



Isle of Man
CIVIL AVIATION ADMINISTRATION

Consultation

CIVIL AVIATION (AIR TRAFFIC SERVICES) ORDER

Opening date: 5 August 2019

Closing date: 30 August 2019



Consultation on proposed legislation concerning the provision of air traffic services in the Isle of Man

The Isle of Man Civil Aviation Administration (IOM CAA), part 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. We are also responsible for ensuring the Island's aviation legislation meets International Civil Aviation Organisation (ICAO) Standards and Recommended Practices and other relevant European aviation standards.

We are in the process of replacing and updating elements of the existing aviation safety legislation and this consultation is part of a wider package covering all aspects of aviation in the Isle of Man and for Isle of Man registered aircraft.

International Civil Aviation Organisation

The Isle of Man is an International Civil Aviation Organisation (ICAO) compliant territory under the UK's signatory to the Convention on International Civil Aviation.

ICAO's primary role is to provide a set of standards which will help regulate aviation across the world. It classifies the principles and techniques of international air navigation, as well as the planning and development of international air transport to ensure safety and security.

As an ICAO compliant territory, the Isle of Man's policy is to comply with ICAO standards in so far as is possible.

Why we are consulting

The purpose of this paper is to obtain information and views from which an informed decision will be made on the content of the draft legislation. However, please note that your comments may not result in a change to the proposal as compliance is considered essential unless there is a sound and considered rationale for the difference.

This consultation paper describes and explains what we are trying to achieve with the draft Civil Aviation (Air Traffic Services) Order 2019 and sets out our key questions.

This consultation is likely to be of particular interest to:

- Isle of Man air traffic services personnel
- Persons employed at Isle of Man Airport
- Flight crews operating in the Isle of Man

Current situation

The current legislation regarding aviation occurrence reporting in the Isle of Man and for Isle of Man registered aircraft is contained in the Air Navigation (Isle of Man) Order 2015¹. The proposed Civil Aviation (Air Traffic Services) Order 2019 will revoke and replace Parts 18, 19 and 20 as well as Schedules 8 and 10 of the existing Order. Please see the section 'Comparison of existing and proposed provisions' for more details.

¹ SI 2015 No 870 as amended by SI 2016 No 155
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What we have already done

In developing the draft Civil Aviation (Air Traffic Services) Order 2019 we have ensured compliance with key parts of Annex 11 to the Convention on International Civil Aviation which contains standards and recommended practices for the provision of air traffic services. We have also updated some of the provisions to better align with air traffic service provision in the UK, which is necessary as Isle of Man air traffic services personnel hold UK issued licences. Please see the section 'Comparison of existing and proposed provisions' for more details.

Responding to our consultation

Please submit your responses using the online system wherever possible. If you cannot use the online system, please send your comments by email to caa@gov.im or alternatively by post to:

James Corkhill, Civil Aviation Policy & Technical Support Manager

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

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 or by telephone on +44 (0) 1624 682 358.

Comparison of existing and proposed provisions

The following table lists the various articles of the draft Civil Aviation (Air Traffic Services) Order (referred to in the table as CA(ATS)O) and, where relevant, explains how they differ from the equivalent articles of the existing Air Navigation (Isle of Man) Order 2015 (referred to in the table as AN(IOM)O).

Subject	CA(ATS)O article	AN(IOM)O article	Notes
Safety management systems	5	<i>Nil</i> <i>(New provision)</i>	New - Meets ICAO Annex 19 requirements on SMS for ATS providers.
Provision of air traffic services	6	103	No substantive change. Simplified.
Approval of instrument flight procedures	7	106	No substantive change. Simplified.
Air traffic service equipment	8	124	No change.
Air traffic service equipment records	9	125	Article has split old a125 into 2 separate articles to aid understanding. New a9 is the first paragraph of old a125. No substantive change.
Voice and data communication message recording	10	125	Old a125 from para 2 onwards. Slight change to aid clarity as to the subject matter and scope of the article. Old para 11 to 14 deleted as they placed excessive requirements pertaining to transfer of data to a new person in charge.
Use of radio callsigns	11	105	Simplification. No substantive change.

Requirement for ATC approval	12	100	Simplification for clarity Addition of consideration of SMS as part of the issuance of an ATC approval.
Manual of air traffic services	13	102	No substantive change.
Duty of a person to be satisfied as to the competence of controllers	14	101	Addition of a cross reference.
Prohibition of unlicensed student air traffic controllers and air traffic controllers	15	107, 108, 122	Amalgamation and simplification to reflect UK ANO a188. Explicitly requires a UK CAA issued controller licence. Removes the need for the validation of licences by the Department.
Fatigue of air traffic controllers	16	119	No substantive change.
Acting under the influence of psychoactive substances or medicines	17	120	Addition of new paragraph that prohibits from engaging in the problematic use of substances – reflects ICAO Annex 1 requirement.
Requirement for an aerodrome flight information service approval	18	<i>Nil</i> <i>(New provision)</i>	New - Not previously covered. Enables the Island to appropriately regulate any potential future AFIS unit.
Aerodrome flight information service manual	19	<i>Nil</i> <i>(New provision)</i>	New - As per UK ANO a201.
Prohibition of unlicensed flight information service officers	20	<i>Nil</i> <i>(New provision)</i>	New - As per UK ANO a199 (simplified minus area control centre aspects).
Making an air traffic direction in the interests of safety	21	104	No change.
Right of access	22	152 and 153	Significantly simplified.
Exemptions	23	156	No substantive change.

Penalties	24	155	<p>Fundamental review. Removal of many existing penalties where it is possible to take other regulatory steps. Remaining penalties reviewed and updated.</p> <p>Content should be considered along with an understanding of the IOM CAA Regulatory Enforcement Policy.</p> <p>Note: “not exceeding Level 5 on the standard scale” currently equates to not exceeding £10,000. This does not mean an automatic £10,000 fine.</p>
-		110-118	<p>Not replaced by equivalent new articles as these were the old implementation of the now defunct EU ATCO Licensing Directive which is now covered by EU law.</p>

About you

Please answer the following questions.

1. What is your name?
2. What is your email address?
3. If you are responding on behalf of an organisation, please state which:
4. May we publish your response?
 - Yes, you can publish my response in full
 - Yes, you may publish my response anonymously
 - No, please do not publish my response
5. Would you like us to email you a summary of responses?
 - Yes
 - No
6. Which option best describes your interest in responding to this consultation? (Please select **one**)
 - Isle of Man Airport air traffic services personnel
 - Other Isle of Man Airport employee
 - Flight crew operating in the Isle of Man
 - Other (please specify):

Summary of proposal

Legislative basis

In this consultation we set out our proposals for the future legislation governing the provision of air traffic services in the Isle of Man. These will be enacted in an Order made under Section 11B of the Airports and Civil Aviation Act 1987 and will replace parts Air Navigation (Isle of Man) Order 2015².

Aims

Air traffic services are services provided to aircraft with the objectives of preventing collisions between aircraft, maintaining an expeditious flow of air traffic, providing advice and information useful for the safe and efficient conduct of flights and notifying appropriate organisations regarding aircraft in need of search and rescue aid.

In the Isle of Man, air traffic services are provided by Isle of Man Airport to aircraft taking-off and landing in the Island, as well as some overflying traffic. The aim of our proposed legislation is to enable Isle of Man CAA to effectively regulate this service provision so that it delivers an acceptable level of safety. We have designed the requirements so that they comply with International standards and are hopefully easy to understand.

Although other service providers are responsible for some traffic within Isle of Man territorial airspace (most notably that flying at high level), they will not be within the scope of the proposed Order. This is because oversight of these service providers is covered by a formal agreement between the Isle of Man CAA and the UK CAA.

Article by Article

We go through each article explaining what the provision does. The draft Civil Aviation (Air Traffic Services) Order 2019 can be downloaded from the Consultation Hub.

We will not explain administrative articles. These are articles 1, 2 and 3 which deal with the title of the Order, its commencement and definitions.

² SI 2015 No 870 as amended by SI 2016 No 155
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Part 2

Part 2 specifies the requirements applicable to all air traffic service providers.

Article 4

Article 4 ensures that the Order is applicable to the provision of air traffic services in the Isle of Man. It also means that UK CAA certificated air traffic services providers and Her Majesty's naval, military and air forces are not subject to the Order as they are regulated by other appropriate authorities.

7. Comments:



Article 5

Article 5 requires the establishment of a safety management system in accordance with a specified framework. The framework meets the requirements of the International Civil Aviation Organisation.

8. Comments:



Article 6

Article 6 requires that any aerodrome promulgates instrument approach procedures must also put in place an approach control service unless permitted otherwise by the Department.

9. Comments:



Article 7

Article 7 requires the approval by the Department of any instrument flight procedure before it is promulgated for use.


10. Comments:



Article 8

Article 8 requires any air traffic service equipment to be approved by the Department before it is established or used and sets out the administration of such approvals.

11. Comments:



Article 9

Article 9 sets the requirement for air traffic service equipment record keeping.


12. Comments:



Article 10

Article 10 sets the requirements for and capability of voice and data communication message recording.

13. Comments:



Part 3

Part 3 sets additional requirements for the provision of air traffic control.

Article 12

Article 12 establishes the need for persons in charge of the provision of an air traffic control service to hold an approval granted by the Department and the considerations of the Department in considering issuing such an approval.

14. Comments:



Article 13

Article 13 requires a manual of air traffic services to be in place and its administration.

15. Comments:



Articles 14 and 15

Articles 14 and 15 regulate who may act as an air traffic controller or student air traffic controller.

16. Comments:



Articles 16 and 17

Articles 16 and 17 prohibits air traffic controllers and student air traffic controllers to perform their duties whilst fatigued or under the influence of psychoactive substances.

17. Comments:



Part 4

Part 4 sets additional requirements for the provision of flight information service.

Article 18

Article 18 establishes the need for persons in charge of the provision of a flight information service to hold an approval granted by the Department and the considerations of the Department in considering issuing such an approval.

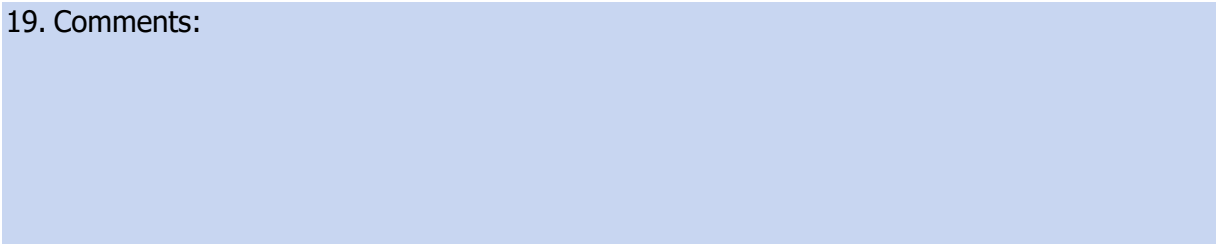
18. Comments:



Article 19

Article 19 requires a flight information service manual to be in place and its administration.

19. Comments:



Article 20

Article 20 regulates who may act as a flight information service officer.

20. Comments:



Part 5

Part 5 details the powers of the Department to make a direction in the interests of safety, for right of access and sets the penalties for breaches of particular articles.

21. Comments:

What happens next?

Thank you for submitting your response to our consultation on the Civil Aviation (Air Traffic Services) Order 2019, which we will consider when finalising the new legislation. We may contact you if we require further information about your responses.

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