

Commercial Air Transport and Aerial Work

1. Overview

- 1.1 As a key part of the new Registration and Marking Order and associated amendment to the Miscellaneous Provisions Order, it is proposed to:
- **adopt** the ICAO definition of “commercial air transport¹”;
 - **maintain** the current prohibition that aircraft registered in the Isle of Man **must not** fly on a flight for the purpose of commercial air transport;
 - **maintain** the requirement that an aircraft operator must not operate an aircraft on a commercial air transport operation within the Isle of Man unless in possession of a valid air operator certificate;
 - **revise and update** the provisions that specify situations that are not considered to result in the flight being commercial air transport;
 - **update** the definition of “aerial work” to be focused on “specialised services” (as per ICAO) instead of being with regard to the provision of “valuable consideration”;
 - **allow** the conduct of aerial work (specialised services) by aircraft registered in the Isle of Man subject to the explicit approval of the IOMAR;
 - **update** the permission requirements for the conduct of aerial work by any aircraft within the Isle of Man.
- 1.2 The aim of these changes is to ensure that:
- public safety is appropriately protected;
 - the requirements are targeted to address safety risk;
 - legitimate and appropriate private aircraft operations are enabled;
 - the requirements are easy to understand and straightforward to apply;
 - international compliance and standardisation is enhanced.

2. Current Situation

Commercial Air Transport

- 2.1 Isle of Man legislation defines “commercial air transport” as:
- “a flight that is carrying passengers, cargo or mail for remuneration or hire where the principal purpose for their carriage is to transport them, and where a seat on the flight or the right to have cargo or mail carried is available to any member of the public, and includes a flight that carries passengers for remuneration or hire that begins and ends at the same aerodrome”.

This is in variance to that published by the International Civil Aviation Organisation (ICAO) in various Annexes to the Convention on International Civil Aviation:

- “an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire”.

¹ ICAO define “commercial air transport operation” – it is proposed to use the same meaning for the Isle of Man phrase “commercial air transport”

2.2 Aircraft registered in the Isle of Man must not fly on a flight for the purpose of commercial air transport and a person must not offer flights in an aircraft registered in the Isle of Man for the purpose of commercial air transport².

2.3 An aircraft operator must not operate an aircraft on a commercial air transport operation within the Isle of Man unless in possession of a valid air operator certificate³.

Aerial Work

2.4 Isle of Man legislation currently defines “aerial work” as:

- “a purpose, other than commercial air transport, for which an aircraft is flown if valuable consideration is given or promised for the flight or the purpose of the flight”⁴.

Valuable consideration is:

- “a right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement that is of more than a nominal nature”⁵.

The Isle of Man’s definition of aerial work is significantly at variance to that promulgated by ICAO⁶:

- “an aircraft operation in which an aircraft is used for specialised services such as agriculture, construction, photography, surveying, observation and patrol, search and rescue, aerial advertisement, etc”.

2.5 Aircraft registered in the Isle of Man must not fly on a flight for the purpose of aerial work⁷.

2.6 The conduct of aerial photography, aerial survey and aerial work within the territory of the Isle of Man is subject to the permission of the Isle of Man Civil Aviation Administration (IOM CAA)⁸. A general permission⁹ is in place, which allows:

- any aircraft to fly over the Isle of Man for the purpose of aerial photography or aerial survey; and
- any aircraft registered in an European Economic Area (EEA) state or Switzerland to fly over the Isle of Man for the purpose of aerial work.

2.7 Aerial advertising in the Isle of Man is prohibited by the Civil Aviation Act 1982¹⁰ except in circumstances prescribed in the Civil Aviation (Aerial Advertising) Regulations 1995¹¹. In simple terms this enables aircraft to display advertising marks and inscriptions on its body

² Air Navigation (Isle of Man) Order 2015 – Articles 11 and 12

³ Civil Aviation (Rules of the Air) Order 2021, Schedule 1, Section1, paragraph 1

⁴ Air Navigation (Isle of Man) Order 2015 – Article 171

⁵ Air Navigation (Isle of Man) Order 2015 – Article 167

⁶ Annex 6 Parts 1-3 to the Convention on International Civil Aviation

⁷ Air Navigation (Isle of Man) Order 2015 – Article 11

⁸ Air Navigation (Isle of Man) Order 2015 – Articles 141

⁹ Permission 36/2019

¹⁰ 1982 c.16, Section 82

¹¹ SI 1995 No 2943 as amended and applied to the Isle of Man by SD 53/96

but does not allow any other form of advertising and therefore would not permit activities such as banner towing.

Exceptions for Commercial Air Transport and Aerial Work

2.8 Isle of Man legislation currently provides eight articles¹² that set out the circumstances where despite the provision of “valuable consideration”, the flights shall not be considered to be operating for the purposes of commercial air transport or aerial work. We consider that these articles, which mirrored those of the UK in 2007, to be excessively complex and in need of refresh.

2.9 In August 2018, following review of EASA¹³ and FAA¹⁴ requirements, the IOMAR introduced arrangements to regularise the provision of remuneration for the purpose of a demonstration flight. The new IOMAR process require aircraft operators that have an imminent need to conduct demonstration flights to contact the IOMAR to request permission for the activity. Subject to the IOMAR being satisfied with the applicants need, permission for the activity is granted in the form of an exemption¹⁵, which specifies the following conditions:

- No charge is made except for the actual costs for the specific demonstration flight and any required positioning flight, limited to no more than 100% of the following:
 - Fuel, oil, lubricants and other additives.
 - Flight crew remuneration.
 - Travel expenses of the crew, including food, lodging and ground transportation
 - Hangar, parking and ground handling costs away from the aircraft’s base of operation.
 - Insurance obtained for the specific flight.
 - Landing fees, airport taxes and similar assessments.
 - Customs charges, foreign permit and similar fees directly related to the flight.
 - In-flight food and beverages.
 - Passenger ground transportation.
 - Flight planning and weather contract services.
 - Air navigation service charges.
- Operational command and control of the aircraft and crew shall remain with the aircraft operator.
- The aircraft insurance shall cover a demonstration flight.
- Records of the charges levied for the demonstration flight(s) are to be retained by the aircraft operator and these shall be provided to the IOMAR if so requested.

3. Analysis

3.1 The Isle of Man is free to make its own aviation safety legislation as deemed necessary in order to meet our obligations under the Convention on International Civil Aviation. However, it is appropriate to review and consider contemporary provisions made by other States.

¹² Air Navigation (Isle of Man) Order 2015, Part 28

¹³ Commission Regulation (EU) No 965/2012 of 5 October 2012, GM1 Article 2(1)(d)

¹⁴ 14 CFR 91.501

¹⁵ Exemption from Article 11 of the Air Navigation (Isle of Man) Order 2015

ICAO

- 3.2 The ICAO definition of “commercial air transport operation” (“an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire”) is considered to appropriately scope the fundamental characteristics of such operations. Where “remuneration or hire” is referred to, we consider this to be the provision of payment to facilitate a person to be a passenger on the flight or for the carriage of cargo and mail.
- 3.3 The current Isle of Man definition of commercial air transport captures the ICAO definition but goes further. The text which adds the element “and where a seat on the flight or the right to have cargo or mail carried is available to any member of the public and includes a flight that carries passengers for remuneration or hire that begins and ends at the same aerodrome” appears to be superfluous and the aspect relating to A to A flights are thought to have been incorporated for the avoidance of doubt.
- 3.4 We recognise that it is impossible to make a succinct definition of commercial air transport that does not impede on the provision of reasonable and justifiable payment to enable private and corporate operations to be undertaken. Consequently, the current legislation includes the eight articles that set out the circumstances where despite the provision of “valuable consideration”, the flights shall not be considered to be operating for the purposes of commercial air transport or aerial work. Therefore, any proposed change in definition of “commercial air transport” and “aerial work” should be considered in light of our proposals regarding these articles; further analysis is provided at paragraph 3.9.
- 3.5 The ICAO definition of “aerial work” which is based around the conduct of “specialised services” is significantly at variance to the current Isle of Man definition as inherited from old UK legislation. This has led to some complexities for operators of aircraft registered in the Isle of Man who wish to conduct corporate aerial work (specialised services) as per the ICAO definition in support of their core business and therefore without the receipt of valuable consideration. In such circumstances, there has been confusion and consequent questions from the regulatory authorities of the State of operation as to how the operator can conduct aerial work as per ICAO meaning while aerial work is prohibited under Isle of Man law.
- 3.6 ICAO has not promulgated Standards or Recommended Practices pertaining to the conduct of aerial work. However, most States have made national requirements for the conduct of such specialised services.

UK

- 3.7 Since 2007 the legislative situation pertaining to commercial air transport and aerial work in the UK and the European Union has evolved significantly, mainly because of their previous membership of EASA. UK legislation¹⁶ now provides the following definitions:
- **“Commercial air transport operation”** means an aircraft operation for the purpose of transporting passengers, cargo or mail for remuneration or other valuable consideration which is required to be conducted under and in accordance with Part-CAT and Part-ORO but which is not an A to A commercial air transport aeroplane operation or an A to A commercial air transport helicopter operation;

¹⁶ Air Navigation Order 2016

- **“Public transport”** has the meaning assigned to it by article 6, and the expression “public transport operation” should be construed accordingly;

Article 6:

(1) For the purposes of this Order and subject to Chapter 2, an aircraft in flight is flying on a public transport flight if—

- (a) it is an A to A commercial air transport helicopter operation; or
- (b) the conditions specified in paragraph (2) are satisfied.

(2) The conditions referred to in paragraph (1) are—

- (a) the flight is not a flight for the purpose of commercial air transport; and
- (b) the flight is—
 - (i) for the carriage of passengers or cargo and valuable consideration is given or promised for that flight in the aircraft; or
 - (ii) operated by the holder of a national air operator’s certificate, an EU-OPS air operator certificate or a Part-CAT air operator certificate and any passengers or cargo are carried gratuitously in the aircraft except for persons specified in paragraph (3) or cargo specified in paragraph (4).

(3) The persons referred to in paragraph (2)(b)(ii) are persons in the employment of the operator (including, in the case of a body corporate, its directors), or persons authorised by the CAA either making any inspection or witnessing any training, practice or test for the purposes of this Order, EU-OPS or the EASA Air Operations Regulation.

(4) The cargo referred to in paragraph (2)(b)(ii) is cargo intended to be used by any persons specified in paragraph (3) or by the operator.

3.8 A person must not operate an aircraft registered in the United Kingdom on a commercial air transport operation otherwise than under and in accordance with the terms of a Part-CAT air operator certificate issued to the operator of the aircraft by the CAA¹⁷.

3.9 The UK have subsequently updated their provisions¹⁸ on which our eight articles, Part 28 of the Air Navigation (Isle of Man) Order 2015, were originally based. The UK requirements now pertain to flights that are not considered to be “public transport” or a “commercial operation” and these do not apply to any flight that is subject to the EASA Air Operations Regulation (as retained in UK legislation). A comparison between the present Isle of Man and the contemporary UK equivalent provisions has identified the following:

- Special Rules for Hire of Aircraft¹⁹ – no longer in the UK legislation.
- Special Rule for Associations of Persons²⁰ - UK and IOM content is aligned.
- Special Rule for Groups of Companies²¹ - UK does not include the following as specified in Isle of Man legislation:
 - “(2) For the purposes of this article two or more companies are to be treated as subsidiaries of the same holding company if one (and only one) individual is in

¹⁷ Air Navigation Order 2016 – Part 1, Chapter 2

¹⁸ Air Navigation Order 2016 – Part 1, Chapter 2

¹⁹ Air Navigation (Isle of Man) Order 2015 – Article 173

²⁰ Air Navigation (Isle of Man) Order 2015 – Article 174

²¹ Air Navigation (Isle of Man) Order 2015 – Article 175

such a relationship to them that, if that individual were a holding company, they would be subsidiaries of that company”.

- Flying Displays²² - UK does not include an equivalent to the Isle of Man sub paragraphs (3)(a) and (b) which cross reference to articles 173 and 180.
- Charity flights²³ - UK does not include an equivalent to the Isle of Man cross reference to articles 173 and 180.
- Cost sharing²⁴ - UK does not include an equivalent to the Isle of Man cross reference to articles 173 and 180. Additionally, the UK has issued a General Exemption²⁵, which increases the number of persons that may share costs to no more than six occupants including the pilot.
- Recovery of Direct Costs²⁶ – UK does not have an equivalent article.
- Jointly Owned Aircraft²⁷ - UK does not have an equivalent article.

3.10 In addition to those listed above, the UK also provides articles covering the following types of operation in relation to the applicability of being public transport or a commercial operation, all of which are not considered relevant to the operation of aircraft registered in the Isle of Man:

- parachuting;
- introductory flights;
- glider towing.

3.11 The UK no longer defines or regulates “aerial work” in their Air Navigation Order. It is understood that this was to avoid regulatory conflict with the EASA requirements on “Specialised Operations”, which are retained in UK legislation following the UK’s exit from the European Union. However, current UK legislation does address “aerial application certificates”, which are required in order to drop articles for the purposes of agriculture, horticulture or forestry or for training for such flights.

3.12 The conduct of commercial operations by foreign aircraft in the UK requires the permission of the UK CAA. This requirement excludes aircraft registered in an EEA State, a UK Overseas Territory, the Isle of Man, Jersey or Guernsey.

3.13 As per the Isle of Man, the UK continue to set out in legislation²⁸ the circumstances under which aerial advertising may take place, which is prohibited under the Civil Aviation Act 1982 apart from such circumstances as may be prescribed.

[EASA](#)

3.14 EASA regulations provide the following definitions:

- **“Commercial air transport”²⁹** means an aircraft operation to transport passengers, cargo or mail for remuneration or other valuable consideration”.

²² Air Navigation (Isle of Man) Order 2015 – Article 176

²³ Air Navigation (Isle of Man) Order 2015 – Article 177

²⁴ Air Navigation (Isle of Man) Order 2015 – Article 178

²⁵ ORS4 No 1406 – General Exemption E 5119

²⁶ Air Navigation (Isle of Man) Order 2015 – Article 179

²⁷ Air Navigation (Isle of Man) Order 2015 – Article 180

²⁸ The Civil Aviation (Aerial Advertising) Regulations 1995 (SI 1995 No 2943)

²⁹ Regulation (EU) 2018/1139 of the European Parliament and of the Council, Article 3

- Note: this is very similar to the ICAO definition of “commercial air transport operation” but replaces “hire” with “other valuable consideration.”
 - **“Commercial operation”³⁰** means any operation of an aircraft, in return for remuneration or other valuable consideration, which is available for the public or, when not made available to the public, which is performed under a contract between an operator and a customer, where the latter has no control over the operator.
- 3.15 EASA state on their website Frequently Asked Questions that “Commercial operations include commercial air transport”. In support of the definition of “commercial operation”, EASA also provides guidance material³¹ setting out examples of those flights that are not covered by the definition and should instead be identified as non-commercial operations, including:
- demonstration flights; and
 - charity flights.
- 3.16 The Air Operations Regulation³² specifies that operators shall only operate an aeroplane or a helicopter for the purpose of commercial air transport operations as specified in Annexes III and IV (of the regulation). The Regulation then provides derogations³³ from such a flight for particular circumstances, including the following operations with other-than complex motor-powered aeroplanes and helicopters:
- cost-shared flights by private individuals (with conditions);
 - competition flights or flying displays (with conditions);
 - introductory flights, parachute dropping, sailplane towing or aerobatic flights (with conditions).
- 3.17 The EASA definition of “specialised operations” appears to be generally consistent with the intent of the ICAO definition of aerial work. The EASA Air Operations Regulation includes provisions to regulate “specialised operations” which they define³⁴ as “any operation other than commercial air transport where the aircraft is used for specialised activities such as:
- agriculture;
 - construction;
 - photography;
 - surveying;
 - observation and patrol;
 - aerial advertisement”.
- 3.18 The EASA regulations on specialised operations apply to:
- all commercial specialised operations; and
 - non commercial specialised operations using ‘complex aeroplanes and helicopters.’.
- 3.19 The EASA requirements on specialised operations are extensive and cater for a wide range of circumstances ranging from low to high risk, commercial or non-commercial operations and

³⁰ Commission Regulation (EU) No 965/2012 of 5 October 2012, Article 2 (1d)

³¹ Commission Regulation (EU) No 965/2012 of 5 October 2012, GM1 Article 2 (1)(d)

³² Commission Regulation (EU) No 965/2012 of 5 October 2012, Article 5

³³ Commission Regulation (EU) No 965/2012 of 5 October 2012, Article 6

³⁴ Commission Regulation (EU) No 965/2012 of 5 October 2012, Article 2(7)

activities undertaken by complex or non-complex aircraft. The processes require either compliance with the rules, declarations and in defined circumstances for authorisations to be issued. Of note, those operators conducting commercial specialised operations or engaged in non-commercial specialised operations using a complex motor-powered aircraft must comply with Annex III (Part-ORO Organisation Requirements). Part-ORO includes the need for such operators to establish a management system (which includes a safety management system) that corresponds to the size of the operator and the nature and complexity of its activities, taking into account the hazards and associated risks inherent in these activities.

CASA

3.20 The Australian Civil Aviation Safety Authority (CASA) have recently concluded a project to refresh their regulations³⁵ pertaining to aerial work operations, which will take effect in December 2021. Whilst not identical, the CASA definition of “aerial work operation” appears to be generally consistent with the ICAO intent of “aerial work”. The CASA regulations are designed to cater for the wide variety of aerial work operations that may be undertaken and consequent variety in risk.

3.21 CASA now defines an “aerial work operation” as “one or more of the following (and each of the following is a kind of aerial work operation):

- an external load operation;
- a dispensing operation;
- a task specialist operation”.

An “external load operation” means “carrying or towing a load outside an aircraft in flight and includes training for such an operation.

A “dispensing operation” means dropping or releasing any substance or object from an aircraft in flight and includes training for such an operation.

A “task specialist” operation means carrying out a specialised activity using an aircraft in flight and includes training for such an activity.

3.22 CASA have excluded the following from the definition of an aerial work operation:

- a medical transport operation;
- an external load operation involving winching a person, if the operation is conducted as part of an air transport operation;
- glider towing;
- a person undertaking a parachute descent;
- an aerial application operation (including any external load operation undertaken as part of that operation) to apply fire retardants (including water), or oil or chemical dispersants, if the operation is conducted by a person holding a civil aviation authorisation under Part 137 to undertake the operation;
- any other aerial application operation;
- any other operation of a kind prescribed by the Part 138 Manual of Standards for the purposes of this paragraph.

³⁵ Project OS 10/26 – CASR Part 138 – Aerial work operations

- 3.23 The CASA regulations impose a new requirement for the operator to have a safety manager and a safety management system. However full compliance with these requirements is deferred until 2024.

4. Proposals

- 4.1 Following analysis of the regulations in many other States and consideration of the ICAO SARPS and the needs of the Isle of Man, we are making a number of proposals as set out below.

Definition of Commercial Air Transport

- 4.2 The ICAO meaning of “commercial air transport operation” will be adopted in Isle of Man legislation as the definition of “commercial air transport”:

- “an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire”.

In support of this, “remuneration” will be defined as: “money or other financial compensation”.

- 4.3 We consider the revised definition of commercial air transport to focus appropriately on protecting public safety and that it supports the provision of regulatory requirements for such operations to address safety risks. The benefits of adopting the ICAO definition include a common understanding and clarity of meaning by international aircraft operators.

Prohibition of Commercial Air Transport

- 4.4 The current prohibition that aircraft registered in the Isle of Man must not fly on a flight for the purpose of commercial air transport will be maintained in the new Registration and Marking Order. We do not rule out the possibility in the future of introducing legislation that enables the issuance of Air Operators Certificates and the conduct of commercial air transport by aircraft registered in the Isle of Man; however, we do not have plans in this regard at this time.

- 4.5 The current requirement that an aircraft operator must not operate an aircraft on a commercial air transport operation within the Isle of Man unless in possession of a valid air operator certificate issued by the State of the aircraft operator, will be maintained unchanged.

Exceptions for Commercial Air Transport

- 4.6 The current Isle of Man legislation³⁶ that specifies those situations that are not to be considered as being commercial air transport flights will be amended and updated as follows:

- Articles 173 and 174 are proposed to be deleted.
 - Article 173 is considered to be irrelevant as it in the main ensured the continued applicability of Parts 3 and 4 of the Order, yet these Parts did not discriminate between private and commercial air transport flights for aircraft registered in the Isle of man as such aircraft can only operate for private purposes. It is noted that the UK equivalent to Article 173 is no longer in the UK’s own Order.

³⁶ Air Navigation (Isle of Man) Order 2015

- Article 174 is no longer felt to be appropriate due to the change to the definition of “aerial work” (see below);
- Article 175 (special rules for groups of companies) is maintained; however as per the UK equivalent, it is proposed to delete the paragraph:
 - “(2) For the purposes of this article two or more companies are to be treated as subsidiaries of the same holding company if one (and only one) individual is in such a relationship to them that, if that individual were a holding company, they would be subsidiaries of that company”.
- Article 176 (flying displays) is deleted as it is not considered relevant or appropriate to the operations undertaken by aircraft registered in the Isle of Man.
- Article 177 (charity flights) is maintained but the restriction on the charity receiving the remuneration is extended to also exclude a person who holds a legal or beneficial interest by way of ownership in the aircraft or a share in the aircraft and the aircraft’s registered owner.
- Article 178 (cost sharing) is updated to reflect the EASA and UK situation that such cost sharing is intended for light aircraft only; consequently, the article does not apply to ‘large and turbojet’ aircraft . The number of persons sharing the costs is increased from 4 to 6 and the requirements for not publishing information about the flight other than within and for members of a flying club are revised to reflect the use of communication by such club members using online social media. In such circumstances all persons carried shall be members of that flying club. However, it should be noted that this article **does not** enable cost sharing flights arranged through online platforms available to the general public.
- Article 179 (recovery of direct costs) is significantly revised with the aim of capturing appropriate payment of costs for the operation of the aircraft made by the legal/beneficial or registered owner or made by the aircraft operator. In support of this article the terms “annual costs” and “direct costs” are defined as:
 - “annual cost” means, in relation to the ownership and operation of an aircraft, the cost (excluding any element of profit) of keeping, maintaining and operating the aircraft over the period of one year;
 - “direct costs” means the costs (excluding any element of profit) directly incurred in relation to a flight.
- Article 180 (jointly owned aircraft) is maintained but the requirement for each person to have not less than a 5% share has been increased to 20%, thereby reducing the number of potential joint owners.
- A new article is included that regularises the subject of demonstration flights. This uses the experience gained from managing applications for exemptions as set out under paragraph 2.6 above. The requirement is simplified when compared to the current exemption process as a result of utilising the new definition of “direct costs”. The removal of the need to apply for an exemption is mitigated by the conditions requiring the maintenance of records of remuneration received and the need to provide such records to the Registry on request. If it was considered that the demonstration flight provision was being misused by an operator, a direction could be issued to the operator and enhanced oversight and enforcement processes would be applied.

Definition of Aerial Work

4.7 The definition of “aerial work” will be focused on “specialised services” as per the ICAO intent. The ICAO definition is adapted as follows:

- “such as” and “etc” are replaced with “including but not limited to”;
- “agriculture” and “construction” are omitted as the other categories in the definition are considered as supporting such uses;
- “Photography” is replaced with “filming and imagery” to capture all contemporary pictures and video medias;
- more specific categories are added;
- aerial advertisement is omitted but banner towing is added.

The new Isle of Man definition will be:

“an aircraft operation in which an aircraft is used for the purpose of providing specialised services including but not limited to: mapping, surveying, filming or imagery, observation, surveillance, patrol, inspection, glider towing, parachute jumping, external load carrying, banner towing, dispensing or dropping articles or substances, firefighting, search and rescue, emergency services”.

4.8 The above definition with regard to “filming and imagery” would therefore exclude:

- external aircraft images used for the purposes of inflight entertainment; and
- imaging systems used to provide enhanced vision capability to flight crew;

as they are not considered to be captured by initial part of the definition: “an aircraft operation in which an aircraft is used for the purpose of specialised services”.

Aerial Work by Aircraft Registered in the Isle of Man

4.9 The conduct of aerial work (specialised services) by aircraft registered in the Isle of Man will be enabled subject to the issuance of approval of the IOMAR. It is proposed that the need for an approval should be primarily determined by the risk posed by the activity and not whether the operation is for commercial gain or not. However, in order to avoid disproportionate regulation for amateur photographic and filming activity, it has been necessary to introduce a discriminant of whether there is any provision of remuneration. Consequently, the need for an aerial work approval will exclude any flights conducting aerial filming or imagery for which -

- remuneration is not provided for the service; and
- the filming and/or imagery equipment is hand held.

This ensures that where aerial photography is being conducted for remuneration (i.e. a commercial activity) regardless of the equipment used, an aerial work approval is required. Also, regardless of remuneration or not, if the filming or imagery equipment is anything other than hand held, an aerial work approval is required.

4.10 The IOMAR intends to only offer aerial work approvals to aircraft registered in the Isle of Man conducting lower risk operations and to exclude higher risk aerial work categories. The safety enhancements generated by the use of management systems and the processes mandated for large and complex aircraft are considered to be appropriate for aircraft operations that require an aerial work approval, regardless of the aircraft’s size and complexity.

4.11 The IOMAR has drafted an internal policy that regularises the issuance of aerial work approvals to aircraft registered in the Isle of Man. The key parts of this policy, which will be published in RP4 – Guidance to Operators, are as follows:

- Aerial work approvals will only be issued for the following categories of operation:
 - mapping;
 - surveying;
 - filming or imagery;
 - observation;
 - surveillance;
 - patrol;
 - inspection.
- The approval to conduct aerial work will be issued through listing on the Operations Specification certificate.
- The operator of any aircraft registered in the Isle of Man that requires an aerial work approval, shall comply with the following Articles of the Air Navigation (Isle of Man) Order 2015 regardless of the aircraft's MTM/engines/seating configuration:
 - 99B (Company Operations Manual);
 - 99C (Checklists to be used);
 - 99D (Minimum flight altitude);
 - 99E (Fatigue risk management programme);
 - 99F (Operator's maintenance responsibilities);
 - 99G (operator's responsibility for training);
 - 99H (Designation of pilot in command);
 - 99I (Maintenance control manual);
 - 99J (Safeguarding of flight and voice recorder records) if applicable; and
 - 99L (Use of boom microphones).
- An operator who wishes to be approved to conduct aerial work will be required to submit:
 - Company Operations Manual (COM) which includes standard operating procedures (SOP) tailored to the specialised operation; and
 - Maintenance Control Manual.
- The IOMAR may only approve the aerial work operation if satisfied that the processes and procedures ensure an appropriate level of safety for the type and nature of the aerial work operation proposed.
- Depending on the complexity of the operation, an on-site inspection maybe required.
- Ongoing oversight will be conducted using a risk/based approach which may include periodic on-site inspections.
- Types of permitted aerial work operations and the IOMAR requirements will be published in RP4.

4.12 It is proposed that the above policy ensures appropriate and proportionate regulatory requirements to ensure the safe operation of the categories of aerial work that may be approved by the IOMAR.

4.13 The current IOMAR policy is that the Registry will accept for registration:

- Fixed wing aircraft with a Maximum Take-off Mass (MTOM) of 5700kg and above;
- Twin turbine helicopters of any MTOM.

The following may also be accepted if they meet the specified conditions:

- Fixed wing aircraft with a MTOM less than 5700kg but greater than 2730kg and/or single turbine helicopters, under the condition that the owners are either Isle of Man residents, or can show significant financial advantage to the Isle of Man by registering the aircraft.
- Fixed wing aircraft 2730kg or below and piston helicopters owned by an Isle of Man resident

Due to the frequent utilisation of aeroplanes below 5700kg for the purposes of aerial work, it is proposed to broaden our policy for registration for aeroplanes of this weight category that are used in support of an aerial work approval without the associated current conditions.

Aerial Work by Aircraft Operating in the Isle of Man

4.14 The Civil Aviation (Rules of the Air) Order will be amended to include the requirement that the conduct of aerial work by any aircraft operating in the Isle of Man will require the permission of the IOM CAA. However this will not apply to:

- any aircraft conducting aerial filming or imagery for which -
 - remuneration is not provided for the service; and
 - the filming and/or imagery equipment is hand held;
- an aircraft registered in the Isle of Man operating in accordance with an approval to conduct aerial work issue under the Civil Aviation (Registration and Marking) Order 2021;
- an aircraft registered in the United Kingdom operating in accordance with the Air Operations Regulation as retained in UK law under the European Union (Withdrawal) Act 2018; or
- an aircraft registered in an European Economic Area (EEA) state or Switzerland operating in accordance with the Air Operations Regulation.

4.15 The above gives appropriate recognition to the regulatory system in place for the conduct of aerial work (specialist services) by aircraft registered in the Isle of Man, UK and EASA Member States. This enables a proportionate and risk based approach to the regulation of aerial work within the territory of the Isle of Man.