



Isle of Man
CIVIL AVIATION ADMINISTRATION

CIVIL AVIATION (AIR TRAFFIC SERVICES) ORDER

Consultation Response

October 2019



1. Background

The Civil Aviation Administration, part of the Department for Enterprise, is the aviation safety and security regulator for the Isle of Man (IOM CAA).

The consultation on proposals to develop aviation safety legislation for air traffic services is part of a wider package covering all aspects of aviation in the Isle of Man.

The aim of the consultation was to invite comment on the draft Civil Aviation (Air Traffic Services) Order which would replace the existing legislation relating to the provisions of air traffic services in the Isle of Man.

The consultation was open for a period of four weeks from 5 August 2019 to 30 August 2019.

It was considered that the proposals would be of particular interest to Isle of Man air traffic services personnel, persons employed at Isle of Man Airport and flight crews operating in the Isle of Man.

2. Summary of responses and outcome

We received 1 response to the consultation who was supportive of the legislation but questioned a couple of the provisions.

As a consequence two of the provisions have been redrafted, please see the summary of responses below in particular articles 4 and 5.

We are grateful for the response received and value the views expressed.

In case of query please email caa@gov.im.

Summary of responses and outcome

Article 4 Applicability	
Response received	IOM CAA
I am interested to note Para 2 (a) and wonder why it is there? Is it specifically to allow for UK CAA personnel to provide services eg as Inspectors at Audit or examination processes? Or does it leave the door open for a contractor to provide ATS at IOMA from a remote location (eg similar to Peel providing radar services to Doncaster)? If this is the case would the IOM not want to have some form of regulatory control over such an organisation carrying out ATS over IOM Airspace?	This was a complicated set of text and clearly needed further work. The aim was not to impose the Order on current provision by NERL or Warton or MoD rather than opening the doors to remote provision without oversight which paragraph (1) should capture. However there appears to be an inadvertent consequence potential from the exclusion text. The text has be amended.

Article 5 Safety Management System	
Response received	IOM CAA
Whose decision is it whether the SMS is commensurate with the size and complexity? I am aware that IOMA management are exploring replacing the current IOMA SMS with a newer version and wonder how this would fit in with the timescale for this legislation?	In the first instance it is for the ATS unit and then for the regulator to be content. This is direct lift ICAO text from Annex 19 however it does appear to leave possible ambiguity. The wording has been removed and will be addressed in policy.

Article 6 Provision of air traffic services	
Response received	IOM CAA
Should there perhaps be an inclusion of "with or without surveillance" after "cause an approach control service..... (to be provided).	An approach control service can be delivered with or without surveillance therefore this does not need adding.

Article 7 Approval of Instrument Flight Procedures	
Response received	IOM CAA
Would IFPs still be subject to the approval of the (UK) CAA AUS or an would any free alternative design be OK provided it met IOM CAA standards?	The requirement remains for IFP to be approved by the Department as this is consistent with our primary legislation and the status of the Isle of Man. However, in accordance with established process, the UK CAA reviews applications for IFP design approval on behalf of the Department and makes a recommendation as appropriate to the Department on the issuance of an approval under Isle of Man legislation.

Article 13 Manual of air traffic services	
Response received	IOM CAA
Out of idle curiosity and lack of understanding I wonder why this para of the UK ANO article - (182) is not transcribed to our IOM article: (2) Paragraph (1) does not apply to any person who is required to be certified under article 7 of the Service Provision Regulation	This is because the Service Provision Regulation is an EU regulation and has never been adopted by the IOM. However the aim is to bring the IOM to parity with the UK legislative requirements through IOM regulation in the next couple of years.
Article 22 Right of access	
Response received	IOM CAA
Should access to the department be by request rather than "walk in"?	A safety regulator requires the legal power to access the building of the entity they regulate and ICAO places a requirement on safety regulators to have such legal access.

Schedule 1 Framework for a Safety Management System	
Response received	IOM CAA
I am interested in schedule 1 part 1 Para 3 regarding the appointment of key safety personnel. I wonder where the Department would expect to become involved in the change management process of such an appointment? Part 3 Section 9 also refers to this change management process.	It is primarily for the airport to decide who is fit for such a post.