



Isle of Man
CIVIL AVIATION ADMINISTRATION

Civil Aviation (Procedure) Regulations 1991

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

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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)

Foreword

1. This document has been prepared to provide stakeholders with an easy reference working copy of the Civil Aviation (Procedure) Regulations 1991 '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 1999 No 1991 No 1672 – The Civil Aviation Authority Regulations 1991.
3. This document will be updated regularly to take into account further amendments.

PART I - GENERAL

1. Citation and commencement

These Regulations may be cited as the Civil Aviation (Procedure) Regulations 1991.

2. *[omitted]*

3. Interpretation

(1) In these Regulations unless the context otherwise requires—

"the Act" means the Civil Aviation Act 1982;

"the Department" means the Department for Enterprise;

"hearing" or **"preliminary hearing"** means a hearing or preliminary hearing at which oral evidence or argument may be heard and "to hear" shall be construed accordingly;

"ordinary aerodrome licence" means an aerodrome licence granted under an Air Navigation Order which does not include a public use condition;

"the person concerned" means, in relation to the registration of aircraft, the applicant for registration or the person in whose name the aircraft is registered, as the case may be, and in relation to a certificate, licence, approval, authorisation, validation or rating, the holder or former holder of or applicant for the certificate, licence, approval, authorisation, validation or rating, as the case may be;

"personnel licence" means a licence, authorising a person to act as a member of a flight crew, an aircraft maintenance engineer, an air traffic controller or an aerodrome flight information service officer;

"public use aerodrome licence" means an aerodrome licence granted under an Air Navigation Order which includes a public use condition;

"public use condition" means a condition included in an aerodrome licence granted under an Air Navigation Order that the aerodrome shall at all times when it is available for the take off or landing of aircraft be so available to all persons on equal terms and conditions;

"rating" means a rating on a personnel licence;

"reportable occurrence" means an occurrence to which article 57 of the Air Navigation (Isle of Man) Order 2007 applies;

"to substitute an ordinary aerodrome licence for a public use aerodrome licence" means to vary a public use aerodrome licence by removing the public use condition and "to substitute a public use aerodrome

licence for an ordinary aerodrome licence" means to vary an ordinary aerodrome licence by adding a public use condition.

- (2) Any reference in these Regulations to a numbered regulation shall be construed as a reference to the regulation bearing that number in these Regulations.
- (3) Any period of time specified in these Regulations by reference to days, working days or months—
 - (a) where such period is expressed to begin after a particular date, shall begin on the first day after that date, and shall be inclusive of the last day unless that day falls on a Saturday, Sunday, Christmas Day, Good Friday or bank holiday, in which case the period shall run to the immediately following working day; and
 - (b) where such period is expressed to run to or expire before a particular date or event, the period shall be calculated to expire on the last working day before the particular date or the date of that event.
- (4) In computing any period of time specified in these Regulations by reference to hours or working days the whole of any Saturday, Sunday, Christmas Day, Good Friday or bank holiday shall be disregarded,

4. Service of documents

- (1) Anything required to be served on any person under these Regulations or under section 84(1) of the Act shall be set out in a notice in writing which may be served either:
 - (a) by delivering it to that person;
 - (b) by leaving it at his proper address;
 - (c) by sending it by post to that address; or
 - (d) by sending it to him at that address by telex or other similar means which produce a document containing a text of the communication, in which event the document shall be regarded as served when it is received;

and where the person is a body corporate the document may be served upon the secretary of that body.

- (2) For the purposes of this regulation the proper address of any person shall, in the case of a body corporate, be the registered or principal office of that body and in any other case be the last known address of the person to be served.

5. *[omitted]*

PART II - FUNCTIONS CONFERRED ON THE DEPARTMENT BY OR UNDER AIR NAVIGATION ORDERS

6. Regulation of the conduct of the Department
 - (1) This regulation applies to the functions conferred on the Department by or under Air Navigation Orders with respect to:
 - (a) registration of aircraft;
 - (b) certification of operators of aircraft;
 - (c) certification of airworthiness of aircraft;
 - (d) noise certification;
 - (e) certification of compliance with the requirements for the emission by aircraft engines of unburned hydrocarbons;
 - (f) personnel licensing;
 - (g) licensing of aerodromes;
 - (h) validation of any approval, certificate, licence, rating or qualification;
 - (i) approval of equipment and approval or authorisation of persons;
 - (j) *[omitted]*
 - (k) receiving reports of reportable occurrences~~;~~.
 - (2) *[omitted]*
 - (3) Subject to paragraphs (8) and (9) of this regulation, where —
 - (a) it is decided that it would be inexpedient in the public interest for an aircraft to be registered in the Isle of Man; or
 - (b) an application for the grant, validation or variation of a certificate, licence, approval, authorisation or rating has been refused or granted in terms other than those requested by the applicant;

the Department shall serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by the Department.
 - (4) Subject to paragraphs (8) and (9) of this regulation, where it is proposed to—

- (a) cancel the registration of an aircraft on the grounds that it would be inexpedient in the public interest for it to continue to be registered in the Isle of Man; or
- (b) revoke, suspend or vary a certificate, licence, approval, authorisation, validation or rating otherwise than on the application of the holder;

the Department shall serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days after the date of service of that notice, serve on the Department a request that the Department consider his representations with respect to the proposal.

- (5) Any person who has failed any test or examination which he is required to pass before he is granted or may exercise the privileges of a personnel licence may within 14 days after being notified of his failure request that the Department determine whether the test or examination was properly conducted.
- (5A) Where a person makes a request under paragraph (3), (4) or (5) of this regulation, the Department shall, before making a decision —
 - (a) consider any representations made by him in writing within 14 days after the date of service of the Department's notice under that paragraph; and
 - (b) where, in those representations, he has requested the opportunity to make oral representations, afford him an opportunity of being heard by a person appointed by the Department, and consider the report of that person.
- (6) A person appointed under paragraph (5A)(b) shall sit with such technical assessors as the Department may appoint.
- (7) No person who participated in the original decision or proposal or in giving or assessing the test or examination which is to be the subject of the Department's decision shall —
 - (a) be appointed under paragraph (5A)(b) or (6), or
 - (b) participate in the decision of the Department.
- (8) Nothing in this regulation shall—
 - (a) prevent the Department from provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, authorisation, validation or rating granted or having effect under an Air Navigation Order, pending inquiry into or consideration of the case;
 - (b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness;
- (9) Nothing in paragraphs (3) or (4) of this regulation shall apply—



- (a) in respect of a medical certificate or certificate of test or experience relating to a personnel licence;
- (b) *Omitted.*

7. Reasons for decisions

Where the Department makes a decision pursuant to regulation 6(5A) it shall be the duty of the Department to serve a statement of its reasons for the decision and a copy of the report of the appointed person (if any) on the person concerned.

8. Inspection of aircraft register

The Department shall, at all reasonable times and upon payment to it of any applicable charge under section 11 of the Act for inspecting the register, make the register of aircraft available for inspection by any person.

9. Dissemination of reports of reportable occurrences

The Department shall make available, upon payment to it of any applicable charge under section 11 of the Act, reports of reportable occurrences or a summary of such reports, to any person who is:

- (a) the operator or member of the flight crew of any aircraft;
- (b) engaged in the design, manufacture, repair, maintenance or overhaul of aircraft, or of parts or equipment therefor;
- (c) the aeronautical authority of a country other than the Isle of Man, or the representative in the Isle of Man of such an authority;
- (d) engaged in writing about civil aviation for publication in any newspaper, periodical, book or pamphlet;
- (e) engaged in preparing a programme about civil aviation for television or radio;
- (f) engaged in the study of civil aviation for any academic purpose; or
- (g) any other person whose functions include the furthering of the safety of civil aviation:

Provided that the Department shall not be required to make available any report or summary thereof to any person if it is satisfied that to do so will not further the safety of civil aviation.