



**Isle of Man**  
CIVIL AVIATION ADMINISTRATION

**Consultation on**

**AIRCRAFT REGISTRATION AND  
MARKING LEGISLATION**

**Opening date: 23 August 2021**

**Closing date: 1 October 2021**



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# 1. Consultation on aircraft registration and marking

The Isle of Man Civil Aviation Administration, a Division of the Department for Enterprise, is the aviation safety and security regulator for the Isle of Man, as well as administering the Isle of Man Aircraft Registry (the Aircraft Registry). We are also responsible for ensuring the Island's aviation legislation meets the International Civil Aviation Organisation's (ICAO) Standards and Recommended Practices and other relevant European aviation standards.

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## Why we are consulting

This consultation sets out our proposals for the replacement of the aircraft registration and marking provisions currently in the [Air Navigation \(Isle of Man\) Order 2015](#) ("the IOM ANO") with new legislation.

The opportunity is being taken to modernise those provisions and to include new provisions which strengthen the service provided by the Aircraft Registry and to ensure that the Island continues to comply with its International obligations.

The Orders we are consulting on are part of a project to replace the entire IOM ANO with a number of separate Orders on specific aviation subjects. Further proposals can be expected to be made during 2022/23 with regard to Airworthiness and Flight Operations.

Your input will help us make an informed decision on the future of legislation pertaining to aircraft registration and marking in the Isle of Man.

This aviation specific technical consultation is expected to be of relevance to owners or operators of aircraft registered in the Isle of Man and to those persons and companies that support and facilitate the ownership and registration of such aircraft e.g. aircraft management services; corporate service providers; etc.

The content of the consultation has no direct effect on the Isle of Man general public.

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## Responding to our consultation

Please submit your responses by 1<sup>st</sup> October 2021 using the online system wherever possible. If you cannot use the online system, please send your comments by email to [caa@gov.im](mailto:caa@gov.im) or alternatively by post to:

Rose Dawson, Legislation Manager  
Isle of Man Civil Aviation Administration  
Ground Floor, Viscount House  
Isle of Man Airport  
Ballasalla, Isle of Man, IM9 2AS

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## Confidentiality and data protection

The information you send may be published in full or in a summary of responses.

All information in responses, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2015 and the Data Protection Act 2002).

If you want your response to remain confidential, you should explain why confidentiality is necessary and your request will be agreed to only if it is appropriate in the circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding.

If you have a query about how this consultation has been carried out, please contact the Isle of Man Civil Aviation Administration by email at [caa@gov.im](mailto:caa@gov.im) or by telephone on +44 (0) 1624 682 735.

## 2. Aircraft Registration and Marking

In accordance with the Convention on International Civil Aviation all civil aircraft adopt the nationality of the State in which they are registered. An aircraft cannot be validly registered in more than one State, but an aircraft's registration may be changed from one State to another.

The Aircraft Registry is the authority for the registration of aircraft in the Isle of Man.

The aircraft must be marked prominently on its exterior with a nationality mark indicating its country of registration and a unique registration mark. The Isle of Man's nationality mark is the letter 'M'. The aim of the marks is to enable an observer to readily identify the aircraft, and as such they should be displayed clearly and to the best advantage.

The IOMAR ensures that every aircraft registered meets and adheres to its regulations and standards, certifying the safety and international compliance of each aircraft. There are also "qualified ownership" criteria for persons qualified to hold a legal or beneficial interest by way of ownership or by charter by demise in an aircraft to be registered.

Isle of Man registered aircraft may only be operated for private or corporate purposes - commercial air transport operations are not permitted.

## 3. Overview of legislation proposals

### Legislative Basis

The draft Civil Aviation (Aircraft Registration and Marking) Order ("the Registration and Marking Order") will introduce legislation which will apply to all those wishing to make an application to register an aircraft in the Isle of Man and those with aircraft already so registered.

The draft Civil Aviation (Miscellaneous Amendments) Order ("the Miscellaneous Amendment Order") will make consequential amendments to the [Civil Aviation \(Miscellaneous Provisions\) Order 2020](#)<sup>1</sup> ("the Miscellaneous Provisions Order") in support of the new Registration and Marking Order. The Miscellaneous Provisions Order contains secondary legislation in relation to common interpretations of words or expressions used in the Registration and Marking Order, the conduct of the IOMAR and administrative provisions.

Section 4 of this document summarises the main changes that are being proposed and asks specific questions for your response. You can view a comparison of all of the existing and proposed legislation in the Comparison document on the Consultation Hub.

In parallel with the new Registration and Marking Order, there will be revocation and some amendments to a number of articles of the IOM ANO to ensure that there are no conflicting provisions in place. You can view a list of the changes that will be made in the IOM ANO Amendments document on the Consultation Hub.

The timing of the effective date of the new Orders and the revocation of the relevant provisions will be coincident. There will be provision to ensure the continued validity of a Certificate of Registration already

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<sup>1</sup> SD 2020/0134 as amended by 2021/0185

issued under the IOM ANO. Some of the administrative provisions that have been copied over to the Miscellaneous Amendment Order will remain in the IOM ANO so that they continue to support the remaining IOM ANO requirements. Provisions in the IOM ANO relating to the need for aircraft operating within the territory of the Isle of Man to be appropriately registered will stay in place at this time and relocated to a more appropriate Order in due course.

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## Aim

Our aim with these proposals is to ensure that the requirements for the registration and marking of aircraft in the Isle of Man are:

- internationally compliant;
- reasonable;
- easy to understand;
- straightforward to apply.

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## Registration of Aircraft

The main changes proposed to the provisions relating to registration of aircraft are summarised as follows:

- Update to the qualified ownership criteria for 'transitional aircraft' to incorporate the allowances currently published in Exemption 17/2018. No additional changes are proposed to the qualified ownership criteria at this time but we are inviting comments and suggestions on how this criteria might be developed in due course.
- References to applications being made "in writing" amended to "in a format acceptable to the Department".
- Amendment of the requirement that the Department "must" register an aircraft to "may" register an aircraft as this correctly reflects the choice that the Aircraft Registry has in receiving an application.
- References to "Aircraft Dealers Certificates" deleted as such certificates are not issued by the Aircraft Registry.
- The current policy requirement for the registered owner of an aircraft registered in the Isle of Man to appoint an "aircraft operator" and to notify changes in the appointment will be established as a legal requirement.
- Proposed changes in timescales for notification to the Aircraft Registry by:
  - the registered owner of changes to the details provided at registration;
  - a person who becomes the owner of an aircraft registered in the Isle of Man.
- Wording changes to enhance clarity that a change of ownership can take place without an aircraft's registration being cancelled.
- Consequential updates from the Isle of Man adoption of the Cape Town Convention to put in place the intent of SI 2015 No 912 consistent with the same requirements published by the United Kingdom in their Air Navigation Order 2016.

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## Marking of Aircraft

The main changes proposed to the provisions relating to the marking of aircraft are summarised as follows:

- The current process for reserving a registration mark without registering an aircraft has been included.

- The layout and wording of the provisions for the marking of aircraft have been enhanced and simplified.
- The requirement for a fireproof aircraft identification plate has been updated to match the ICAO requirement for placement on the aircraft but allowance has been made for aircraft equipped with a plate that met the old IOM ANO requirement to remain compliant.
- The ICAO allowance for a registration mark to be made up of letters as well as numbers has been adopted rather than the previous limitation on letters only.
- The ICAO limitation that was previously listed on the application form for registration that restricted the use of letters that conflict in international code of signals Q code SOS or other urgent signals has been included.
- Markings for aircraft equipped with a ballistic parachute recovery system have been specified.

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## **Commercial Air Transport and Aerial Work**

There is no change proposed to the current prohibition that aircraft registered in the Isle of Man must not be operated for the purposes of commercial air transport. However, it is proposed to adopt the ICAO definition of 'commercial air transport'. Consequential updates to the provisions that previously allowed "valuable consideration" without the flight being construed as be a commercial flight are proposed.

It is proposed that the Isle of Man definition of "aerial work" be updated from being focused on valuable consideration to instead, as per ICAO, be based on the conduct of specialised operations. Such aerial work would be permitted subject to an approval issued by the Aircraft Registry.

Article 141 of the IOM ANO (Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the Isle of Man) will be deleted and a new article will be inserted into the Civil Aviation (Rules of the Air) Order 2021 to address the requirements in order for any aircraft to conduct aerial work within the Isle of Man.

Further details of these proposals to commercial air transport and aerial work and supporting analysis may be viewed in the CAT and AW Analysis document on the Consultation Hub.

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## **Miscellaneous Provisions Order**

Where a definition or expression is necessary for the Registration and Marking Order which may be applicable to other civil aviation orders they have been incorporated into the common definitions listed in the Miscellaneous Provisions Order.

The existing policy that all documentation submitted to the Aircraft Registry shall be in the English language has been incorporated into the legislation.

A provision has been included that empowers the Aircraft Registry to, as per current policy, apply their discretion to withhold services until arrears owed are paid.

The aircraft categorisations previously listed in the IOM ANO have been further developed so as to give further clarity with regard to:

- balloons;
- airships;
- gliders;
- microlights;
- kites;
- power lift;

- rotorcraft;
- ornithopter;
- unmanned aircraft.

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## **Changes that are not to be consulted upon**

It is proposed that the following changes or new provisions are not consulted on as they put in place the intent of SI 2015 No 912<sup>2</sup> and are consistent with the same requirements published by the United Kingdom in their Air Navigation Order 2016.

### **New. Cancellation of registration of aircraft - Cape Town Convention - article 10(5).**

This provision mirrors that of the United Kingdom in their Air Navigation Order 2016 as a result of the Convention on International Interests in Mobile Equipment (the Cape Town Convention). It provides for the Aircraft Registry to cancel a registration if satisfied that a person wishes and is entitled to procure the de-registration of the aircraft.

### **New. Register of Aircraft Mortgages - Cape Town Convention - article 11.**

This provision mirrors that of that of the United Kingdom in their Air Navigation Order 2016 as a result of the Cape Town Convention. It maintains the need for the Aircraft Registry to not cancel the registration of an aircraft which is the subject of an undischarged mortgage entered in the Register of Aircraft Mortgages unless all persons shown in the Register of Aircraft Mortgages as mortgagees of the aircraft have consented to the cancellation. However, it adds that the article does not apply to an aircraft subject to an international interest.

The text is as originally intended by SI 2015 No 912 and has been updated to reflect the current UK wording.

### **New. Aircraft subject to an international interest – article 12**

The new article enables the Aircraft Registry to cancel the registration of an aircraft subject to an international interest only in accordance with the relevant provisions of the Cape Town Convention. The article is consistent with the consequential amendment intended by SI 2015 No 912 and mirrors how the UK have subsequently updated this in their legislation.

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<sup>2</sup> The International Interests in Aircraft Equipment (Cape Town Convention) Regulations 2015 as applied to the Island by SD 2016/0229

## 4. Changes to existing legislation and request for comments

### 4.1 Civil Aviation (Aircraft Registration and Marking) Order

#### **New. Qualified Ownership criteria - article 6(2).**

The qualified ownership criteria as currently specified in article 5 of the IOM ANO lists the persons that are qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in the Isle of Man or in a share in such an aircraft. In 2018 this list was extended by Exemption 17/2018 with regard to “transitional aircraft” only. It is proposed that the qualified ownership criteria in the Registration and Marking Order will reflect that in the current IOM ANO and also incorporate the contents of Exemption 17/2018 for transitional aircraft.

1. Do you agree with the proposal to extend the qualified ownership criteria for transitional aircraft to incorporate Exemption 17/2018?  
 Agree  
 Disagree
2. Please add any comments on this part of the proposal here:  
*(Free text)*
3. Please provide any comments and or suggestions on how the qualified ownership criteria might be further developed in due course:  
*(Free text)*

#### **New. Registered owner of the aircraft to appoint an operator - article 9.**

This new provision puts in place the current Aircraft Registry policy requirement that the registered owner of an aircraft shall appoint a person, prior to registration, as the ‘aircraft operator’ who will have accountability for the safe operation, management and control of the aircraft. This is consistent with the technical safety requirements specified in current legislation of which the majority are allocated as being binding on the ‘aircraft operator’. Details of a change in the appointment must be notified to the Registry within 48 hours of the appointment, or a longer period agreed by the Registry.

4. Do you think 48 hours’ notice is an appropriate period of time?  
 Not long enough  
 About right  
 Too long
5. Please add any comments on this part of the proposal here:  
*(Free text)*



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## Changes in the information provided at the time of registration - article 10(2).

Currently it is a requirement under article 7(2) of the IOM ANO for the person who is the registered owner of the aircraft registered in the Isle of Man to notify the Aircraft Registry **immediately** if there is a change in the information provided when registering the aircraft. An amendment will be made to require the registered owner to provide that information as soon as possible but no later than 48 hours of that change.

6. Do you think as soon as possible but no later than 48 hours is an appropriate period of time?

Not long enough

About right

Too long

7. Please add any comments on this part of the proposal here:

*(Free text)*

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## Notification by new owner - article 10(3).

Currently a person who becomes the owner of an aircraft registered in the Isle of Man must notify the Aircraft Registry within 28 days to that effect. It is proposed to amend this timescale to be as soon as possible but no later than 48 hours.

8. Do you think 48 hours is an appropriate period of time?

Not enough time

About right

Too short

9. Please add any comments on this part of the proposal here:

*(Free text)*

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## Cancellation of registration of an aircraft within two months of a change in ownership.

The wording in article 7(5) of the IOM ANO means that the Aircraft Registry has to cancel a registration if there has been a change of ownership. This does not reflect the common situation of a change in ownership where the aircraft remains registered in the Isle of Man. The proposal means that the registration can be transferred to the new registered owner where requested.

The power to cancel a registration where appropriate is adequately covered by the maintained provisions that enable the Registry to bring up to date or otherwise correct the register or amend the register or cancel the registration of an aircraft.

10. Do you agree with the proposal to remove the requirement to cancel the registration within two months of a change in ownership?

Agree

Disagree

11. Please add any comments on this part of the proposal here:

*(Free text)*

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### **New. Ballistic parachute recovery system markings – article 26.**

These are new requirements which put in place the markings specified by UK CAP 482 (British Civil Airworthiness Requirements) Section 5, sub-section K and also the Light Aircraft Association specification TL 3.27 for aircraft registered in the Isle of Man that are equipped with a ballistic parachute recovery system.

12. Do you agree that an aircraft operator should ensure that a ballistic parachute recovery system is marked as specified?

Agree

Disagree

13. Please explain your reasoning

*(Free text)*

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### **An aircraft must carry an identification plate inscribed with at least its nationality mark and registration mark – paragraph 4 to Schedule 1.**

The provisions in Schedule 2, Part 3 of the IOM ANO relating to an Identification plate have been updated in line with International Civil Aviation Organisation (ICAO) the main change being that the plate must be secured to the aircraft in a prominent position near the main entrance. However there is a reserved right included for those aircraft registered on the Isle of Man before the Registration and Marking Order comes into force.

14. Do you agree that the identification plate requirement should be updated to reflect that required by ICAO?

Agree

Disagree

15. Please explain your reasoning

*(Free text)*

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## New: Definition of Aerial Work

The definition of 'aerial work' in the current IOM ANO has been replaced with a definition based on that used by ICAO. This fundamentally changes the subject from 'receipt of valuable consideration' to the conduct of 'specialised operations'

16. Do you agree with the proposed definition changes?

Agree

Disagree

17. Please add any comments on this part of the proposal here:

*(Free text)*

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## New: Aerial work approval – article 22

The need for an approval to conduct aerial work is introduced. However this excludes any flights conducting aerial photography for which -

- (a) remuneration is not provided for the service; and
- (b) the filming or imagery equipment is hand held.

18. Do you agree with the proposal to allow aerial work with the approval of the Aircraft Registry?

Agree

Disagree

19. Please add any comments on this part of the proposal here:

*(Free text)*

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## Definition of Commercial Air Transport

The definition of 'commercial air transport' has been changed to that published by ICAO: "an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire". 'Remuneration' is defined as: "money or other financial compensation".

20. Do you agree with the proposed definition changes?

Agree

Disagree

21. Please add any comments on this part of the proposal here:

*(Free text)*

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## Commercial air transport - special rules for hire of aircraft and for associations of persons

The provisions of IOM ANO articles 173 and 174 are proposed to be deleted.

- The UK equivalent to Article 173 is no longer in the UK's ANO.
- Article 174 is no longer felt to be appropriate due to the change to the definition of "aerial work."

22. Do you agree with the deletion of the articles pertaining to special rules for hire of aircraft and for associations of persons?

- Agree
- Disagree

23. Please add any comments on this part of the proposal here:

*(Free text)*

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### **Commercial air transport - charity flights – article 17**

The current allowance on charity flights will be retained but in addition to the current prohibition of the charity being the aircraft operator, it is proposed to extend this to also exclude the aircraft's registered owner or a person who holds a legal or beneficial interest by way of ownership in the aircraft or a share in the aircraft.

24. Do you agree with the inclusion of the addition persons in the exclusion of who the charity may be?

- Agree
- Disagree

25. Please add any comments on this part of the proposal here:

*(Free text)*

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### **Commercial air transport - sharing of direct costs – article 18**

The criteria in article 178 of the IOM ANO has been revised to limit the sharing of direct costs to other than "large and turbojet aircraft" and private individuals with a smaller number of persons sharing as per contemporary EASA and UK requirements. Information sharing within a flying club restriction now enables contemporary media within that club.

26. What do you think about the proposal to revise the criteria for cost sharing?

- Agree
- Disagree

27. Please add any comments on this part of the proposal here:

*(Free text)*

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### **Commercial air transport – payment of operating costs – article 19**

The IOM ANO provisions for recovery of direct costs have been revised to more explicitly capture the appropriate payment by the owner or operator for no more than the direct costs and the annual costs.

28. Do you agree with the provisions to enable payment of operating costs?

Agree

Disagree

29. Please add any comments on this part of the proposal here:

*(Free text)*

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### **Commercial air transport – jointly owner aircraft – article 20**

The minimum share in jointly owned aircraft has been increased from 5% to 20% thereby reducing the potential number of joint owners from 20 to 5.

30. Do you agree with the change to the minimum share required?

Agree

Disagree

31. Please add any comments on this part of the proposal here:

*(Free text)*

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### **New: Commercial air transport - demonstration flights – article 21**

This is a new article to enable the recovery of direct costs for appropriate demonstration flights. These requirements are based on the current policy and process provided for through use of exemption to the IOM ANO.

32. What do you think about the proposal to allow for recovery of direct costs for demonstration flights?

Agree

Disagree

33. Please add any comments on this part of the proposal here:

*(Free text)*

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### **Other proposals**

We have covered all the proposed main changes to the registration and marking legislation above that we are explicitly seeking comment on.

There are some other minor changes that are proposed - if you do wish to comment on them or if there is anything that you think we have missed please tell us about it here.

Other changes -

- The legislation will provide for an aircraft to have a unique alphanumeric string as its registration mark rather than just the letters currently used.
- Wording will be changed in some areas to demonstrate compliance with International Civil Aviation Organisations requirements.
- An amendment will be made so that certain information will be provided in a format that is acceptable to the Aircraft Registry rather than in writing. This will allow for the Registry to require that a form is completed for an application for registration for example.
- Currently if the Aircraft Registry receive an application for the registration of an aircraft and is satisfied that the aircraft may properly be registered it **must** register the aircraft. The proposal is that **must** will be changed to **may** to give the Registry more discretion when accepting aircraft on to the Island's Register.
- Currently the Aircraft Registry **may** correct or amend the register or cancel the registration whenever it appears necessary or appropriate. The proposal is that **may** will be changed to **must** whenever satisfied it is appropriate or necessary. This gives more certainty.
- Provisions relating to 'Aircraft Dealer's certificate' will be removed as the Aircraft Registry does not deal with such certificates.

34. Do you have any other comments?

*(Free text)*

## 4.2 Civil Aviation (Miscellaneous Provisions) (Amendment) Order

### New. Documents to be submitted in the English language – article 9A.

This is moving an existing policy into legislation to provide for all documentation submitted to the Aircraft Registry to be in the English language. Any document that is required to be submitted in a foreign language, such as an original Type Certificate, must be accompanied by an English translation.

35. Do you agree that all documentation should be submitted in the English language?

Agree

Disagree

36. Please explain your reasoning

*(Free text)*

### New. Withholding services pending payment of debts – article 11A

The provision will allow the Aircraft Registry to withhold discretionary services until arrears owed are paid.

37. Do you agree that the Aircraft Registry should be able to withhold services?

Agree

Disagree

38. Please explain your reasoning

*(Free text)*

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## Other proposals

We have covered all the main provisions that we propose to add to the Civil Aviation (Miscellaneous Provisions) Order above.

There are other changes that are proposed but we are not looking for comments on. However if you do wish to comment on them or if there is anything that you think we have missed please tell us about it here.

Other changes -

- A number of definitions are being added to the Miscellaneous Provisions Order in support of the Aircraft and Registration Order.
- A number of amendments have been made to include administration provisions for the issue of a certificate of registration.
- The Classification of Aircraft will be included in the Miscellaneous Provisions Order along with respective definitions. The Classification is taken from ICAO Annex 7 with a number of enhancements to clarify meanings.

39. Do you have any comments?

*(Free text)*

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## 4.3 Enforcement, Offences and Penalties

### Enforcement

As the Isle of Man's aviation safety regulator, the Civil Aviation Administration's sole purpose is to protect the interests of the public. We also have a responsibility to those we regulate to be clear about when, why and how we will enforce compliance with rules and regulations.

Enforcement forms an important part of our regulatory toolkit, alongside our other activities such as continuing safety regulatory oversight. It is our policy to undertake our enforcement responsibilities through the application of a proportionate and risk based approach.

We continue to work with those we regulate to encourage and support compliance, but we will become much more visible and proactive in dealing with those who do not, or choose not to, comply with the rules.

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### Offences and Penalties

The amount of fine which may be imposed on summary conviction for offences under legislation is set in the Isle of Man by the Interpretation Act 2015. This Act requires that any legislation which was in operation in the Isle of Man on January 2018 which specified a fine on summary conviction is to be construed as though the specified amount is that given for the first level in the standard scale that is higher than the amount which was in force immediately before that date.

To follow the requirements of the Interpretation Act 2015 any fine on summary conviction within the IOM ANO will be lifted to the next level so that the fine is higher than the current amount.

The opportunity has been taken to increase the period in custody for the more serious offences of flying or offering to fly for commercial air transport purposes and flying for aerial work purposes.

The proposal for new aircraft registration and marking legislation will introduce 4 new offences with associated penalties.

A comparison of the registration and marking penalties under the IOM ANO and those in the proposed legislation may be viewed in the Offences and Penalties comparison document on the Consultation Hub. Do you have any comments?

40. Do you have any comments?

*(Free text)*

## 5. What happens next?

Thank you for submitting your response to our consultation on the registration and marking of aircraft legislation, which we will consider when finalising the new legislation. We may contact you if we require further information about your responses. After the consultation closes, we will analyse the results and publish a summary of the responses on the Isle of Man Government's Consultation Hub website. We can email you a copy of this document if you wish.

41. Please provide an email address which we may use to contact you if we require further information about your responses

*(One-line text)*

42. Would you like us to email you the summary of responses?

Yes

No