



**Isle of Man**  
CIVIL AVIATION ADMINISTRATION

## Consultation

# CIVIL AVIATION (REPORTING, ANALYSIS AND FOLLOW-UP OF OCCURRENCES) ORDER

Opening date: 5 August 2019

Closing date: 30 August 2019



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## Consultation on the reporting, analysis and follow-up of occurrences

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.

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### 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.

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### 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 (Reporting, Analysis and Follow-up of Occurrences) 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 of Isle of Man registered aircraft
- Operators of Isle of Man registered aircraft
- Small unmanned aircraft pilots in the Isle of Man

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### 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 2015<sup>1</sup>.

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<sup>1</sup> SI 2015 No 870 as amended by SI 2016 No 155  
Isle of Man CAA – Occurrence Reporting Consultation

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## What we have already done

In developing the draft Civil Aviation (Reporting, Analysis and Follow-up of Occurrences) Order 2019 we have ensured compliance with Annex 19 to the Convention on International Civil Aviation which contains standards and recommended practices for safety management in aviation.

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## 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](mailto: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

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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 682 358.

## 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
  - External organisation providing services at Isle of Man Airport, e.g. ground handling
  - Flight crew of Isle of Man registered aircraft
  - Operator of Isle of Man registered aircraft
  - Approved Maintenance Organisation for Isle of Man registered aircraft
  - Isle of Man small unmanned aircraft pilot
  - Member of the public
  - Other (please specify):

# Summary of proposal

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## Legislative basis

In this consultation we set out our proposals for the future legislation governing the reporting, analysis and follow-up of occurrences which may represent a significant risk to the safety of aviation in the Isle of Man and for Isle of Man registered aircraft. 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 2015<sup>2</sup>.

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## Aims

Our aim with these proposals is to ensure that a system is in place to appropriately address occurrences which may represent a significant risk to the safety of aviation in the Isle of Man and for Isle of Man registered aircraft. We have designed the requirements so that they comply with International standards and are hopefully easy to understand.

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## Article by Article

We go through each article explaining what the provision does. The draft Civil Aviation (Reporting, Analysis and Follow-up of Occurrences) 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 and article 4 which amends the current Civil Aviation (Subordinate Legislation) (Application) Order 2006<sup>3</sup> to amend references to occurrence reporting.

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## What is an occurrence?

An occurrence is any safety-related event which endangers or which, if not corrected or addressed, could endanger an aircraft, its occupants or any other person. It is essential that such events are reported to the Department in a timely manner so that appropriate follow-up action can be taken to prevent recurrence.

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<sup>2</sup> SI 2015 No 870 as amended by SI 2016 No 155

<sup>3</sup> As applied to the Isle of Man by the Civil Aviation (Subordinate Legislation) (Application) Order 2006 SD 909/06

### Article 5

Article 5 ensures that the order is applicable to civil aviation in the Isle of Man and Isle of Man registered aircraft wherever they may be.

7. Comments:



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### Article 6

Article 6 provides that the sole objective of occurrence reporting is the prevention of accidents and incidents, without the apportionment of blame or liability.

8. Comments:



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### Article 7

Article 7 requires the Department to maintain a system to collect details of mandatory occurrence reports and their subsequent investigations and that such reports must be made within 72 hours of the reporter becoming aware of the occurrence. This will ensure that the Department is able to take any immediate corrective actions where required and represents a change from the current 96 hour requirement and moves to align the Isle of Man with requirements across Europe.

Article 7 introduces Schedule 1 which lists the categories of reportable occurrences and Schedule 2 which lists the persons who are required to report. The persons required to make reports under the Order fall into four categories: those who perform safety critical functions related to the operation of Isle of Man Airport including air traffic control; those who operate and maintain Isle of Man registered aircraft; those connected with the transport or dangerous goods by air; and those who fly small unmanned aircraft in the Isle of Man.

9. Comments:



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## Article 8

Article 8 requires that occurrences reported under this Order are investigated within 30 days and the results be submitted to the Department to ensure appropriate action is taken to prevent similar occurrences from happening in the future. Employers of persons required to report occurrences under this Order must establish procedures to conduct such a safety investigation as part of their Safety Management System. Individuals, e.g. hobbyist drone pilots, submitting mandatory occurrence reports will be required to conduct their own investigation and report the results to the Department.

10. Comments:



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## Article 9

Article 9 requires the Department to establish a system to collect reports and safety data submitted other than in accordance with Article 7. Employers of persons required to report occurrences under Article 7 must establish their own voluntary reporting system and must provide data collected through it to the Department upon request and within 14 days.

11. Comments:



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## Article 10

Article 10 requires the Department to protect safety related information obtained under the provisions of this Order from misuse, but ensures that it may be used for improving safety and taking remedial action. This provision works to support an open and honest reporting culture.

12. Comments:



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## Article 11

Article 11 requires an organisation employing persons who may be required to make reports under this Order to ensure that the details of any such reports are used only for maintaining safety. This provision works to support an open and honest reporting culture.

13. Comments:





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## Article 12

Article 12 provides that safety data collected through the reporting systems are only released for maintaining or improving safety or the proper administration of justice. Organisations employing persons who may be required to make reports under this Order must obtain the approval of the Department before using data so collected for purposes other than maintaining safety.

14. Comments:



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## Article 13

Article 13 exempts the Department and any other relevant organisation from disclosing safety data collected under this Order in response to a Freedom of Information request. This provision works to support an open and honest reporting culture.

15. Comments:



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## Article 14

Article 14 provides for the Department to forward details to another State's safety regulator where appropriate and for the Department to provide the Air Accidents Investigation Branch full access to safety data to allow them to comply with their obligations under the Civil Aviation (Investigation of Air Accidents and Incidents) Order 2019.

16. Comments:



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## Article 15

Article 15 enables the Department to exempt from the provisions of this Order as it sees fit.

17. Comments:



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## Article 16

Article 16 provides that a person must not make a report if they know or have reason to believe that the report is false in a material particular.

18. Comments:

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## Article 17

Article 17 provides for the failure to comply with articles under the Order and sets out the penalties.

Please note that Section 55 of the Interpretation Act 2015 introduced a new standard scale of fines for offences punishable on summary conviction. Therefore there is a difference in the fines states below for the existing and proposed legislation.

Offence	Existing penalty	Proposed penalty
Failing to make a mandatory occurrence report within the required timescale	Summary conviction: fine not exceeding £5000 Conviction on information: unlimited fine and/or a term of custody not exceeding two years	Summary conviction: fine not exceeding level 5 on the standard scale (£10,000) Conviction on information: unlimited fine and/or a term of custody not exceeding two years
Falsifying a mandatory occurrence report	Summary conviction: fine not exceeding £5000 Conviction on information: unlimited fine and/or a term of custody not exceeding two years	Summary conviction: fine not exceeding level 5 on the standard scale (£10,000) Conviction on information: unlimited fine and/or a term of custody not exceeding two years
Failing to provide investigation details within the required timescale	<i>New provision</i>	Summary conviction: fine not exceeding level 1 on the standard scale (£500)
Disclosure of safety-related information held by an employer without the approval of the Department	<i>New provision</i>	Summary conviction: fine not exceeding level 5 on the standard scale (£10,000) Conviction on information: unlimited fine and/or a term of custody not exceeding two years
Failure of an employer of persons listed in Schedule 2 to forward details of voluntary occurrence reports to the Department within the required timescale when so requested	<i>New provision</i>	Summary conviction: fine not exceeding level 1 on the standard scale (£500)

19. Comments:

## What happens next?

Thank you for submitting your response to our consultation on the Civil Aviation (Reporting, Analysis and Follow-up of Occurrences) 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: