

Civil Aviation (Safe Transport of Dangerous Goods by Air) Order 2019

The Department for Enterprise makes the following Order under sections 11, 11B(6)¹ and 11B(4)² of the Airports and Civil Aviation Act 1987.

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¹ Tynwald approval is required under section 11B of the Airports and Civil Aviation Act 1987

² Section 11B(4)(h) provides for the Department to apply documents to the Island which may be amended from time to time without the need for further legislative provision

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Part 1 General Provisions

1. Title

This Order is the Civil Aviation (Safe Transport of Dangerous Goods by Air) Order 2019.

2. Commencement

If approved by Tynwald, this Order comes into operation on 1 January 2020.

3. Interpretation

(1) For the purposes of this Order –

“**acceptance check list**” means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met;

“**aircraft operator**” means a person, organization or enterprise engaged in or offering to engage in an aircraft operation;

“**aerodrome**” means a defined area on land or water (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;

“appropriate national authority” means the authority of a contracting State to the Convention on International Civil Aviation responsible for ensuring compliance with Annex 18 of the Convention³;

“approval” means an authorisation granted by an appropriate national authority for -

- (a) the transport of dangerous goods forbidden on aircraft where the Technical Instructions state that such goods may be carried with an approval; or
- (b) other purposes as provided for in the Technical Instructions;

“cargo aircraft” means any aircraft, other than a passenger aircraft, which is carrying goods or property;

“consignment” means one or more packages of dangerous goods accepted by an aircraft operator from one shipper at one time and at one address, receipted for in one lot and moving to one consignee at one destination address;

“commercial air transport” means a flight that is carrying passengers, cargo or mail for remuneration or hire where the principal purpose for their carriage is to transport them, and where a seat on the flight or the right to have cargo or mail carried is available to any member of the public, and includes a flight that carries passengers for remuneration or hire that begins and ends at the same aerodrome;

“crew member” means a person assigned by an aircraft operator to duty on an aircraft during a flight duty period;

“dangerous goods” means articles or substances which are capable of posing a hazard 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;

“dangerous goods transport document” means a document which is specified by the Technical Instructions and contains information about those dangerous goods;

“Department” means the Department for Enterprise;

“designated postal operator” means any governmental or non-governmental entity officially designated by a Universal Postal Union (UPU) member country to operate postal services and to fulfil the related obligations arising from the acts of the UPU Convention on its territory;

“exemption” means an authorisation, other than an approval, granted by an appropriate national authority providing relief from the provisions of this Order or the Technical Instructions;

³ Annex 18 The Safe Transport of Dangerous Goods by Air

“Flight crew member” means a licensed crew member charged with duties essential to the operation of an aircraft during a flight duty period;

“freight forwarder” means a person or organisation who offers the service of arranging the transport of cargo by air;

“munitions of war” means —

- (a) any weapon or ammunition;
- (b) any article containing an explosive, noxious liquid or gas; or
- (c) any other thing, that is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;

“occurrence” means any safety-related event required to be reported under the Civil Aviation (Reporting, Analysis and Follow-up of Occurrences) Order 2019⁴;

“overpack” means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for transport;

“packaging” means receptacles and any other components or materials necessary for the receptacle to perform its containment function;

“passenger aircraft” means an aircraft that carries any person other than a crew member, an aircraft operator’s employee in an official capacity, an authorised representative of an appropriate national authority or a person accompanying a consignment or other cargo;

“pilot in command” means the pilot in command and charged with the safe conduct of a flight;

“proper shipping name” means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings;

“State aircraft” means an aircraft carrying out military, customs, police, search and rescue, fire-fighting, coastguard or similar activities or services;

“State of the Aircraft Operator” means the State in which the aircraft operator’s principal place of business is located or, if there is no such place of business, the aircraft operator’s permanent residence;

⁴ SD xx/xxxx

“State of Origin” means the State in the territory of which the consignment is first to be loaded on an aircraft;

“State of Registry” means the State on whose register the aircraft is entered;

“UN number” means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods and on the Globally Harmonized System of Classification and Labelling of Chemicals to identify an article or substance or a particular group of articles or substances; and

“unit load device” means any type of freight container, aircraft container, aircraft pallet with a net, or aircraft pallet with a net over an igloo, but does not include an overpack.

(2) A reference to the Technical Instructions in this Order means the Technical Instructions for the Safe Transport of Dangerous Goods by Air (Doc 9284), approved and issued periodically in accordance with the procedure established by the International Civil Aviation Organisation Council, as amended from time to time.

(3) A word or expression which is used in this Order and which is also used in the Civil Aviation (Miscellaneous Provisions) Order 2019 or the Technical Instructions has, subject to paragraph (1), the same meaning given in the relevant Order or Instructions.

(4) For the avoidance of doubt, any reference in this Order or in the Technical Instructions to the taking on board, loading onto or carriage of dangerous goods in or on an aircraft must for the purpose of this Order be interpreted as applying also to the placing, suspending or carrying of such goods beneath an aircraft unless the context makes it otherwise apparent.

4. Amendment of Civil Aviation (Subordinate Legislation) (Application) Order 2006

The Civil Aviation (Subordinate Legislation) (Application) Order 2006⁵ is amended as follows –

- (a) in Schedule 1, omit the following item from the list of enactments –
“2002/2796 Air Navigation (Dangerous Goods) Regulations 2002”; and
- (b) in Schedule 2, omit in its entirety the Part numbered “10”.

5. Appropriate National Authority

For the purposes of this Order and the Technical Instructions the Department for Enterprise is the appropriate national authority for the Isle of Man.

6. Applicability

(1) Subject to paragraph (2), this Order applies to the transport of dangerous goods by aircraft –

⁵ SD 909/06

- (a) landing or taking off within the Isle of Man;
- (b) registered in the Isle of Man wherever they may be.

(2) Paragraph (1) does not apply to –

- (a) State aircraft;
- (b) police officers acting in the course of their duties to the extent necessary to enable that police office to carry munitions of war on board an aircraft; or
- (c) articles and substances which would otherwise be classed as dangerous goods but which are required to be aboard the aircraft in accordance with the pertinent airworthiness and operating requirements, or for those specialised purposes identified in Part 1 Chapter 2 of the Technical Instructions.

(3) Where articles and substances intended as replacements for those described in paragraph (2)(c), or which have been removed for replacement, are carried on an aircraft they must only be transported as permitted in Part 1 of the Technical Instructions.

(4) The provisions of this Order do not apply to specific articles and substances carried by passengers or crew members to the extent specified in Part 8 of the Technical Instructions.

Part 2 Requirements for transport of dangerous goods

7. Classification

- (1) The classification of an article or substance must be in accordance with the provisions of Part 2 of the Technical Instructions.
- (2) Articles and substances are classified as dangerous goods for the purpose of this Order if they are identified as dangerous goods within the provisions of the Technical Instructions.

8. Prohibition of transport of dangerous goods by air

- (1) The transport of dangerous goods by air is forbidden except as established in this Order and the detailed specifications and procedures provided in the Technical Instructions.
- (2) Any dangerous goods that are identified in the Technical Instructions as being forbidden for transport in normal circumstances are forbidden on aircraft unless -
 - (a) the provisions of the Technical Instructions indicate they may be transported under an approval granted by the appropriate national authorities of the State of the Aircraft Operator and the State of Origin; or
 - (b) exempted by the appropriate national authorities as provided for in the Technical Instructions.
- (3) Articles and substances that are specifically identified by name or by generic description in Part 1 the Technical Instructions as being forbidden for transport by air under any circumstances must not be offered for carriage or carried on any aircraft.

9. General approval to carry dangerous goods by air

(1) An aircraft operator of an aircraft in the Isle of Man that is carrying dangerous goods must hold an approval to carry dangerous goods issued by the appropriate national authority.

(2) An aircraft operator of an aircraft registered in the Isle of Man that intends to carry dangerous goods must apply to the Department for an approval to carry those dangerous goods.

(3) An approval under paragraph (2) may only be granted by the Department if it is satisfied that the aircraft operator is competent to carry dangerous goods safely and that their dangerous goods training programme is acceptable in accordance with article 30.

10. Additional approvals

(1) An aircraft operator of an aircraft in the Isle of Man that is carrying dangerous goods forbidden for transport in normal circumstances where the Technical Instructions state that such goods may only be carried with an approval, must hold an additional approval issued by the appropriate national authority.

(2) An aircraft operator of an aircraft registered in the Isle of Man that has been granted an approval under article 9 may apply to the Department for an additional approval to carry dangerous goods forbidden for transport in normal circumstances where the Technical Instructions state that such goods may only be carried with an approval.

(3) An approval under paragraph (2) must only be granted by the Department if it is satisfied that in such instances an overall level of safety in transport, which is equivalent to the level of safety provided for in the Technical Instructions, is achieved.

11. Exemptions

The Department may grant an exemption from the provisions of this Order or the Technical Instructions in the following circumstances -

- (a) instances of extreme urgency;
- (b) when other forms of transport are inappropriate; or
- (c) when full compliance with the prescribed requirements is contrary to the public interest,

provided that in such circumstances every effort must be made to achieve an overall level of safety in transport which is equivalent to the level of safety provided for in the Technical Instructions.

Part 3 Shippers responsibilities

12. General Requirements

Before a person offers any dangerous goods for carriage by air the person must ensure that

–

- (a) the goods are not forbidden for carriage by air in any circumstances under paragraph 2.1 of Part 1 of the Technical Instructions;
- (b) if the goods are forbidden for carriage by air unless an approval has been granted, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to obtain them;
- (c) the goods are properly classified in accordance with the Technical Instructions;
- (d) the package is in a fit condition for transport by air;
- (e) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be carried and the overpack is marked and labelled as required by the Technical Instructions;
- (f) Unless otherwise provided in the Technical Instructions a dangerous goods transport document –
 - (i) has been completed in English in addition to any other language required by the State of Origin as required by Part 5 of the Technical Instructions; and
 - (ii) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods:
 - (aa) are fully and accurately described by their proper shipping names,
 - (bb) are correctly classified, packed, marked and labelled, and
 - (cc) are in a proper condition for transport by air; and
- (g) the operator of the aircraft has been provided with the dangerous goods transport document required by paragraph (f) and such other documents in respect of dangerous goods as are required by paragraph 4.3 of Part 5 of the Technical Instructions.

13. Packing

The person must ensure that dangerous goods are packed in accordance with the Schedule and as provided for in Parts 4 and 6 of the Technical Instructions.

14. Labelling and markings

The person offering dangerous goods for transport by air must ensure that –

- (a) appropriate labels are displayed on each package of dangerous goods in accordance with Part 5 of the Technical Instructions, unless otherwise provided for in those Instructions;
- (b) each package of dangerous goods is marked with the proper shipping name of its contents and, when assigned, the UN number and such other markings as

may be specified in the Technical Instructions, unless otherwise provided for in Parts 5 and 6 of those Instructions;

- (c) each packaging manufactured to a specification contained in the Technical Instructions is marked in accordance with the appropriate provisions of those Instructions and no packaging should be marked with a packaging specification marking unless it meets the appropriate packaging specification contained in the Instructions, unless otherwise provided for in Part 6 of the Instructions; and
- (d) each package of dangerous goods is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in Parts 1, 3 and 6 of the Technical Instructions.

Part 4 Aircraft operators responsibilities

15. Acceptance for transport

- (1) The aircraft operator must not accept dangerous goods for transport by air unless -
 - (a) they hold an approval to carry dangerous goods issued in accordance with article 9(2);
 - (b) the dangerous goods are accompanied by a dangerous goods transport document, completed as required by article 12(f) except where the Technical Instructions indicate that such a document is not required; and
 - (c) the package, overpack or freight container containing the dangerous goods has been inspected in accordance with the acceptance procedures contained in Part 7 of the Technical Instructions.
- (2) An aircraft operator shall develop and use an acceptance checklist as an aid to compliance with the provisions of paragraph (1)(b) and (c).

16. Loading

The aircraft operator of an aircraft in which dangerous goods are to be carried must ensure that –

- (a) dangerous goods are not carried in an aircraft cabin occupied by passengers or on the flight deck of an aircraft, except in circumstances permitted by the provisions of Part 7 of the Technical Instructions;
- (b) any packages and overpacks containing dangerous goods and freight containers containing radioactive materials are loaded, stowed and segregated on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions;
- (c) packages of dangerous goods bearing the "Cargo aircraft only" label must be loaded in accordance with the provisions of Part 7 of the Technical Instructions;

- (d) packages of radioactive materials are stowed on an aircraft so that they are separated from persons, live animals and undeveloped film in accordance with the provisions of Part 7 of the Instructions.

17. Inspection for damage or leakage

In accordance with Part 7 of the Technical Instructions the aircraft operator of an aircraft in which dangerous goods are to be carried must ensure -

- (a) packages and overpacks containing dangerous goods and freight containers containing radioactive materials are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device and packages, overpacks or freight containers which are leaking or damaged must not be loaded on an aircraft;
- (b) a unit load device containing dangerous goods is not loaded aboard an aircraft unless it has been inspected and found free from any evidence of leakage from, or damage to, any of the dangerous goods contained in it;
- (c) any package containing dangerous goods, or any overpack containing packages of dangerous goods, loaded on an aircraft which appears to be leaking or damaged is removed from the aircraft and that the remainder of the consignment is in a proper condition for transport by air and that no other package has been contaminated;
- (d) upon unloading from the aircraft, all packages or overpacks containing dangerous goods and freight containers containing radioactive materials, are inspected for signs of damage or leakage and if there is such evidence must ensure that any part of the aircraft where the package, overpack or freight container was stowed is inspected for damage or contamination.

18. Removal of contamination by the aircraft operator

(1) The aircraft operator must ensure that any hazardous contamination found on an aircraft as a result of leakage or damage to dangerous goods is removed without delay.

(2) The aircraft operator must ensure that an aircraft is not permitted to fly if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in Part 7 of the Technical Instructions.

19. Securing of dangerous goods

The aircraft operator must –

- (a) protect dangerous goods loaded in an aircraft from being damaged and secure such goods in the aircraft in such a manner that will prevent any movement in flight which would change the orientation of the packages; and
- (b) for packages containing radioactive materials, ensure that the securing is adequate to ensure that the separation requirements of article 16(b) are met at all times.

20. Provision of information by the operator to flight crew

(1) As early as practicable before the aircraft moves under its own power the aircraft operator must provide to the pilot in command of an aircraft in which dangerous goods are to be carried written information as specified in Chapter 4, Part 7 of the Technical Instructions.

(2) The aircraft operator must provide such information in their operating procedures as will enable the flight crew members to carry out their responsibilities with regard to the carriage of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods as required by Part 7 of the Technical Instructions.

21. Information from pilot in command to aerodrome authorities

The pilot in command of an aircraft carrying dangerous goods as cargo must, in the event of an in-flight emergency and as soon as the situation permits, inform the appropriate air traffic services unit for the information of aerodrome authorities, of those dangerous goods in accordance with Part 7 of the Technical Instructions.

22. Information in the event of an aircraft accident or incident

(1) In the event of -

- (a) an aircraft accident; or
- (b) a serious incident,

the aircraft operator must provide information, without delay, to emergency services responding to the accident or serious incident about the dangerous goods on board, as shown on the written information to the pilot in command required under article 20(1).

(2) The aircraft operator must, as soon as possible, also provide the information referred to in paragraph (1) to the appropriate authorities of the State of the Aircraft Operator, State of Registry and the State in which the accident or serious incident occurred.

(3) In the event of any other occurrence pertaining to an aircraft carrying dangerous goods as cargo, the aircraft operator must, if requested to do so, provide information without delay to emergency services responding to the occurrence and to the appropriate authority of the State in which the occurrence took place, about the dangerous goods on board, as shown on the written information to the pilot-in-command.

23. Keeping of documents and records

(1) An aircraft operator of an aircraft registered in the Isle of Man that is carrying dangerous goods must ensure that a copy of -

- (a) the dangerous goods transport document required by article 15(1)(b); and
- (b) the written information to the pilot in command required by article 20(1),

are retained on the ground at a readily accessible location until after the full period of the flight on which the goods were carried.

(2) The aircraft operator must preserve for not less than three months –

- (a) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to them by the shipper in accordance with article 15(1);
- (b) the record of any acceptance check list completed in accordance with article 15(2); and
- (c) the written information to the pilot in command as required by article 20(1).

(3) The record referred to in paragraph (2)(b) may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

24. Production of documents and records

(1) The aircraft operator and any agent thereof must, within a reasonable time after being requested so to do by the Department, cause to be produced to the Department such of the following documents as may have been requested by the Department -

- (a) the approvals referred to in articles 9 and 10;
- (b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in article 15(1);
- (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in article 15(2); and
- (d) a copy of the written information provided to the pilot in command of the aircraft in respect of any dangerous goods, referred to in article 20(1).

(2) The aircraft operator, shipper and any agent of either of them must, within a reasonable time after being requested so to do by the Department, cause to be produced to the Department any document which relates to goods which the Department has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of this Order have not been complied with.

Part 5 Provision of information

25. Provision of information to personnel

Aircraft operators, shippers, or any other organisations involved in the transport of dangerous goods by air must provide such information to their personnel as will enable them to carry out their responsibilities with regard to the transport of dangerous goods and must provide instructions as to the action to be taken in the event of emergencies arising involving dangerous goods as required by Part 7 of the Technical Instructions.

26. Provision of information to passengers

(1) An airport operator and the aircraft operator of an aircraft landing or taking off within the Isle of Man for the purpose of commercial air transport of passengers must ensure that information is promulgated in such a manner that passengers are warned as to the types of

dangerous goods which they are forbidden from carrying on an aircraft, as provided for in Part 7 of the Technical Instructions, at -

- (a) the point of ticket purchase;
- (b) boarding pass issuance;
- (c) any location where a passenger and their baggage may be checked in;
- (d) each of the areas at an airport maintained to assemble passengers to board an aircraft.

(2) An aircraft operator of an aircraft registered in the Isle of Man must ensure that passengers are warned prior to aircraft departure as to the types of dangerous goods which they are forbidden from carrying aboard an aircraft as provided for in Chapter 5, Part 7 of the Technical Instructions.

27. Provision of information in respect of cargo

The aircraft operator of an aircraft in which cargo is to be carried must ensure that notices giving information about the carriage of dangerous goods are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage.

Part 6 Dangerous goods by mail

28. Procedures to be approved

The procedures of designated postal operators for controlling the introduction of dangerous goods in mail originating in the Isle of Man into air transport must be approved by the Department.

Part 7 Training

29. Provision of training

Initial and recurrent dangerous goods training programmes must be established and maintained in accordance with Chapter 4, Part 1 of the Technical Instructions by or on behalf of –

- (a) shippers of dangerous goods, including packers and persons or organisations undertaking the responsibilities of the shipper;
- (b) aircraft operators of aircraft landing or taking off within the Isle of Man for the purpose of commercial air transport;
- (c) aircraft operators of aircraft registered in the Isle of Man wherever the aircraft may be;
- (d) ground handling agencies located at an airport which perform, on behalf of the aircraft operator, the act of processing passengers;

- (e) agencies, not located at an airport, which perform, on behalf of the operator, the act of checking in passengers;
- (f) freight forwarders;
- (g) agencies engaged in the security screening of passengers and crew and their baggage and the security screening of cargo or mail; and
- (h) designated postal operators.

30. Approval of dangerous goods training programmes

The dangerous goods training programmes of the following organisations involved in the transport of dangerous goods by air must be approved by the Department -

- (a) aircraft operators of aircraft registered in the Isle of Man that intend to carry dangerous goods,
- (b) designated postal operators.

Part 8 Enforcement and penalties

31. Powers in relation to enforcement of the Order

(1) The Department may examine, take samples of and seize any goods which the Department has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of this Order or the Technical Instructions have not been complied with.

(2) The Department may open or require to be opened any baggage or package which the Department has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of this Order or the Technical Instructions have not been complied with.

(3) The Department may enter the premises occupied by any person for the purposes of carrying out their duties under paragraphs (1) and (2) or for the purposes of ascertaining whether there is, or has been, a contravention of any provision of this Order or the Technical Instructions.

(4) (a) Subject to paragraph (6), any sample taken or goods seized by the Department under this article must be retained or detained respectively for so long as the Department considers necessary in all the circumstances and must be disposed of in such manner as the Department considers appropriate in all the circumstances;

- (b) without prejudice to the generality of sub-paragraph (a) any sample taken or goods seized under this article may be retained or detained respectively -
 - (i) for use as evidence at a trial for an offence; or
 - (ii) for forensic examination or for investigation in connection with an offence.

(5) (a) The person from whom any goods have been seized by the Department under this article may apply to the Department for the item to be released to them;

- (b) an application under this paragraph must be made in writing and must be accompanied by evidence of ownership by the applicant;
- (c) where the Department is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings it must arrange for the goods concerned to be returned to the applicant.

(6) Where further retention of goods is, in the opinion of the Department, no longer necessary and no application has been made under paragraph (5) or any such application has been unsuccessful the goods must be destroyed or otherwise disposed of in accordance with the directions of the Department.

32. Offences and penalties

A person who contravenes a provision of this Order is guilty of an offence and liable -

- (a) on summary conviction, to a fine not exceeding level 4 on the standard scale;
- (b) on conviction on information, to a fine or to custody for a term not exceeding 2 years, or to both.

DRAFT

Schedule - Packing referred to article 13

1. Packagings used for the transport of dangerous goods by air must -
 - (a) be of good quality and must be constructed and securely closed so as to prevent leakage which might be caused in normal conditions of transport, by changes in temperature, humidity or pressure, or by vibration;
 - (b) be suitable for the contents;
 - (c) meet the material and construction specifications in Part 6 of the Technical Instructions; and
 - (d) be tested in accordance with the provisions of Part 6 of the Technical Instructions.
2. Packagings in direct contact with dangerous goods must be resistant to any chemical or other action of such goods.
3. Packagings for which retention of a liquid is a basic function, must be capable of withstanding, without leaking, the pressure stated in Part 6 of the Technical Instructions.
4. Inner packagings must be so packed, secured or cushioned as to prevent their breakage or leakage and to control their movement within the outer packaging(s) during normal conditions of air transport. Cushioning and absorbent materials must not react dangerously with the contents of the packagings.
5. No packaging must be reused until it has been inspected and found free from corrosion or other damage. Where a packaging is reused, all necessary measures must be taken to prevent contamination of subsequent contents.
6. If, because of the nature of their former contents, uncleaned empty packagings may present a hazard, they must be tightly closed and treated according to the hazard they constitute.
7. No harmful quantity of a dangerous substance must adhere to the outside of packages during transport.

Explanatory Notes

This Order defines dangerous goods and the circumstances in which such goods may be carried by air by reference to the Technical Instructions for the Safe Transport of Dangerous Goods by Air approved and published by decision of the Council of the International Civil Aviation Organisation (ICAO).

The Order significantly enhances the Island's international compliance by being based on the requirements of ICAO Annex 18 and includes additional UK practice.

Article 4 amends the Civil Aviation (Subordinate Legislation) (Application) Order 2006 to revoke the application to the Isle of Man of the United Kingdom's Air Navigation (Dangerous Goods) Regulations 2002.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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).

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.