



**Isle of Man**  
CIVIL AVIATION ADMINISTRATION

## Consultation

# CIVIL AVIATION (SAFE TRANSPORT OF DANGEROUS GOODS BY AIR) ORDER

**Opening date: 5 August 2019**

**Closing date: 30 August 2019**



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# Consultation on the safe transport of dangerous goods by air

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. 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.

We are in the process of replacing elements of the existing aviation 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 (Safe Transport of Dangerous Goods by Air) Order and sets out our key questions.

This consultation is likely to be of particular interest to:

- Aircraft Operators
- Shippers
- Freight Forwarders
- Aerodrome Operators

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## Current situation

Our current Air Navigation (Dangerous Goods) Regulations 2002 are UK Regulations as amended and applied to the Island in 2006. The Regulations support the International Civil Aviation Organization's (ICAO) Technical Instructions which are an internationally agreed set of provisions governing the requirements for transporting dangerous goods by air.

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## What we have already done

Dangerous goods are carried regularly and routinely by air all over the world. To ensure they do not put an aircraft and its occupants at risk there are international Standards which each State, under the provisions of the Chicago Convention, are required to introduce into national legislation. This system ensures

appropriate control over the carriage of dangerous goods by air and gives world-wide harmonization of safety standards.

In developing draft Civil Aviation (Safe Transport of Dangerous Goods by Air) Order 2019 we have ensured compliance with Annex 18 to the Convention on International Civil Aviation 'The Safe Transport of Dangerous Goods by Air'. The draft Order refers throughout to ICAO's 'Technical Instructions for the Safe Transport of Dangerous Goods by Air' which amplify the basic provisions of Annex 18 and contain all the detailed instructions necessary for the safe international transport of dangerous goods by air.

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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:

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).

## 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.** Which option best describes your interest in responding to this consultation (please select one)

- Aircraft Operator
- Shipper
- Freight Forwarder
- Aerodrome Operator
- Designated Postal Operator
- Other (please specify):

# Overview of safe transport of dangerous goods by air legislation proposals

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## Legislative basis

In this consultation we will set out our proposals for the future legislation governing the safe transport of dangerous goods by air. These will be enacted in an Order made under Section 11B of the Airports and Civil Aviation Act 1987 and will replace the current Air Navigation (Dangerous Goods) Regulations 2002.

The Order will apply the Technical Instructions for the Safe Transport of Dangerous Goods by Air published by ICAO to the Island.

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## Aims

Our aim with these proposals is to ensure that we appropriately address the safety risks posed by the transport by air of dangerous goods. 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, or Part where appropriate, explaining what the provision does. The draft Civil Aviation (Safe Transport of Dangerous Goods by Air) Order 2019 can be found on the Consultation Hub.

Administrative articles are not explained. These are articles 1, 2 and 3 which deal with the title of the Order, its commencement and definitions and article 4 which revokes the current 2002 Regulations.

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## What are dangerous goods?

ICAO defines dangerous goods as “articles or substances which are capable of posing a risk to health, safety, property or the environment, and which are shown in the list of dangerous goods in the technical instructions or which are classified according to those instructions”.

Many items which might appear to be harmless in everyday use can pose dangers when they are carried on an aircraft and cannot be carried into an aircraft cabin or in checked baggage.

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## Part 1 General Provisions

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### Article 5 Appropriate National Authority

Article 5 provides that for the purpose of the Order and the Technical Instructions the Department of Enterprise is the appropriate national authority for the Isle of Man.

Comments:

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## Article 6 Applicability

Article 6 applies the carriage of dangerous goods by aircraft that are landing or taking off within the Isle of Man and for Isle of Man registered aircraft wherever they may be in the world and provides a number of exceptions.

Comments:

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## Part 2 Requirements for transport

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### Article 7 Classification

Article 7 provides for the classification of dangerous goods in accordance with the Technical Instructions.

Comments:

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### Article 8 Prohibition of transport of dangerous goods by air

Article 8 provides that the transport of dangerous goods by air is forbidden except as is provided in the Technical Instructions and the provisions of this Order.

Comments:

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### Article 9 General approval to carry dangerous goods by air

### Article 10 Additional approvals

Articles 9 and 10 require the aircraft operator to obtain any necessary approvals for the carriage of certain types of dangerous goods by air and provide for an approval to be granted where the Department is satisfied that the aircraft operator is competent to carry dangerous goods safely or where an overall level of safety, equivalent to the level of safety provided in the Technical Instructions, is achieved.

Comments:

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### Article 11 Exemptions

Article 11 provides for the Department to grant an exemption from the provisions of the Order or Technical Instructions in certain circumstances where an overall level of safety, equivalent to the level of safety provided in the Technical Instructions, is achieved.

Comments:

## Part 3 Shippers responsibilities

Part 3 addresses the responsibilities of a shipper of dangerous goods. A shipper is required to classify, pack, mark and label a package containing dangerous goods in accordance with the Technical Instructions and to ensure that the package is in a fit condition for carriage by air. A shipper of dangerous goods must also furnish the operator of the aircraft in which the goods are to be carried with a dangerous goods transport document.

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### Article 12 General Requirements

Comments:

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### Article 13 Packing and the Schedule

Comments:

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### Article 14 Labelling and markings

Comments:

## Part 4 Aircraft operators responsibilities

Part 4 address the aircraft operator's responsibilities. An aircraft operator is to inspect a package containing dangerous goods before accepting the package, before loading it on the aircraft and upon unloading it to satisfy himself that it is not leaking or damaged. The aircraft operator is required to make a similar inspection of a unit load device containing dangerous goods before loading it on the aircraft. The operator must also be satisfied, by inspection, that any such package is marked and labelled correctly before he accepts it. The operator must also inspect for signs of damage or contamination any part of the aircraft in which a unit load device or any damaged or leaking package containing dangerous goods was loaded. Any contamination or damage must be removed or repaired.

Part 4 further requires that before the flight commences the aircraft operator must provide the pilot in command of an aircraft in which dangerous goods are to be carried with written information required by the Technical Instructions. The aircraft operator must preserve for not less than three months a copy of the transport document, acceptance check list and written information provided to the commander of the aircraft. Part 4 further provides for documents which the aircraft operator must produce to the Department within a reasonable time of being requested so to do.

Part 4 also specifies the information about the dangerous goods carried on the aircraft to be provided by the aircraft operator to emergency services and other bodies in the event of an aircraft accident or incident.

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### Article 15 Acceptance for carriage

Comments:



[Redacted]

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**Article 16 Loading**

Comments: [Redacted]

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**Article 17 Inspection for damage or leakage**

Comments: [Redacted]

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**Article 18 Removal of contamination by the aircraft operator**

Comments: [Redacted]

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**Article 19 Securing of dangerous goods cargo loads**

Comments: [Redacted]

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**Article 20 Provision of information by the operator to flight crew**

Comments: [Redacted]

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**Article 21 Information from pilot in command to aerodrome authorities**

Comments: [Redacted]

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**Article 22 Information in the event of an aircraft accident or incident**

Comments: [Redacted]

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**Article 23 Keeping of documents and records**

Comments: [Redacted]

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## Article 24 Production of documents and records

Comments:

## Part 5 Provision of information

Part 5 address the provision of information to personnel. The aircraft operator, shipper or any other organisation involved in the carriage of dangerous goods to inform such of their personnel as are connected with the carriage of cargo by air of the provisions of the Technical Instructions.

Part 5 further requires the airport operator and the aircraft operator of a passenger aircraft must notify passengers what dangerous goods may not be taken on board an aircraft by displaying notices at places at an airport where the operator issues tickets, checks in baggage or maintains areas at which passengers assemble to board the aircraft. Airport operators and aircraft operators are to ensure that specified information is provided to persons providing cargo for carriage by air.

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## Article 25 Provision of information to personnel

Comments:

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## Article 26 Provision of information to passengers

Comments:

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## Article 27 Provision of information in respect of cargo

Comments:

## Part 6 Dangerous goods by mail

Part 6 provides for the Department to approve procedures of designed postal operators for the introduction of dangerous goods in mail originating in the Isle of Man.

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## Article 28 Procedures to be approved

Comments:

## Part 7 Training

Part 7 specifies the dangerous goods training requirements of various organisations. Designated post operators and aircraft operators of aircraft registered in the Isle of Man that intend to carry dangerous goods must establish and undertake training programmes as required by the Technical Instructions and such training programmes shall be submitted to the Department for approval (Part 7).

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### Article 29 Provision of training

Comments:

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### Article 30 Approval of dangerous goods training programme

Comments:

## Part 8 Enforcement and penalties

Part 8 introduces powers for the Department in relation to the enforcement of the Order and provides for failure to comply with the provisions of the Order to be an offence and sets out the penalties.

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### Article 31 Powers in relation to enforcement of Order

Comments:

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### Article 32 Offences and penalties

Comments:

## What happens next?

Thank you for submitting your response to our consultation on the safe transport of dangerous goods by air, 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

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.

Please provide an email address if you would like us to email you the summary of responses