the Isle of Man;

**"the Order"** means the Air Navigation Order 2005.

(2) Other expressions used in these Regulations have, in so far as the context admits, the same meaning as in the Insurance Regulation.

3. Competent authority

(1) The Department shall perform the functions that are required by Articles 5 and 8 of the Insurance Regulation to be performed by the Isle of Man or by the competent authorities of the Isle of Man.

4. Offence of failing to comply with the Insurance Regulation

(1) Subject to paragraph (2) an air carrier or aircraft operator shall be guilty of an offence if he fails to comply with any requirement imposed on him by paragraphs 1 and 2 of Article 4 of the Insurance Regulation.

(2) An offence under this regulation shall not be committed by —

(a) an aircraft operator in relation to an aircraft which is registered in a Member State of the European Community; and

(b) an air carrier if his operating licence has been granted by such a Member State.

5. Minimum insurance in respect of liability for passengers

For the purposes of paragraph 1 of Article 6 of the Insurance Regulation the level of minimum insurance cover set in respect of liability for passengers in the case of non-commercial operations by aircraft with an MTOM of 2,700 kg or less, shall be 100,000 SDRs per passenger.

6. Provision of information

(1) This regulation applies if —

- (a) the Department, in exercise of its functions under regulation 3(1), requires an air carrier or aircraft operator to provide it with an insurance certificate or any other evidence of insurance relating to an aircraft operated by the air carrier or aircraft operator for aviation-specific liability in respect of passengers, baggage, cargo or third parties; and
- (b) the air carrier or aircraft operator fails to provide within a reasonable period —
  - (i) the evidence referred to in sub-paragraph (a); or
  - (ii) a declaration in writing that he will not permit that aircraft to be flown other than as a State aircraft unless he has first provided the Department with such a certificate or such other evidence of insurance.

(2) In a case referred to in paragraph (1) —

- (a) where the aircraft is registered under article 4 of the Order and is not an aircraft to which article 4(17) of the Order applies, the Department shall cancel the registration of the aircraft; and
- (b) where the aircraft is not so registered or is an aircraft to which article 4(17) of the Order applies the air carrier or aircraft operator shall be guilty of an offence.

7. Provision of information on application for registration

(1) On applying for the registration of an aircraft in the Isle of Man under article 4(6) of the Order, the following shall be provided to the Department —

- (a) an insurance certificate or any other evidence of insurance relating to the aircraft for aviation-specific liability in respect of passengers, baggage, cargo or third parties; or
- (b) a declaration in writing that the applicant will not permit the aircraft to be flown other than as a State aircraft unless he has first provided to the Department such a certificate or such evidence of insurance.

- (2) If the applicant fails to comply with paragraph (1), the Department shall refuse the application.
- (3) The requirement in article 4(11)(a) of the Order to inform the Department in writing of changes in particulars shall not extend to changes in particulars furnished pursuant to paragraph (1).

## 8. Provision of information: overseas-registered aircraft

- (1) This regulation applies in relation to an aircraft for which a permit under article 138 or 140 of the Order is required or has been granted.
- (2) If —
  - (a) the Department, or an authorised person, in exercise of the functions referred to in regulation 3, requires the air carrier or aircraft operator who is operating, or appears to it to be intending to operate, an aircraft to which this regulation applies to provide an insurance certificate or any other evidence of insurance relating to that aircraft for aviation-specific liability in respect of passengers, baggage, cargo or third parties; and
  - (b) the air carrier or aircraft operator fails to provide within a reasonable period —
    - (i) the evidence referred to in sub-paragraph (a); or
    - (ii) a declaration in writing that he will not permit that aircraft to be flown other than as a State aircraft unless he has first provided the Department or that authorised person with such a certificate or such other evidence of insurance, the air carrier or aircraft operator shall be guilty of an offence.

## 9. Provision of false information

Any person who for the purpose of demonstrating compliance with the requirements of paragraphs 1 and 2 of Article 4 of the Insurance Regulation knowingly or recklessly provides an insurance certificate or other evidence of insurance which is false in a material respect shall be guilty of an offence.

## 10. Prevention of take off

- (1) Where the relevant authority has reason to believe that an aircraft is intended or likely to be flown in such circumstances that the requirements of paragraphs 1 or 2 of Article 4 of the Insurance Regulation will be contravened he —
  - (a) shall give to the person appearing to him to be in command of the aircraft a direction that he shall not permit the aircraft to take off until further notice; and

- (b) shall take such steps as may be necessary to detain the aircraft.
- (2) A person who fails to comply with a direction given to him under paragraph (1)(a) shall be guilty of an offence.
- (3) For the purposes of carrying out its functions under this regulation the relevant authority may enter an aerodrome or aircraft.
- (4) For the purposes of this regulation the expression "the relevant authority" shall mean —
  - (a) in the case of an aircraft in respect of which a permit is required under 138 of the Order, the Secretary of State or a person authorised to act on his behalf for this purpose; and
  - (b) in the case of any other aircraft, the Department .

## 11. Obstruction of officers of the competent authority

A person who intentionally obstructs or impedes a relevant authority acting in exercise of his functions under regulation 10 shall be guilty of an offence.

## 12. Penalties

- (1) A person guilty of an offence under regulation 4(1), 9, 10(2) or 11 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.
- (2) A person guilty of an offence under regulation 6(2)(b) or 8(2) shall be liable on summary conviction to a fine not exceeding £1,000.
- (3) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to have been 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.
- (4) Where the affairs of a body corporate are managed by its members, paragraph (2) 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.