

# State Safety Programme for the Isle of Man

CP10



22 December 2020



**Isle of Man**  
CIVIL AVIATION ADMINISTRATION

**Isle of Man Civil Aviation Administration**

Viscount House, Isle of Man Airport, Ballasalla, Isle of Man, IM9 2AS

Email: [caa@gov.im](mailto:caa@gov.im) Phone: +44 (0)1624 682 358

Intentionally blank

---

## Table of Contents

Table of Contents.....	3
Abbreviations.....	4
Revision history.....	5
Foreword.....	6
Overview of the SSP.....	7
Chapter 1 – Isle of Man Aviation Regulatory System .....	8
Chapter 2 - Isle of Man Aviation Safety Policy, Objectives and Resources .....	10
Chapter 3 – State Safety Risk Management .....	16
Chapter 4 – State Safety Assurance.....	17
Chapter 5 – State Safety Promotion .....	22
Annex A – IOM CAA Enforcement Policy .....	23
Annex B – MoU between DfE and IOM CAA/IOMAR.....	26

## Abbreviations

Term	Meaning
AAIB	Air Accidents Investigation Branch
ALoSP	Acceptable Level of Safety Performance
CAA	Civil Aviation Authority (UK)
CAAi	CAA International
CAP	Civil Aviation Publication
CMA	Continuous Monitoring Approach
CP	Civil Aviation Administration Publication
CD	Crown Dependency
DCA	Director of Civil Aviation
DDCA	Deputy Director of Civil Aviation
DfE	Department for Enterprise (IOM)
DfT	Department for Transport (UK)
EU	European Union
ICAO	International Civil Aviation Organisation
IOMAR	Isle of Man Aircraft Registry
IOM CAA	Isle of Man Civil Aviation Administration
MoU	Memorandum of Understanding
OLF	Online Framework
PQ	Protocol Questionnaire
RP	Registry Publication
SARPs	Standards and Recommended Practices
SMS	Safety Management System
SPI	Safety Performance Indicators
SSB	State Safety Board
UK	United Kingdom
UKAB	United Kingdom AIRPROX board
USOAP	Universal Safety Oversight Audit Programme

---

## Revision history

Date	Details
July 2019	Complete revision
January 2020	Update to air traffic service provider requirements on SMS – footnote to 3.1.1 New 4.1.5 setting out the performance based safety oversight process of aerodrome operators, air traffic service providers, and meteorological services for air navigation New 4.1.9 setting out the performance based oversight of private aircraft (non-commercial) registered in the Isle of Man Updated Annex A - Enforcement Policy – formal enforcement details
22 December 2020	Update to 1.2 (Relationship to the European Union) Updates to 2.2 (Specific Operating Regulations) Update to 2.3 (SSP Coordination Group) Update to 4.2 (Safety Information Protection) Various minor corrections

© Department for Enterprise 2020

All rights reserved. Copies of this publication may be reproduced for personal use, or for use within a company or organisation, but may not otherwise be reproduced for publication.

Copies of this document are available in large print upon request.

---

## Foreword

The UK ratification of the Convention on International Civil Aviation (the Chicago Convention) is extended to include the Isle of Man. Annex 19 to the Chicago Convention requires that each State shall establish a State Safety Programme (SSP) for the management of safety in order to achieve an acceptable level of safety performance in civil aviation. This SSP sets out how the Annex 19 requirement is delivered on the Isle of Man.

Core to the effective delivery of the SSP is our safety policy, which I personally endorse:

### Isle of Man Aviation Safety Policy

The Isle of Man Civil Aviation Administration is committed to developing and implementing effective strategies, regulatory frameworks and processes to ensure that aviation activities under our oversight achieve the highest practicable level of safety. To this end we will:

- set Isle of Man standards that are in line with ICAO Standards and Recommended Practices (SARPs);
- adopt a data-driven and performance-based approach to safety regulation and industry oversight activities where appropriate;
- identify safety trends within the aviation industry and adopt a risk-based approach to address areas of greater safety concern or need;
- monitor and measure the safety performance of our aviation system continuously through the State's aggregate safety indicators as well as service providers' safety performance indicators;
- collaborate and consult with the aviation industry to address safety matters and continuously enhance aviation safety;
- promote good safety practices and a positive safety culture in the aviation community based on sound safety management principles;
- encourage safety information collection, analysis and exchange amongst all relevant industry organisations and service providers, with the intent that such information is to be used for safety management purposes only;
- allocate sufficient financial and human resources for safety management and oversight; and
- equip staff with the proper skills and expertise to discharge their safety oversight and management responsibilities competently.

Simon Williams  
Director of Civil Aviation

---

## Overview of the SSP

### Objectives

1. The objectives of the Isle of Man SSP are to:
  - ensure that an effective legislative framework is in place with supporting specific operating regulations;
  - ensure safety risk management and safety assurance coordination and synergy amongst relevant aviation authorities and organisations;
  - facilitate monitoring and measurement of the safety performance of our aviation industry;
  - maintain and where possible improve our overall safety performance; and
  - support effective implementation and interaction with the service provider's Safety Management Systems (SMS).

### State Safety Management Responsibilities

2. There are four SSP components that form an integrated set of regulations and activities aimed at improving safety:
  - State safety policy and objectives;
  - State safety risk management;
  - State safety assurance; and
  - State safety promotion.
3. The Isle of Man SSP has been compiled to meet the ICAO Annex 19 requirements and is considered to be commensurate with the size and complexity of the Isle of Man's civil aviation system. The SSP is also structured directly against the SSP components in accordance with the SSP guidance provided within ICAO Doc 9859 – Safety Management Manual.

### Review

4. The Isle of Man SSP has been developed following the ICAO 4 phased approach. At present it is considered that Phases 1 and 2 and elements of Phases 3 and 4 are complete; further progress will be made to complete these remaining elements over the next 2 years in accordance with a SSP Implementation Schedule.
5. The Isle of Man SSP will be reviewed at least annually and updated as necessary. A formal biennial review of the Isle of Man SSP is undertaken by completing a gap analysis in accordance with ICAO Doc 9859 – Safety Management Manual. The SSP is amended and reissued as required.

---

## Chapter 1 – Isle of Man Aviation Regulatory System

### 1.1 Isle of Man as British Crown Dependency

- 1.1.1 The Isle of Man is a British Crown Dependency (CD) and is therefore not part of the UK but is a self-governing dependency of the Crown. This means the Island has its own directly elected legislative assemblies, administrative, fiscal and legal systems and courts of law. The Isle of Man is not represented in the UK Parliament. UK legislation does not normally extend to the Isle of Man, though in some cases it may do so with the prior agreement of one or more of their governments.
- 1.1.2 The constitutional relationship of the Island with the UK is maintained through the Crown, acting through the Privy Council, and is not enshrined in a formal constitutional document. The UK Government is responsible for the defence and international relations of the Island, including the UK's ratification of international agreements on behalf of the Isle of Man.
- 1.1.3 The UK Ministry of Justice is responsible for managing the UK constitutional relationship with the Isle of Man, which involves a variety of different responsibilities including processing relevant legislation for Royal Assent.

### 1.2 Relationship to the European Union

- 1.2.1 EU rules do not directly apply to the Isle of Man; however, the Island supports regional aviation safety standardisation within Europe and may voluntarily apply specific items of EU aviation legislation to the Island.

### 1.3 Relationship to ICAO

- 1.3.1 The UK ratification of the Convention on International Civil Aviation (Chicago Convention) captures and includes the Isle of Man.
- 1.3.2 The Isle of Man is a “territory for which the United Kingdom is responsible” and falls under the bounds of Article 2 of the Chicago Convention which states that:
- *“For the purposes of this Convention the territory of a State shall be deemed to be the land areas and territorial waters thereto under the sovereignty, suzerainty, protection or mandate of such State.”*
- 1.3.3 When the UK ratified the Chicago Convention in 1947, the Isle of Man was considered to be part of the UK's metropolitan territory for the purpose of international treaties. Therefore, the UK ratification of the Chicago Convention automatically applied to the Isle of Man without the need for extension.
- 1.3.4 As a contracting state, the UK has an internal obligation to ensure that the provisions of the Convention and all ICAO Standards and Recommended Practices (SARPs) are implemented in the Island. The obligations of the UK and Isle of Man with respect to the Convention are detailed in a Memorandum of Understanding between the UK and Isle of Man Governments.
- 1.3.5 As an ICAO compliant territory, the Isle of Man's policy is to comply with ICAO SARPs in so far as possible. Differences will only be filed to SARPs where there is a sound and considered rationale which shall be recorded.
- 1.3.6 The relationship between the Isle of Man and ICAO is shown in Figure 1.



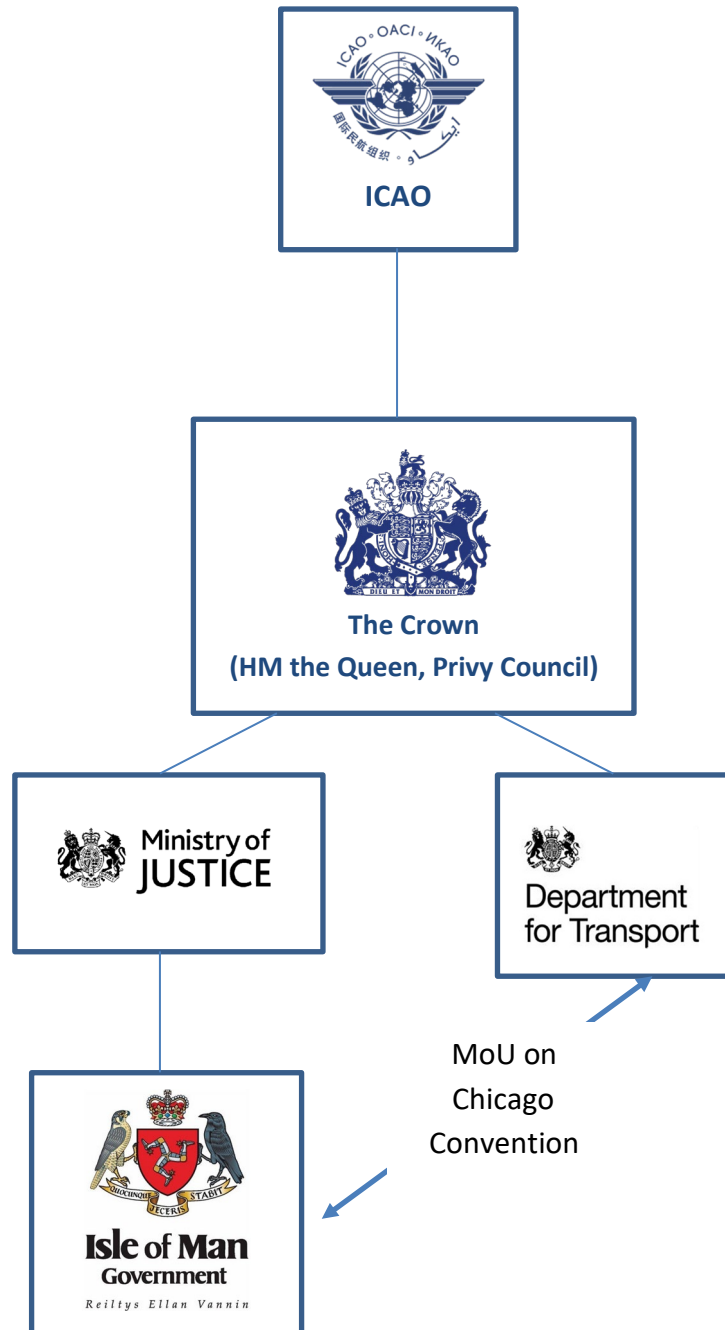


Figure 1 –Relationship between Isle of Man, UK and ICAO

---

## Chapter 2 - Isle of Man Aviation Safety Policy, Objectives and Resources

### 2.1 Primary Aviation Legislation

- 2.1.1 Primary aviation legislation is established to enable the oversight and management of civil aviation safety and the enforcement of the regulations. This includes the provision of appropriate access to aviation facilities and associated records of individuals and organisations performing aviation activities.
- 2.1.2 The Civil Aviation Act 1982 (an Act of UK Parliament) as it has effect in the Isle of Man<sup>1</sup>, provides the power to make Air Navigation Orders in Council in order to carry out the Chicago Convention and to generally regulate air navigation.
- 2.1.3 The Airports and Civil Aviation Act 1987 (an Act of Tynwald) enables the application to the Island of specific UK and EU civil aviation legislation subject to exceptions, adaptations and moderate modifications. The Act was also amended in 2018 to enable the Island to independently make Orders to regulate civil aviation in general and to implement the Chicago Convention.
- 2.1.4 As the Isle of Man's aviation safety regulator, the primary aim of the IOM CAA is to protect the interests of the public. The IOM CAA also has a responsibility to those we regulate to be clear about when, why and how we will enforce compliance with rules and regulations. Enforcement is any activity that is carried out in order to seek to remedy a breach, or suspected or potential breach, of rules applicable to civil aviation. Enforcement activity forms an important part of the IOM CAA regulatory toolkit, alongside our other activities such as continuing oversight. The IOM CAA works with those we regulate to encourage and support compliance, but we will become much more visible and proactive in dealing with those who do not, or choose not, to comply with the rules. Consequently, although penalties are established in both primary and secondary legislation, enforcement covers a broader spectrum than purely prosecution. The published IOM CAA Enforcement Policy is at Annex A.

### 2.2 Specific Operating Regulations

- 2.2.1 Operating regulations specify the national requirements emanating from the primary aviation legislation to meet the Standards and Recommended Practices of the Annexes to the Convention on International Civil Aviation.
- 2.2.2 The Air Navigation (Isle of Man) Order 2015<sup>2</sup> is the main piece of subsidiary legislation that contains Isle of Man aviation safety operating regulations. Additionally, the following UK aviation safety legislation has been applied to the Isle of Man:
- Civil Aviation (Safety of Third Country Aircraft) Regulations 2006<sup>3</sup>;
  - Rules of the Air Regulations 2007<sup>4</sup>.

---

<sup>1</sup> Sections 60, 61 and 110(1) extend to the Isle of Man by virtue of the Civil Aviation (Isle of Man) Order 2007 (SI 2007/614), made under section 108 of the Civil Aviation Act 1982 (Parliament).

<sup>2</sup> SI 2015/870 as amended by SI 2016/155.

<sup>3</sup> SI 2006/1384 as amended and as applied to the Isle of Man by SD 909/06.

<sup>4</sup> SI 2007/734 as amended and as applied to the Isle of Man by SD 835/08.

2.2.3 The content of the Air Navigation (Isle of Man) Order and applied UK legislation is being incrementally replaced by Orders made under the Airports and Civil Aviation Act 1987. The following Orders are currently in effect:

- Civil Aviation (Miscellaneous Provisions) Order 2020<sup>5</sup>;
- Civil Aviation (Small Unmanned Aircraft) Order 2020<sup>6</sup>;
- Civil Aviation (Air Traffic Services) Order 2020<sup>7</sup>;
- Civil Aviation (Occurrence Reporting) Order 2020<sup>8</sup>;
- Civil Aviation (Safe Transport of Dangerous Goods by Air) Order 2020<sup>9</sup>.

2.2.4 Operating regulations are exposed to ongoing continuous review to ensure they remain relevant and appropriate. New ICAO provisions are reviewed by the IOM CAA as soon as promulgated by State Letter with consequential Isle of Man legislative actions identified. A legislative plan is maintained to list new legislative tasks and to ensure that these are appropriately prioritised.

2.2.5. To ensure the effectiveness of the oversight system, legislative change proposals are developed in consultation with the aviation stakeholders and include impact assessment.

## 2.3 State system and functions

### Organisation responsible for coordinating the SSP

2.3.1 The Isle of Man's primary and secondary legislation allocates aviation safety regulatory functions to the Department for Enterprise (DfE). As such the Minister for Enterprise is legally accountable for regulatory functions allocated to the 'Department' in Isle of Man aviation legislation. The Department has no obligations or responsibilities for service provision thus ensuring that the regulatory function is separate and independent.

2.3.2 The Minister has issued formal delegations for these functions and their associated accountabilities and responsibilities to the Director of Civil Aviation (DCA) and Deputy Director of Civil Aviation (DDCA).

2.3.3 The UK Air Accidents Investigation Branch (AAIB) provides independent accident and serious incident investigation services in accordance with the Civil Aviation (Investigation of Air Accidents and Incidents) Order 2019<sup>10</sup>. The sole object of such investigation is the prevention of accidents and incidents; it is not to apportion blame or liability. Meetings are held with the UK AAIB as necessary to ensure continued alignment.

2.3.4 The Accountable Executive for the SSP is the DCA who directs the activities of the Isle of Man Civil Aviation Administration (IOM CAA).

---

<sup>5</sup> SD 2020/0134

<sup>6</sup> SD 2020/0135

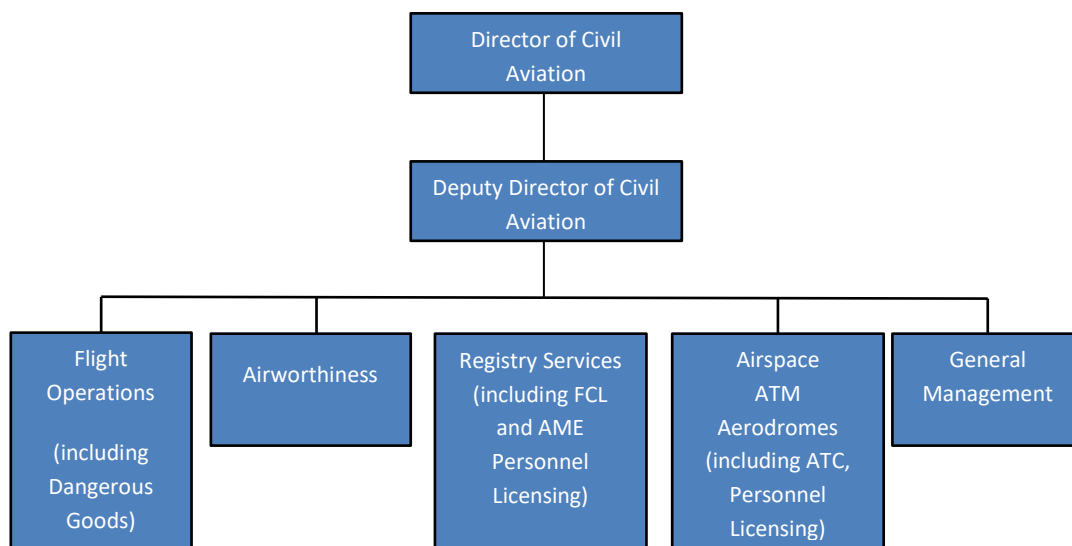
<sup>7</sup> SD 2020/0136

<sup>8</sup> SD 2020/0137

<sup>9</sup> SD 2020/0138

<sup>10</sup> SD 2019/0267

2.3.5 The IOM CAA is a division of the DfE responsible for the day to day safety regulation and oversight of Isle of Man civil aviation and ensuring that aviation legislation meets international and relevant EU aviation standards. The IOM CAA encompasses the activities of the Isle of Man Aircraft Registry (IOMAR) which focuses on safety regulation of Isle of Man registered aircraft including flight operations and airworthiness aspects. The functional structure of the Isle of Man Civil Aviation Administration is shown at Figure 2.



*Figure 2 - Functional structure of the Isle of Man Civil Aviation Administration*

2.3.6 A Memorandum of Understanding between the DfE and the IOM CAA/IOMAR (see Annex B) sets out the expectations of both parties and recognises the fundamental principle that the IOM CAA be allowed to function as an independent aviation safety regulator, free of political or economic influence and as entirely separate Departmental entity to the IOM Government aviation service providers. In particular this ensures functional separation from the day-to-day operation of Isle of Man Airport which is the responsibility of the Department of Infrastructure.

2.3.7 The Isle of Man civil aviation framework is shown at Figure 3.

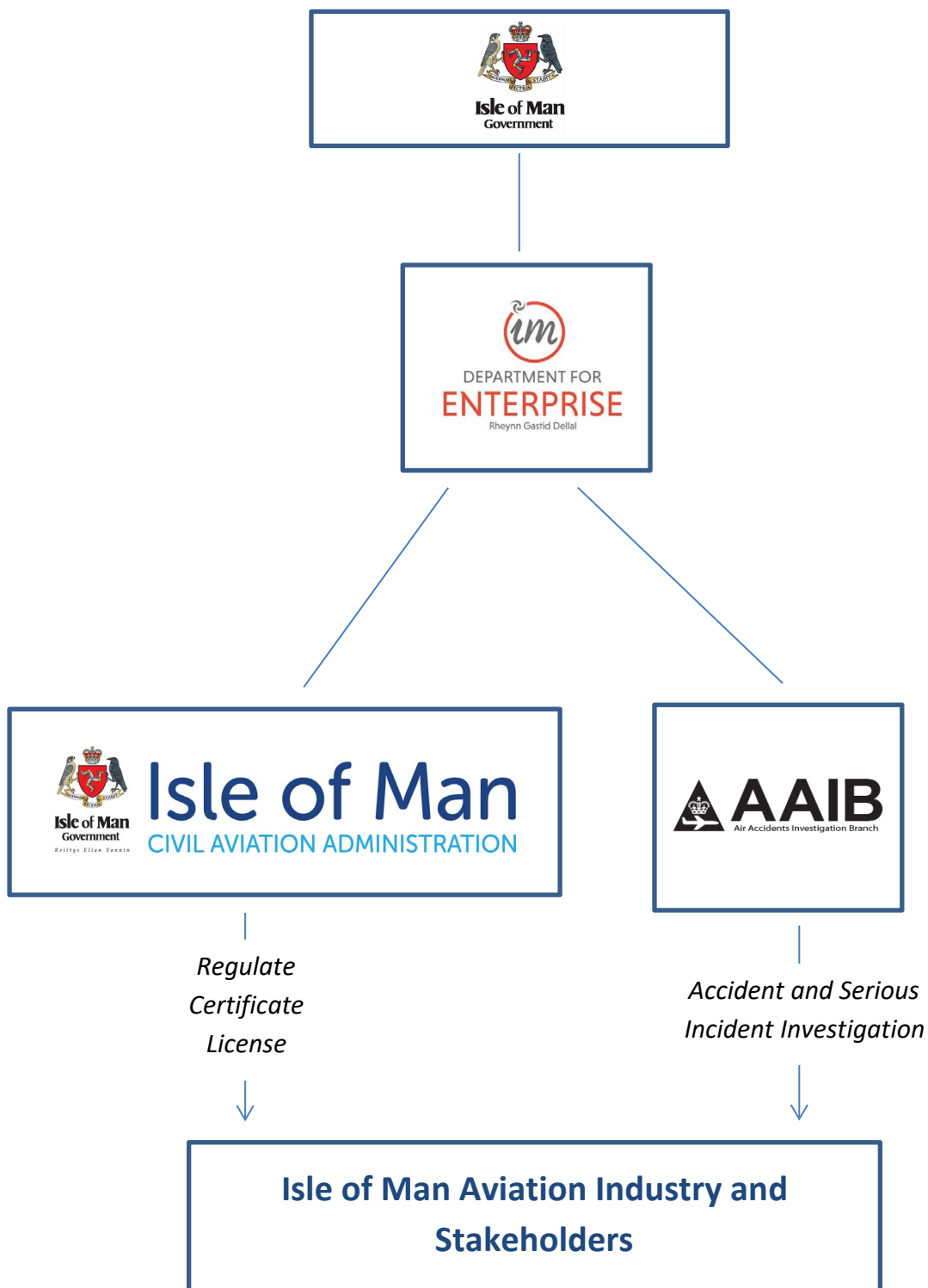


Figure 3 - Isle of Man civil aviation framework

### SSP Coordination Group

2.3.8 The UK State Safety Board (SSB) provides the oversight and assurance for the UK SSP and those of its dependant territories including the Isle of Man. The SSB carries out the function of the SSP Coordination Group mandated by Annex 19. The SSB is attended by the DCA/DDCA.

2.3.9 The DDCA is responsible for day-to-day planning and management of the SSP.

2.3.9 The IOM CAA Management Team ensures the provision of necessary resources for the effective and efficient implementation and maintenance of the SSP and consists of the following personnel, chaired by the DCA:

- DDCA;
- Chief Surveyor;
- Flight Operations Manager;
- Flight Operations Technical Manager;
- General Manager and Head of Special Projects;
- Registry Services New Business Manager;
- Registry Services Existing Business Manager.

2.3.10 To maintain appropriate Isle of Man and UK SSP alignment, regular meetings are held with the UK Department for Transport (DfT) and the IOM CAA participates in the International and Domestic Working Groups of the SSB.

#### **Isle of Man Aviation Safety Policy and Objectives**

2.3.13 The Isle of Man Aviation Safety Policy is personally endorsed by the DCA and sets out how the Island manages the safety of the aviation system. The policy is included within the foreword to this SSP.

2.3.14 Formal state safety objectives are not currently set. These will be developed over the next 2 years.

#### **State Safety Resources**

2.3.15 The Isle of Man CAA and IOMAR manages its financial and human resources as a Division of the Department for Enterprise. A Scheme of Charges is maintained for the regulatory functions and services that are provided.

#### **National Aviation Safety Plan**

2.3.16 The Isle of Man has not set its own National Aviation Safety Plan. This will be developed in the next 2 years.

#### **Isle of Man SSP Documentation and Records**

2.3.17 The Isle of Man SSP is published on the IOM CAA website [www.gov.im/caa](http://www.gov.im/caa) and is circulated directly to major stakeholders.

## **2.4 Qualified Technical Personnel**

2.4.1 The effective delivery of safety regulation and oversight requires appropriately qualified technical personnel. This is established through appropriate establishment of key posts and their associated job descriptions and person specifications. The IOM CAA and IOMAR also commits to providing all necessary training to our personnel, including:

- initial (e.g. induction and basic training);
- on-the-job training (OJT);

- recurrent training; and
- specialized/advanced training.

## 2.5 Technical Guidance, Tools and Provision of Safety Critical Information

### **Operating Requirements and Industry Guidance Material**

2.5.1 Whilst the subsidiary legislation is intended to provide a comprehensive suite of requirements, there is a need to promulgate the following additional information which is not appropriate for inclusion in the legislation itself:

- Information of a temporary nature.
- Administrative material.
- Information and 'best practice' expectations requirements published in advance of changes to the subsidiary legislation.
- Means of compliance with requirements in subsidiary legislation.

Such information and guidance is published in the following forms:

- publication of formal policy documents;
- production of formal safety newsletters, such as "Safety Matters";
- direct bulk email alerts;
- social media;
- information posted on our websites.

---

## Chapter 3 – State Safety Risk Management

### 3.1 Isle of Man safety requirements for the service provider's SMS

3.1.1 The Isle of Man has set requirements for SMS to be implemented by the following service providers:

- Air Traffic Service providers<sup>11</sup>.
- Operators of licensed aerodromes<sup>12</sup>.
- Operators of large or turbojet aircraft engaged in general aviation<sup>13</sup>.

3.1.2 The Isle of Man does not issue operating or organisational approvals to:

- approved training organisations;
- operators of aeroplanes or helicopters authorised to conduct international commercial air transport;
- approved maintenance organisations providing services to operators of aeroplanes or helicopters engaged in international commercial air transport;

therefore no requirements are set for these service providers to implement a SMS.

### 3.2 Agreement on the service provider's safety performance

#### Aerodrome operators and air traffic service providers

3.2.1 The Isle of Man has adopted the UK CAA's 2 phased approach to the implementation of SMS by aerodrome operators and air traffic service providers which recognises the timescale required to develop and implement a SMS and for it to mature into effectiveness:

- Phase 1 – the SMS assessment determines whether the key elements of a SMS are in place (present and suitable).
- Phase 2 – assesses whether the SMS is operating and effective and looks for best practice and signs of excellence.

3.2.2 As part of the constant evolution of the service provider's SMS it is expected that service provider specific Safety Performance Indicators (SPI) will be developed and further utilised as their SMS matures in Phase 2.

3.2.3 SMS performance is formally assessed by the IOM CAA as an integral part of routine safety audits of service providers. Further detail is provided in Chapter 4.

---

<sup>11</sup> Article 5 of the Civil Aviation (Air Traffic Services) Order 2020 (SD 2020/0136).

<sup>12</sup> Article 129(1)(c) of the Air Navigation (Isle of Man) Order 2015 (SI 2015/870 as amended by SI 2016/155).

<sup>13</sup> Article 99B(3)(b) of the Air Navigation (Isle of Man) Order 2015 (SI 2015/870 as amended by SI 2016/155) and IOMAR IN028.



---

## Chapter 4 – State Safety Assurance

### 4.1 Monitoring of the Isle of Man safety oversight function

#### ICAO USOAP CMA

4.1.1 The Isle of Man is subject to the ICAO's Universal Safety Oversight Audit Programme Continuous Monitoring Approach (USOAP-CMA). This enables ICAO to take a harmonised and consistent approach to monitoring the UK and Isle of Man's safety oversight capabilities on an ongoing basis against other States.

The Isle of Man provides ICAO USOAP CMA data to the UK ICAO National Safety Oversight Coordinator. This data is entered into an Isle of Man specific section of the UK's USOAP CMA Online Framework (OLF). The data provided includes answers to the ICAO Protocol Questionnaires (PQ) which assess the State's regulatory system against the ICAO 8 Critical Elements of a safety oversight system. These PQ are reviewed and updated annually.

#### Formal Audit of IOM CAA

4.1.2 The Isle of Man participates as an integral part of formal USOAP audits of the UK and was inspected as part of the 2009 ICAO audit. Additionally, under the obligations detailed in the MoU between the UK and Isle of Man with respect to the Convention, the Island agrees to be subjected to independent reviews/audits of its safety regulatory system by the DfT or parties appointed on their behalf.

#### Safety oversight of aerodrome operators, air traffic service providers, and meteorological services for air navigation

4.1.3 The oversight of aerodrome operators, air traffic services and meteorological services for air navigation is the responsibility of the IOM CAA. Day to day surveillance, advice and guidance by the IOM CAA is supplemented by a formalised safety audit programme with audits taking place every 1-2 years on a risk and performance based schedule (see 4.1.5).

4.1.4 Formal audits are conducted by the UK CAA on behalf of the IOM CAA under a contract with CAA International (CAAI). These audits use standard UK CAA audit processes and systems as detailed in the UK SSP.

4.1.5 The safety performance of each regulated organisation is formally reviewed at an Internal Review Meeting of the IOM CAA and UK CAA held every 18 months or at earlier intervals as necessary. At this meeting the following activities are completed:

- Review of safety risks and consideration of the organisations' safety risk management efficiency.
- Discuss any actions previously agreed with the Accountable Manager.
- Record an agreed safety risk assessment of the organisation.
- Determine future oversight activities and schedules.
- Consider and prepare areas for discussion at the next Accountable Manager meeting.

## **Safety oversight of operators of aeroplanes engaged in commercial air transport**

- 4.1.6 The Isle of Man does not issue its own Air Operators Certificates so does not directly regulate or have oversight of operators of aeroplanes engaged in commercial air transport. However, in order to appropriately protect the general public, the Isle of Man requires that operators of aircraft conducting commercial air transport to and from the Island hold a Foreign Aircraft Operating Permit<sup>14</sup>. The issuance of this permit is administered by the UK CAA on behalf of the IOM CAA.
- 4.1.7 In the event of an aircraft operation where it is suspected that there is non-compliance with international standards, a targeted inspection may be conducted at Isle of Man Airport by IOM CAA inspectors at short notice.

## **Safety oversight of operators of aeroplanes engaged in general aviation**

- 4.1.8 The IOM CAA ensures the continuing airworthiness and issues requirements and approvals to operators of aeroplanes engaged in general aviation that are registered in the Isle of Man in accordance with ICAO SARPs. Furthermore, the IOM CAA acts on the basis of safety data and intelligence and seeks to achieve satisfactory outcomes by applying the spectrum of enforcement detailed in Annex A.
- 4.1.9 All aircraft registered in the Isle of Man are subject to annual airworthiness survey by the IOMAR. Aircraft operators are selected to be subjected to a Safety Partnership Review on the basis of their operations complexity, risk and safety performance. The Safety Partnership Review consists of desktop review of documentation followed by on-site meetings and discussions on the aircraft operator's management of safety and key risks.
- 4.1.10 The IOM CAA also recognises the emerging benefits of performance based oversight systems and the potential to monitor intelligence on the safety performance of general aviation operators thus enabling oversight activities to be prioritised and targeted accordingly. This model of oversight is in the early stages of development and it is anticipated that it will evolve further in the coming years.

## **4.2 Safety data collection, analysis and exchange**

### **Isle of Man Acceptable Level of Safety Performance**

- 4.2.1 The Isle of Man ALoSP is currently comprised of the following safety targets:
- Accident and serious incident rate 5 year rolling average does not increase.
  - Compliance with ICAO Standards and Recommended Practices (SARPs) of at least 90% with sound and considered rationale where differences have been filed.
- 4.2.2 In addition to the above targets, the frequency of operational events which are considered as potential precursors to accidents are tracked and steps are put in place to address increasing or emergent risks.

### **Safety data collection**

- 4.2.3 Safety data collection on aviation hazards and risks is collated from:

---

<sup>14</sup> Except those exercising the privileges of an Air Operators Certificate issued by the UK CAA. In such circumstances the oversight of these operations is as detailed in the UK SSP.

- the information provided in voluntary and mandatory occurrence reports;
- bird strike reports;
- accident and serious incident reports;
- AIRPROX<sup>15</sup> reports.

## Reporting

4.2.4 Registry Publication (RP) 5 provides requirements and guidance on the processes and procedures for the reporting of occurrences, serious incidents and accidents relating to Isle of Man registered aircraft. IOM CAA Publication (CP7) provides requirements and guidance on the processes and procedures for the reporting of occurrences, wildlife strikes, serious incidents and accidents in the Isle of Man and its airspace. The IOM CAA also encourages voluntary reporting using these processes.

## Investigation

4.2.5 Investigation of accidents and serious incidents is conducted as detailed at section 2.3.

4.2.6 Investigation of occurrences and wildlife strikes shall be conducted by the reporting organisation in accordance with RP5/CP7 and procedures defined in the organisation's SMS. The results of the investigation and any corrective actions necessary shall be reported to the IOM CAA within 30 days of the occurrence being initially reported.

4.2.7 The IOM CAA will investigate occurrences where it is considered that the reporting organisation is unable to secure appropriate resolution from third parties or for events where it appears that there is a need for further independent investigation. In such circumstances the IOM CAA will collate its findings and report directly to those concerned.

4.2.8 AIRPROX reports are investigated by the UK AIRPROX Board (UKAB) whose primary objective is to enhance air safety and identify lessons to be learned and applied from AIRPROX occurrences reported within UK airspace.

## Safety data processing and storage

4.2.9 Safety data collated from the sources listed above is collated in databases which enable aggregation of the data.

## Safety data analysis

4.2.10 An annual review of safety data is undertaken to identify hazards, risks and emergent trends. The findings are collated into an annual report which is communicated directly with affected stakeholders.

4.2.11 The UKAB conducts analysis of Airprox data, causal factors, and identifies common trends. These are published by the UKAB in the form of annual Airprox summary reports.

---

<sup>15</sup> An Airprox is a situation in which, in the opinion of a pilot or air traffic services personnel, the distance between aircraft as well as their relative positions and speed have been such that the safety of the aircraft involved may have been compromised.

## Information exchange

4.2.12 The UK CAA provides the IOM CAA with monthly summaries of occurrence and incident reports that have been submitted to the UK pertaining to aircraft registered in or events occurring within the Isle of Man. This enables the IOM CAA to ensure that appropriate reporting has been completed by Isle of Man regulated entities and facilitates improved understanding of hazards and risks and for appropriate corrective actions to be put in place.

4.2.13 The IOM CAA shares safety data with other safety regulatory bodies with the aim of improving aviation safety. Such sharing is only undertaken with appropriate protection of personal data.

## Safety information protection

4.2.14 The safety information protection provisions of ICAO Annex 19 and Document 9859 are enacted in Isle of Man legislation by the Civil Aviation (Occurrence Reporting) Order 2020<sup>16</sup>. This Order specifies that the sole objective of occurrence reporting is the prevention of accidents and incidents, without the apportionment of blame or liability, and includes the requirements that:

- Safety data and safety information must not be disclosed for use in civil or criminal proceedings except where a principle of exception applies (see note).
- A person must take such measures as are reasonably necessary to protect all safety data and safety information obtained under the provisions of the Order.
- A person must not use safety data or safety information obtained under the Order for any purpose other than for the purposes of maintaining or improving safety and to take any preventative, corrective or remedial action that is necessary.
- A person must not disclose any safety data or safety information other than for the purpose of promoting or improving aviation safety. Any such disclosure must not identify any individual, whether by the omission of names or otherwise. Persons requiring to disclose safety data or safety information for any other purpose must only do so in accordance with an approval granted by the IOM CAA and subject to any conditions specified in the approval. Approvals will only be granted where a principle of exception applies (see note).

Note: A principle of exception may only be used when there has been an occurrence and one of the following applies:

- (1) there is evidence that an occurrence reported under the Occurrence Reporting Order was likely to have been caused by gross negligence, wilful misconduct or criminal activity;
- (2) disclosure of safety data or safety information is necessary for the proper administration of justice; or
- (3) release is necessary for the wider purpose of maintaining or improving aviation safety in general beyond any immediate preventative, corrective or remedial action.

---

<sup>16</sup> SD 2020/0137

In order to apply principles (2) or (3) above, the benefits of releasing the safety data or safety information must outweigh the potential adverse impact (both domestic and international) it would likely have on the future collection and availability of such data and information.

### **4.3 Safety-data-driven targeting of oversight of areas of greater concern or need**

#### **Airworthiness surveys**

4.3.1 As detailed at section 4.1, aircraft registered in the Isle of Man must undergo annual airworthiness surveys. The IOM CAA allocates airworthiness survey resources taking into account the ongoing safety performance of the aircraft at the last survey and over the preceding year.

#### **Aircraft operators**

4.3.2 As detailed at section 4.1, the IOM CAA monitors intelligence on the safety performance of general aviation operators thus enabling oversight activities and the conduct of Safety Partnership Reviews to be prioritised and targeted accordingly.

#### **Aerodrome operators, air traffic and meteorological service providers**

4.3.3 As detailed in Section 4.1, audits of aerodrome operators, air traffic and meteorological service providers are scheduled on a risk and performance basis.

---

## Chapter 5 – State Safety Promotion

### 5.1 Internal training, communication and dissemination of safety information

5.1.1 The IOM CAA and IOMAR identifies training needs and development requirements for its personnel as part of the employee’s performance review process. Where training and development needs are identified, these will be sourced from reputable high quality organisations such as:

- CAAi;
- JAA;
- Eurocontrol.

### 5.2 External training, communication and dissemination of safety information

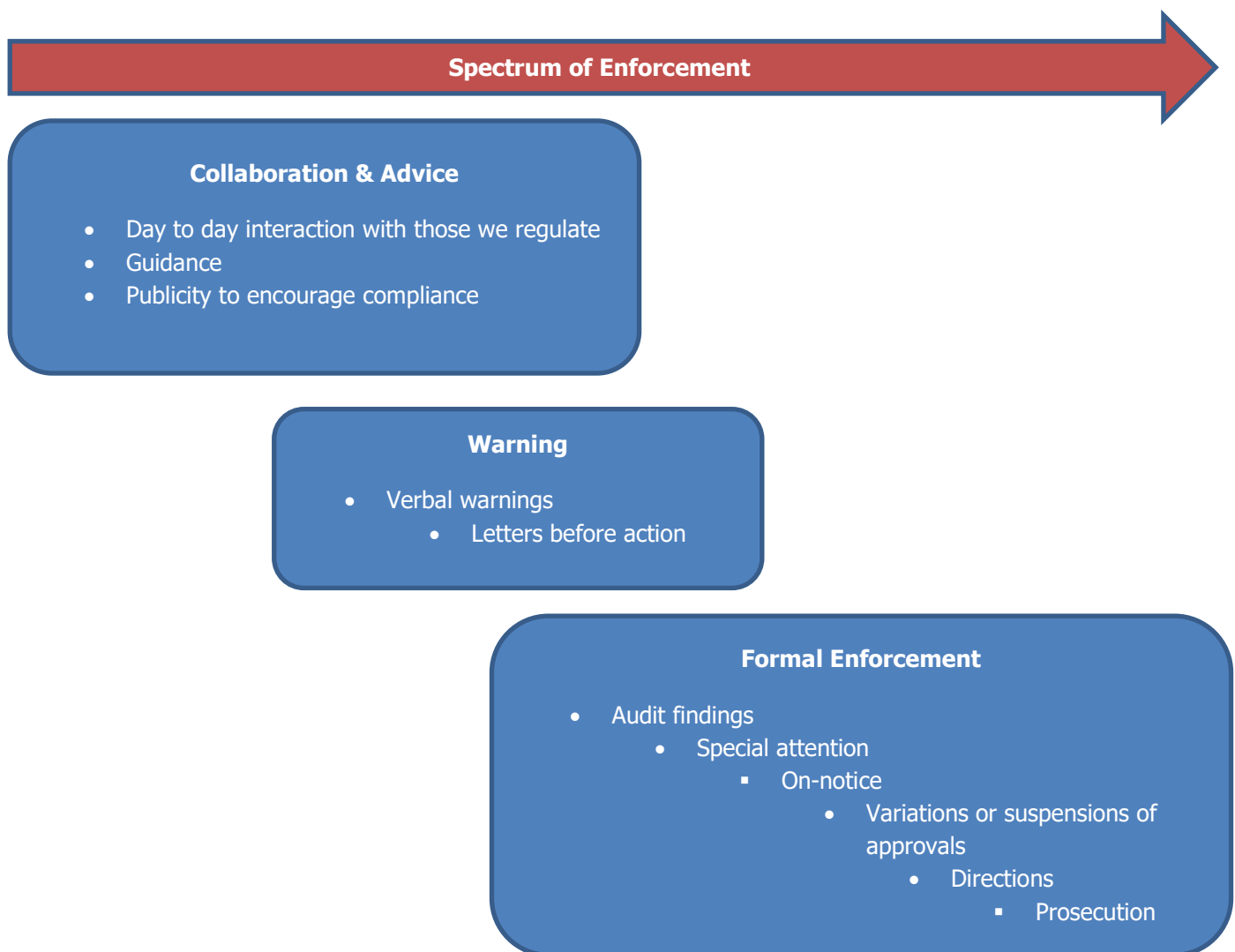
5.2.1 The IOM CAA and IOMAR communicate with their stakeholders in a variety of formats including:

- publication of formal policy documents;
- production of formal safety newsletters, such as “Safety Matters” and “Safety Insight”;
- direct bulk email alerts;
- social media;
- information posted on our websites.

## Annex A – IOM CAA Enforcement Policy

### Overview

- A1 As the Isle of Man’s aviation safety regulator, our sole purpose is to protect the interests of the public. We also have a responsibility to those we regulate to be clear about when, why and how we will enforce compliance with rules and regulations.
- A2 Enforcement is any activity that is carried out in order to seek to remedy a breach, or suspected or potential breach, of rules applicable to civil aviation. Enforcement activity forms an important part of our regulatory toolkit, alongside our other activities such as continuing safety regulatory oversight. We will continue to work with those we regulate to encourage and support compliance, but we will become much more visible and proactive in dealing with those who do not, or choose not, to comply with the rules. Consequently the spectrum of enforcement is broad and encompasses many tools and processes including those shown below:



## Policy

A3 Our policy is to undertake our enforcement responsibilities through the application of the following principles:

- **We will use a proportionate and risk based approach**

This means that our actions (e.g. requests for corrective actions within specific timelines, administrative penalties or other) will be proportionate to evidence of actual, suspected or potential breaches and the risk posed to public safety. In cases where there is clear evidence of public safety being put at risk we will act rapidly. In cases where there is an identified concern but evidence is limited or the risk appears to be low, we will take a measured approach which may include enhanced monitoring.

- **We will take independent, evidence based decisions**

We will listen to our stakeholders to inform our enforcement decisions, but will always ensure that our decisions are robust, independent and objective. We will also ensure that our enforcement actions will be suitably documented and based on our statutory responsibilities.

- **We will publicise our enforcement action where publication is in the public interest**

Publicising our enforcement actions primarily serves to provide a transparent mechanism by which we can inform the public about the actions we have taken and to provide a wider deterrent for noncompliance. In normal circumstances such publication would protect the privacy of the person or organisation concerned.

- **We will collaborate with other regulatory authorities where noncompliance crosses regulatory responsibilities**

Aviation is a global activity and it is essential for regulatory authorities to collaborate to address non compliances by individuals or organisations operating in locations other than the State of the regulator.

## Formal Enforcement

A4 Audit findings will be made where non compliances are identified. Other than for airworthiness surveys<sup>17</sup>, these will be categorised as follows:

- **Level 1** - major safety finding. Where we determine that the level of compliance and/or safety performance of an organisation or individual has fallen to the extent that there is a potential or significant risk to flight safety, a Level 1 finding will be made. We will take action in accordance with the relevant regulation, which may result in provisional or substantive suspension or variation of the approval, or a proposal to revoke the approval. We may also consider the need for possible prosecution. Corrective action will be required before any suspension is lifted and before the activity giving rise to the finding is recommenced.

---

<sup>17</sup> Findings related to airworthiness surveys will not be categorised as they require to be resolved to our acceptance to support the issuance of a Certificate of Airworthiness.



- **Level 2** – minor safety finding. This action may be taken where we identify a non-compliance with a regulation but determine that the nature of that non-compliance is such that there is no immediate risk to safety. We will require the organisation or individual to develop an action plan acceptable to us that will restore compliance within an agreed timescale.

- A5 Where a regulated organisation or person needs to demonstrate that it can achieve and/or maintain a satisfactory standard of compliance we may identify it as requiring ‘Special Attention’ and therefore be subject to increased regulatory oversight. This may apply where we have safety concerns or when there are large complex developments or significant operational changes planned or underway. The ‘special attention’ notification may be lifted if the person or organisation’s actions address our concerns. However, if the situation continues to deteriorate, it is likely that further non-compliance findings will be made, which may result in the organisation/person being placed ‘on notice’.
- A6 We may notify a regulated organisation or person that they are ‘on notice’ when we have reason to believe that their safety compliance and/or performance is deteriorating and that, unless this trend is corrected, it will result in the organisation/person falling below the level of safety required for an approval to remain valid. Examples could be where an organisation has been subject to repeated findings, has failed to address findings in the agreed timescale or does not have an effective Safety Management System. The organisation or person will be subject to increased monitoring and will need to provide us with an acceptable corrective action plan. We will expect to detect an improvement in safety compliance and/or performance as the organisation/person continues to be monitored. The ‘on notice’ notification may be lifted if the organisation or person’s actions address our concerns. However, if the situation continues to deteriorate, it is likely that non-compliance findings will be made, which may result in our taking action to vary, suspend or revoke the approval of the organisation or person.
- A7 Where a non-compliance gives rise to an unacceptable loss of safety, we will take action to suspend, or vary the certificate, licence or approval. Variation means that, although the overall approval remains current, some specific function(s) within the approval may be suspended until such time as the issue is resolved. Suspension or variation is a temporary measure and will be appropriate where the organisation or individual is thought likely to return to compliance within the foreseeable future.
- A8 We will consider investigation with a view to prosecution whenever there is an alleged breach of the law, particularly when there has been a serious breach of the regulation or deliberate criminal action is suspected. A decision as to whether or not to prosecute will be taken when we are satisfied that a decision to prosecute would comply with the [Prosecution Code](#) issued by Her Majesty’s Attorney General for the Isle of Man.

---

## Annex B – MoU between DfE and IOM CAA/IOMAR

### Memorandum of Understanding between the Department for Enterprise and the Isle of Man Civil Aviation Administration & Isle of Man Aircraft Registry

This Memorandum of Understanding (MOU) is intended to clarify the relationship between the Department for Enterprise (“Department”) and the Isle of Man Civil Aviation Administration (IOM CAA) and Isle of Man Aircraft Registry (IOMAR), setting out the expectations of both parties. This MOU is a framework document only and does not convey legal powers or responsibilities. However, the MOU does recognise the fundamental principle that the IOM CAA & IOMAR be allowed to function as independent aviation safety regulators, free of political or economic influence and as entirely separate Departmental entities to the IOM Government service providers that they regulate (e.g. DOI sponsored IOM airport).

The Department’s role as sponsoring Department is to:

- Provide the budget and resources to permit the IOM CAA & IOMAR to operate as an independent aviation safety regulator, registrar and to oversee an international aircraft register;
- Provide shared services support including but not limited to: finance; payroll; buildings; IT; HR, *et al*;
- Provide Ministerial and Departmental representation in the House of Keys, the Court of Tynwald and wider IOM Government;
- Communicate Council of Ministers or Department decisions and policies;
- Advise the Director of Civil Aviation (DCA) on any Departmental matters that are likely to affect the IOM CAA & IOMAR;
- Mutually agree an operating budget for the IOM CAA & IOMAR;
- Mutually agree strategic goals for each reporting year for the IOM CAA & IOMAR;
- Provide PR support to appropriately market IOMAR in a competitive international environment.

The IOM CAA & IOMAR’s role as an independent aviation safety regulator and registrar is to:

- Operate the IOM CAA & IOMAR in accordance with the Standards and Recommended Practices (SARPs) promulgated by the International Civil Aviation Organisation (ICAO) and relevant international, European, UK, IOM law and best practice;
- Maintain a comprehensive framework of national aviation related legislation;
- Maintain appropriate, balanced, proportionate and timely regulatory oversight of the Isle of Man: airspace; air traffic service provision; aviation security; airport operations; and certain IOM Post Office activities.
- Register and subsequently provide regulatory oversight of aircraft on the ‘M’ register in accordance with ICAO SARPs and relevant international, European, UK, IOM law and best practice;
- Maintain appropriate and timely liaison with the UK Department for Transport (UK DfT) in accordance with the current MOUs on safety and security;

- The IOM CAA & IOMAR are not responsible for the creation and development of an Island aviation industry and job opportunities therein - the role is solely one of independent aviation safety regulator and registrar. However the DCA (or appropriately nominated Deputy or representative) may assist and advise the Department in aviation matters where appropriate.

In addition, IOM CAA & IOMAR as a Division of the Department will be responsible for:

- The well-being; Health & Safety; learning & development; and performance monitoring of its own staff members in line with IOM Government and Department policies.
- Compliance with Treasury Financial Regulations and effective management of its own budget and financial matters.
- Compliance with Information Governance requirements and effective management of its own data, data security and IT systems in accordance with relevant legislation and best practice.

### Communication

In order to ensure effective communication and to provide reassurance to the Department that the IOM CAA & IOMAR continue to meet ICAO SARPs and statutory obligations, regular meetings should take place at both Officer and Chief Executive level.

- The Minister (and/or Political Member) with responsibility for the IOM CAA & IOMAR and the DCA (or appropriately nominated Deputy or representative) shall meet periodically:
  - To permit the execution of duties under legislation;
  - Provide political interface between the Department and IOM CAA & IOMAR;
  - Ensure that the Department is briefed in a timely and appropriate manner on the activities of the IOM CAA & IOMAR;
  - Discuss any areas of mutual concern and current issues;
  - Ensure awareness of overall IOM Government policy direction;
  - To report to the Department any matters relevant to its sponsoring role in respect of the IOM CAA & IOMAR and to convey any relevant information arising from the Department to the IOM CAA & IOMAR.
- The Chief Executive and DCA (or appropriately nominated Deputy or representative) shall meet with appropriate frequency to ensure that timely and effective communication is achieved and any relevant strategic goals/budgets/performance indicators are reviewed.
- The DCA may be requested to attend Department meetings 'by exception' to report on relevant matters and discuss any areas of concern.
- The Department will take forward any matters or proposals on behalf of the IOM CAA & IOMAR to the Council of Ministers and to be laid before Tynwald.
- Ad hoc meetings will be held as required.

### **Additional Meetings**

The Department and the IOM CAA & IOMAR have the right to call additional liaison meetings to discuss any issues which relates to governance and accountability or other matters of importance.

### **Copies of documents and access to information**

The IOM CAA & IOMAR will provide the following briefing documents and information to the Department at the frequency set out below:

- Quarterly performance indicators and budget/financial position updates;
- Annual Risk Register;
- Annual Report and Accounts.

Copies of the IOM CAA & IOMAR strategic reviews and business plans shall be made available for review by the Department on request.

The Department is entitled to request any such documents or information from the IOM CAA & IOMAR that it considers necessary to enable to Department to perform its duties and responsibilities under the various Acts, within the bounds of Data Protection legislation.

Minutes of all formal meetings between the IOM CAA & IOMAR and the Department shall be agreed jointly, circulated as soon as they are prepared and approved at the following meeting.