



Airports and Civil Aviation Act 1987

CIVIL AVIATION (MISCELLANEOUS AMENDMENTS) ORDER 2022

Approved by Tynwald:

Coming into Operation:

The Department for Enterprise makes the following Order under section 11B of the Airports and Civil Aviation Act 1987.

1 Title

This Order is the Civil Aviation (Miscellaneous Amendments) Order 2022.

2 Commencement

If approved by Tynwald, this Order comes into operation on *[date to be confirmed]*.

3 Amendment of the Civil Aviation (Subordinate Legislation) (Application) Order 2006

In paragraph 2(c) of Part 3 of Schedule 2 to the Civil Aviation (Subordinate Legislation) (Application) Order 2006¹ for the definition of “the Isle of Man register” substitute -

“**the Isle of Man register**” means the aircraft register maintained by the Department in pursuance of the Civil Aviation (Registration and Marking of Aircraft) Order 2021²”.

4 Amendment of the Miscellaneous Provisions Order 2021

- (1) The Civil Aviation (Miscellaneous Provisions) Order 2021³ is amended as follows.
- (2) In article 3(3) after ‘permission’ in both places where it appears insert ‘certificate,’.
- (3) In article 4 -
 - (a) after the definition of “advisory route” insert -

¹ SD No. 909/06

² SD No. 2022/xxxx – *awaiting final version*

³ SD No. 2020/0134

“**aerial work**” means 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;”;

(b) after the definition of “air-report” insert -

“**airship**” means a power-driven lighter than air aircraft that is kept buoyant by a body of gas and can be steered;”;

(c) after the definition of “altitude” insert -

“**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;”;

(d) after the definition of “automatic terminal information services (ATIS)” insert -

“**ballistic parachute recovery system**” means a parachute system designed to recover a whole aircraft to the ground in an emergency as a last resort to save life or minimise serious injury to the occupants;

“**balloon**” means a non-power-driven lighter-than-air aircraft and that sustains flight through the use of either gas buoyancy or an airborne heater;

“**beneficial interest**” includes interests arising under contract and other equitable interests;”;

(e) after the definition of “cabin crew” insert -

“**captive balloon**” means a balloon that is attached to the surface by a form of restraining device;”;

(f) for the definition of “commercial air transport” substitute -

“**commercial air transport**” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire;

“**Commonwealth**” means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction and “Commonwealth citizen” is to be construed accordingly;”;

(g) after the definition of “datum” insert -

“**demonstration flight**” means a flight performed with the purpose of demonstrating an aircraft’s handling, performance, capabilities and functionalities to prospective buyers or lessees;”;

- (h) after the definition of “designated postal operator” insert -
“**direct costs**” means the costs (excluding any element of profit) directly incurred in relation to a flight;
“**direct thrust**” means a powered-lift aircraft capable of vertical take-off, vertical landing and sustained low-speed flight which depends, principally, on engine thrust vectoring for the lift during these flight regimes and on nonrotating aerofoil(s) for lift during high-speed flight;”;
- (i) after the definition of “fatigue” insert -
“**ferry flight**” means a flight to a location necessary to enable the refurbishment, maintenance, delivery, entry into storage, demonstration, or inspection of the aircraft;
“**fireproof material**” means a material capable of withstanding heat as well as or better than steel when the dimensions in both cases are appropriate for the specific purpose;”;
- (j) after the definition of “forecast” insert -
“**free balloon**” means a balloon in free flight;”;
- (k) after the definition of “freight forwarder” insert -
“**glider**” means a non-power-driven, heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces that remain fixed under given conditions of flight;”;
- (l) after the definition of “ground visibility” insert -
“**gyroplane**” means a heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors which rotate freely on substantially vertical axes;
“**hang glider**” means a glider controlled by the body movement of the operator suspended from a harness below a frame with a fabric aerofoil stretched over it;”;
- (m) after the definition of “heading” insert -
“**heavier-than-air aircraft**” means any aircraft deriving its lift in flight chiefly from aerodynamic forces;”;
- (n) after the definition of “landing area” insert -
“**large and turbojet aircraft**” means an aircraft that has any of the following characteristics –
(a) a maximum total mass authorised exceeding 5,700 kg;
(b) one or more turbojet engines;
(c) a seating configuration of more than 9 passenger seats;”;
- (o) after the definition of “level” insert -
“**lighter-than-air aircraft**” means any aircraft supported chiefly by its buoyancy in the air;

“maintenance check flight” means a flight of an aircraft which is carried out for troubleshooting purposes or to check the functioning of one or more systems, parts or appliances after maintenance, if the functioning of the systems, parts or appliances cannot be established during ground checks and which is carried out in any of the following situations -

- (a) as required by the aircraft maintenance manual or any other maintenance data issued by a design approval holder being responsible for the continuing airworthiness of the aircraft;
 - (b) after maintenance, as required by the aircraft operator or proposed by the organisation responsible for the continuing airworthiness of the aircraft;
 - (c) as requested by the maintenance organisation for verification of a successful defect rectification;
 - (d) to assist with fault isolation or troubleshooting;”;
- (p) after the definition of “manoeuvring area” insert -

“microlight aeroplane” means any of the following:

- (1) a non-Part 21 aircraft, other than an unmanned aircraft, that is designed to carry not more than two persons, which -
 - (a) has a stalling speed, or maximum steady flight speed in the landing configuration, at the maximum take-off mass not exceeding 35 knots calibrated airspeed; and
 - (b) has a maximum take-off mass not exceeding -
 - (i) 450kg for a two-seat landplane;
 - (ii) 495kg for a two-seat amphibian or floatplane; or
 - (iii) 475kg for a two-seat landplane equipped with an airframe mounted total recovery parachute system;
- (2) a non-Part 21 aircraft, other than an unmanned aircraft, that is designed to carry not more than two persons, which -
 - (a) is of a design which is approved by the UK CAA for the purposes of the issue of a UK permit to fly;
 - (b) either has, or has been subsequently modified to have, a stalling speed, or minimum steady flight speed in the landing configuration, at the maximum take-off mass not exceeding 45 knots calibrated airspeed; and
 - (c) either has, or has been subsequently modified to have, a maximum take-off mass not exceeding -
 - (i) 600kg for a landplane; or
 - (ii) 650kg for an amphibian or floatplane;
- (3) a single-seat deregulated aeroplane; or

- (4) an aircraft being flown, or intended to be flown, for the purpose of a flight test to establish that it complies with the requirements of sub-paragraph (1), (2), or (3);”;
- (q) after the definition of “night” insert -
“**non-rigid airship**” means an airship that relies entirely on internal gas pressure to retain its shape during flight;”;
- (r) after the definition of “operating site” insert -
“**ornithopter**” means a heavier-than-air power driven aircraft supported in flight chiefly by the reactions of the air on planes to which a flapping motion is required;”;
- (s) after the definition of “packaging” insert -
“**Part 21**” means the Annex so entitled to Commission Regulation (EC) No 748/2012 of 3rd August 2012 laying down implementing rules for the airworthiness and environmental certification of aircraft and related products, parts and appliances, as well as for the certification of design and production organisations⁴, as amended from time to time;”;
- (t) after the definition of “pilot in command” insert -
“**power lift**” is a heavier than air power driven aircraft capable of vertical take-off, vertical landing, and sustained low speed flight that depends principally on engine drive lift devices or engine thrust for lift during these flight regimes and on nonrotating aerofoil(s) for lift during high-speed flight;”;
- (u) after the definition of “radiotelephony” insert -
“**Register of Aircraft Mortgages**” means the Register of Aircraft Mortgages kept by the Department under the Mortgaging of Aircraft Order 1972 as applied to the Isle of Man by the Civil Aviation (Subordinate Legislation) (Application) Order 2006;”;
- (v) after the definition of “remote pilot” insert -
“**remuneration**” means money or other financial compensation;”;
- (w) after the definition of “restricted area” insert -
“**rigid airship**” means an airship in which the envelope is supported by an internal framework rather than by being kept in shape by the pressure of the lifting gas within the envelope;
“**rotorcraft**” means a power-driven heavier-than-air aircraft supported in flight by the reactions of the air on one or more rotors;”;
- (x) after the definition of “secondary surveillance radar (SSR)” insert -
“**self-launching motor glider**” means a heavier than air power driven aeroplane with the characteristics of a non-power-driven glider

⁴ O.J. No. L 224, 21.08.2012, p.1.

that is fitted with one or more power units and that is designed or intended to take off under its own power;

“**self-propelled hang-glider**” means a hang glider equipped with a mechanical propulsion device that -

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed; and
- (c) has a maximum unladen mass, including full fuel, of 70 kg;

“**self-sustaining glider**” means a glider that is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

“**semi-rigid airship**” means an airship which has a stiff keel supporting the main envelope along its length, which may be partially flexible or articulated and may be located inside or outside the main envelope, the outer shape of which is maintained by gas pressure;”;

(y) after the definition of “significant point” insert -

““**single-seat deregulated aeroplane**” means a non-Part 21 aircraft, other than an unmanned aircraft, which is designed to carry not more than one person, which has -

- (a) a maximum take-off mass not exceeding -
 - (i) 300kg for a landplane (or 390kg for a landplane of which at least 51% was built by an amateur, or non-profit making association of amateurs (“the association”), for the amateur or the association’s own purposes and without any commercial objective, in respect of which a permit to fly issued by the UK CAA was in force prior to 1st January 2003);
 - (ii) 330kg for an amphibian or floatplane; or
 - (iii) 315kg for a landplane equipped with an airframe mounted total recovery parachute system; and
- (b) a stalling speed, or minimum steady flight speed in the landing configuration, at the maximum take-off mass not exceeding 35 knots calibrated airspeed;”;

(z) after the definition of “threshold” insert -

““**tilt rotor**” means a power lift aircraft capable of vertical take-off, vertical landing and sustained low-speed flight which depends, principally, on engine-driven rotors mounted on tiltable nacelles for the lift during these flight regimes and on nonrotating aerofoil(s) for lift during high-speed flight;”;

(aa) after the definition of “total estimated elapsed time” insert -

““**touring motor glider**” means, a self-launching motor glider which -

- (a) has one or more integrally mounted, non-retractable power units;
 - (b) has one or more non-retractable propellers; and
 - (c) is designed or intended to take off under its own power;”;
- (bb) after the definition of “transition level” insert -
- “**transitional aircraft**” means an aircraft which is awaiting a commercial lease or sale during which time it is only flown for the purposes of a maintenance check flight, demonstration flight or ferry flight;”;
- (cc) after the definition of “strayed aircraft” insert -
- “**supplemental type certificate (STC)**” is a document issued by a State to approve a major modification or repair to an existing type certified aircraft, engine or propeller;”;
- (dd) after the definition of “transponder mandatory zone (TMZ)” insert -
- “**type certificate**” means a document issued by a State to define the design of an aircraft, engine or propeller type and to certify that this design meets the appropriate airworthiness requirements of that State;”;
- (ee) after the definition of “with the surface in sight” insert -
- “(2) Aircraft shall be classified in accordance with the Classification of Aircraft table in the Schedule.”.
- (4) In article 5 -
- (a) after ‘permission’ in all places where it appears insert ‘certificate,’; and
 - (b) after ‘due inquiry’ in paragraph (2) insert ‘cancel,’.
- (5) In article 6 -
- (a) after ‘approval’ in all places where it appears insert ‘or a certificate’;
 - (b) after ‘proposed to’ in paragraph (2) insert ‘cancel,’; and
 - (c) after ‘provisionally’ in paragraph (6) insert ‘cancelling the registration of an aircraft or provisionally’.
- (6) After article 9 insert -
- 9A. Documents to be submitted in English language**
- (1) All documentation, written communications and electronic data submitted to the Department by a person, in support of an application for registration, approval, permission, certificate or exemption must be in the English language.
 - (2) If a submission requires the inclusion of a document that is in a foreign language, a person must ensure that the foreign language document is accompanied by a fair and accurate English translation which the applicant must certify as being, to the best of their knowledge and belief, a true translation.”.

- (7) In article 10 -
- (a) omit the words ‘and records’ in the title;
 - (b) after ‘permission,’ in all places where it appears insert ‘certificate,’;
 - (c) after ‘altered’ in paragraph (1)(a) insert ‘cancelled,’; and
 - (d) after ‘provisionally’ in paragraph (6) insert ‘cancelling the registration of an aircraft or provisionally’
 - (e) omit the words ‘or record’ in all places where it appears; and
 - (f) for ‘maintained’ replace ‘kept’ in paragraph (3)(a).

- (8) After article 11 insert -

“11A. Services withheld from outstanding debtors

The Department may withhold the provision of services from outstanding debtors until such time as the debt has been settled.”.

- (9) At the end of the Order insert -

“Schedule – Classification of Aircraft

1. Aircraft shall be classified in accordance with the following table.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	
AIRCRAFT	Lighter-than-air aircraft	Non-power-driven	Free balloon	Spherical free balloon		
				Non-spherical free balloon		
			Captive Balloon	Spherical captive balloon		
				Non-spherical captive balloon ¹		
		Power-driven	Airship	Rigid airship		
				Semi-rigid airship		
				Non-rigid airship		
		Non-power-driven ²	Glider ³	Land glider		
				Sea glider ⁴		
			Kite ⁵			
	Heavier-than-air aircraft	Power-driven	Aeroplane ⁷	Landplane ⁶		
				Seaplane ⁴		
				Amphibian ⁴		
				Self-launching motor glider ⁸		
			Power lift	Tilt rotor		
				Direct thrust		
			Rotorcraft	Gyroplane	Land gyroplane ⁶	
					Sea gyroplane ⁴	
				Helicopter	Amphibian gyroplane ⁴	
Land helicopter ⁶						
	Sea helicopter ⁴					
	Amphibian helicopter ⁴					



			Ornithopter	Land ornithopter ⁶	
				Sea ornithopter ⁴	
				Amphibian ornithopter ⁴	
<p>¹ Generally designated 'kite-balloon'.</p> <p>² Heavier than air aircraft with power units designed only to sustain flight and that are not used to take off are categorised as "non-power driven"</p> <p>³ Includes "hang gliders", "self-sustaining gliders" and "self-propelled hang gliders"</p> <p>⁴ "Float" or "boat" may be added as appropriate</p> <p>⁵ For the purpose of completeness only</p> <p>⁶ Includes aircraft equipped with ski-type landing gear (substitute "ski" for "land")</p> <p>⁷ Includes "microlight aeroplanes"</p> <p>⁸ Includes "touring motor gliders"</p>					

Classification of Aircraft Table

2. An unmanned aircraft having a mass of not more than 25 kilograms⁵ shall be classified as a small unmanned aircraft.
3. All other aircraft intended to be operated with no pilot on board shall be further classified as unmanned.”.

5 Amendment of the Rules of the Air Order 2021

- (1) In Schedule 1 to the Civil Aviation (Rules of the Air) Order 2021⁶ after paragraph 1 insert -

“1A Aerial work

- (1) Subject to paragraph (2), an aircraft must not fly over the Isle of Man for the purpose of aerial work unless it has the permission of the Department.
- (2) Paragraph (1) does not apply to -
 - (a) any aircraft conducting aerial filming or imagery for which -
 - (i) remuneration is not provided for the service; and
 - (ii) the filming and/or imagery equipment is hand held;
 - (b) 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 2021⁷;
 - (c) 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 2018⁸ as amended from time to time; or

⁵ Definition of 'small unmanned aircraft' Civil Aviation (Miscellaneous Provisions) Order 2020 SD No. 2020/0134

⁶ SD No. 2021/0184

⁷ SD No. 2022/xxx – *awaiting final version*

⁸ 2018 c. 16

- (d) an aircraft registered in an European Economic Area (EEA) state or Switzerland operating in accordance with the Air Operations Regulation⁹ as amended from time to time.”.

DRAFT

⁹ Commission Regulation (EU) No 965/2012 of 5 October 2012

