



**Isle of Man**  
CIVIL AVIATION ADMINISTRATION

# **Aeroplane Noise Regulations 1999**

(as amended and as applied to the Isle of Man)

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## Amendment Record

Version	Date	Details
1	August 2017	
2	Dec 2017	Change in interpretation of "the Department" resulting from the Transfer of Functions (Economic Development and Education) Order 2017 (SD 2017/0325)

## Foreword

1. This document has been prepared to provide stakeholders with an easy reference working copy of the Aeroplane Noise Regulations 1999 'as amended' and 'as applied to the Isle of Man'. It is edited by the Isle of Man Civil Aviation Administration. However, Courts of Law will refer only to the source regulatory material.
2. The document content is compiled from the following regulations:
  - (a) Isle of Man Statutory Document No 909/06 – The Civil Aviation (Subordinate Legislation) (Application) Order 2006.
  - (b) UK Statutory Instrument 1999 No 1452 – The Aeroplane Noise Regulations 1999.
  - (c) UK Statutory Instrument 1999 No 2253 – The Aeroplane Noise (Amendment) Regulations 1999.
  - (d) UK Statutory Instrument 2004 No 1256 - EC/Swiss Air Transport Agreement (Consequential Amendments) Regulations 2004.
3. This document will be updated regularly to take into account further amendments.



1. Citation and commencement

These Regulations may be cited as the Aeroplane Noise Regulations 1999.

2. *[omitted]*

3. Interpretation

In these Regulations -

**"accepted"** in relation to a certificate of airworthiness means an application made to the Department for such a certificate or for the modification of such a certificate which the Department has not rejected;

**"aeroplane"** means an aeroplane in respect of which a certificate of airworthiness is in force;

**"air carrier"** means an air transport undertaking with a valid operating licence;

**"authorised person"** means any constable and any person authorised by the Department (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

**"the CAA"** means the Civil Aviation Authority;

**"certificate of airworthiness"** has the same meaning as in article 155(1) of the Air Navigation Order 2005;

**"Community air carrier"** means an air carrier with a valid operating licence granted by a member State or EEA State [or Switzerland] in accordance with Council Regulation (EEC) No. 2407/92 of 23 July 1992 on licensing air carriers, as that Regulation has effect in accordance with the EEA Agreement, [as amended by the Decision of the EEA Joint Committee No. 7/94 of 21st March 1994, and in accordance with the Decision of the Council, and of the Commission as regards the Agreement on Scientific and Technological co-operation, of 4th April 2002 on the conclusion of seven Agreements with the Swiss Confederation, in so far as it applies to the Agreement between the European Community and the Swiss Confederation on Air Transport];

**"the Convention"** means the Convention on International Civil Aviation signed on behalf of the United Kingdom at Chicago on 7th December 1944;

**"the 1989 Council Directive"** means Council Directive 89/629/EEC of 4th December 1989 on the limitation of noise emission from civil subsonic jet aeroplanes;

**"the 1992 Council Directive"** means Council Directive 92/14/EEC of 2 March 1992 on the limitation of the operation of aeroplanes covered by Part II, Chapter 2, Volume 1 of Annex 16 as amended by Council Directive 98/20/EC of 30 March 1998;

**"the Department"** means the Department for Enterprise;

**"derived version"** means a modification of a prototype aeroplane which, from the point of view of airworthiness, is similar to the prototype but incorporates changes in type design which may affect its noise characteristics adversely;

**"EEA Agreement"** means the Agreement on the European Economic Area signed at Oporto on 2nd May 1992 as adjusted by the Protocol signed at Brussels on 17th March 1993;

**"EEA State"** means a State, other than a member State, which is a Contracting Party to the EEA Agreement;

**"noise certificate"** means a document issued or validated by a State or by a competent authority of a State attesting noise certification in respect of an aeroplane either by way of a separate certificate or a statement contained in another document approved by the State of registry of the aeroplane and required by that State to be carried in the aeroplane;

**"operating licence"** means an authorisation granted to an undertaking permitting it to carry out carriage by air of passengers, mail and/or cargo for remuneration and/or hire;

**"overseas departments"** has the same meaning as in article 2.3 of the 1992 Council Directive;

**"total civil subsonic jet fleet"** in relation to a Community air carrier means the total aircraft fleet of civil subsonic jet aeroplanes at the disposal of that carrier, through ownership or any form of lease agreement of not less than one year;

**"Volume 1 of Annex 16/1981"** means the first edition - 1981 of Volume 1 of Annex 16 to the Convention;

**"Volume 1 of Annex 16/1988"** means the second edition - 1988 of Annex 16 to the Convention.

#### 4. Noise certificate requirements for Isle of Man registered propeller driven aeroplanes

(1) This regulation shall apply to any civil propeller-driven aeroplane registered in the Isle of Man and falling within one of the categories set out in Volume 1 of Annex 16/1981.

(2) Subject to regulation 6, an aeroplane to which this regulation applies shall not be used in the Isle of Man or the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the Department certifying that -

(a) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane to which subparagraphs (e), (f) or (g) applies, which in the opinion of the Department —

- (i)
  - (a) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness before 6 October 1977, or
  - (b) conforms to a derived version of such a prototype aeroplane, and
- (ii) was first issued with a certificate of airworthiness on or after 26 November 1981,

the aeroplane meets the standards specified in Part II, Chapter 2 of Volume I of Annex 16/1988, less sections 2.1 and 2.4.2 of that Chapter;

- (b) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane described in section 6.1.1 of Part II of Volume 1 of Annex 16/1988 and other than an aeroplane to which sub-paragraph (h) applies, which in the opinion of the Department -

- (i) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 1 January 1985 and before 17 November 1988, or

- (ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane meets the standards specified in Part II, Chapter 3 of Volume I of Annex 16/1988;

- (c) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 9,000 kilograms which in the opinion of the Department -

- (i) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 17 November 1988, or

- (ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane meets the standards specified in Part II, Chapter 3 of Volume I of Annex 16/1988;

- (d) in the case of an aeroplane with a maximum certificated take-off mass which exceeds 5,700 kilograms, other than an aeroplane to which sub-

paragraphs (f), (g) or (h) applies, which in the opinion of the Department -

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 6 October 1977 and before 1 January 1985, or

(ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane meets the standards specified in Part II, Chapter 5 of Volume I of Annex 16/1988;

(e) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the Department -

(i)

(a) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness before 1 January 1975, or

(b) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the CAA in the United Kingdom accepted an application to modify the certificate of airworthiness for the prototype before 17 November 1988, and

(ii) was either first issued with a certificate of airworthiness on or after 1 January 1980 or first registered in the United Kingdom on or after that date,

the aeroplane meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;

(f) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the Department -

(i) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, or

(ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the CAA in the United Kingdom accepted an application to modify the



certificate of airworthiness for the prototype on or after 1 January 1975 and before 17 November 1988,

the aeroplane meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988,

- (g) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms which in the opinion of the Department -
  - (i) conforms to a derived version of a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, and
  - (ii) in respect of which the CAA in the United Kingdom accepted an application to modify the certificate of airworthiness for the prototype on or after 17 November 1988,

the aeroplane meets the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988;

- (h) subject to sub-paragraph (i), in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms and which in the opinion of the Department -
  - (i) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 17 November 1988, or
  - (ii) conforms to a derived version of such a prototype aeroplane,

the aeroplane, meets the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988;

- (i) in the case of an aeroplane with a maximum certificated take-off mass which does not exceed 9,000 kilograms and which in the opinion of the Department -
  - (i) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 17 November 1998 and before 17 November 1993, or
  - (ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the CAA in the United Kingdom accepted an application to modify the certificate of airworthiness for the prototype on or after 17 November 1988 and before 17 November 1993,

the aeroplane, if it is unable to meet the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988, meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;

- (j) in the case of any other aeroplane, the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapters 2, 5 or 6 of Volume 1 of Annex 16/1981.

5.

- (1) Subject to paragraph (3), this regulation shall apply to any civil propeller-driven aeroplane with a maximum certificated take-off mass not exceeding 5,700 kilograms registered in the Isle of Man and not falling within one of the categories set out in Volume 1 of Annex 16/1981.
- (2) Subject to regulation 6, an aeroplane to which this regulation applies shall not be used in the Isle of Man or the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the Department certifying -

- (a) in the case of an aeroplane which in the opinion of the Department -

- (i) conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, or
- (ii) conforms to a derived version of such a prototype aeroplane being a derived version in respect of which the CAA in the United Kingdom accepted an application to modify the certificate of airworthiness for the prototype on or after 1 January 1975 and before 17 November 1988,

that the aeroplane meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;

- (b) in the case of an aeroplane which in the opinion of the Department -

- (i) conforms to a derived version of a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 1 January 1975 and before 17 November 1988, and
- (ii) in respect of which the CAA in the United Kingdom accepted an application to modify the certificate of airworthiness for the prototype on or after 17 November 1988,

the aeroplane meets the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988;

- (c) in the case of an aeroplane which in the opinion of the Department conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 17 November 1988 or conforms to a derived version of such a prototype aeroplane, that the aeroplane, meets the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988;
  - (d) in the case of an aeroplane which in the opinion of the Department conforms to a prototype aeroplane being a prototype in respect of which the CAA in the United Kingdom accepted an application for a certificate of airworthiness on or after 17 November 1988 and before 17 November 1993 or conforms to a derived version of such a prototype aeroplane, the aeroplane, if it is unable to meet the standards specified in Part II, Chapter 10 of Volume I of Annex 16/1988, meets the standards specified in Part II, Chapter 6 of Volume I of Annex 16/1988;
  - (e) in the case of any other aeroplane, the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapter 6 of Volume 1 of Annex 16/1981.
- (3) This regulation shall not apply to -
- (a) any aeroplane not satisfying the applicable requirements for noise certification when it can be equipped to those standards provided that -
    - (i) suitable conversion equipment exists for the aeroplane type in question,
    - (ii) aeroplanes fitted with such equipment are capable of achieving the standards required for noise certification,
    - (iii) such equipment is available,
    - (iv) the operator has ordered the equipment, and
    - (v) such equipment is fitted within two years from the date of registration in the Isle of Man, or
  - (b) any aeroplane which has been used before 1st July 1979 by a Community air carrier under a hire purchase or leasing contract concluded by that date, and which for this reason, has been registered in a State other than that in which it is used, or
  - (c) any aeroplane of historic interest.

6. Exemptions for Isle of Man registered propeller driven aeroplanes
  - (1) After consultation with the Secretary of State the Department may grant an exemption from the requirements of paragraph (2) of regulation 4 or paragraph (2) of regulation 5 to permit, in exceptional individual cases, temporary use in the Isle of Man of aeroplanes which could not otherwise lawfully be operated on the basis of those regulations.
7. Noise certificate requirements for foreign registered propeller driven aeroplanes
  - (1) Subject to paragraphs (2) no civil propeller driven aeroplane registered otherwise than in the Isle of Man, Gibraltar or a member State or EEA State shall land or take-off in the Isle of Man unless there is in force in respect of that aeroplane a noise certificate granted by the competent authority of the State of registry on the basis of satisfactory evidence that the aeroplane complies with requirements which are at least as stringent as those which the aeroplane, were it on the register of the Isle of Man, would be required to meet by virtue of regulation 4 or 5.
  - (2) After consultation with the Secretary of State the Department may grant an exception from the requirements of paragraph (1) to permit, in exceptional cases, temporary use in the Isle of Man of aeroplanes which could not otherwise lawfully be operated on the basis of that paragraph.
8. Noise certificate requirements for civil subsonic jet aeroplanes
  - (1) Subject to paragraph (3), this regulation shall apply to any civil subsonic jet aeroplane registered in the Isle of Man and falling within one of the categories set out in Volume 1 of Annex 16/1981.
  - (2) Subject to regulation 25, an aeroplane to which this regulation applies shall not be used in the Isle of Man, the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the Department certifying that the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapters 2 or 3 of Volume 1 of Annex 16/1981.
  - (3) This regulation shall not apply to any aeroplane to which regulation 10 or 12, regulation 14 applies but it shall apply to any such aeroplane for the time being exempted from the requirements of any of those regulations if that aeroplane would otherwise fall within the description set out in paragraph (1).
9.
  - (1) Subject to paragraph (3), this regulation shall apply to any civil subsonic jet aeroplane registered in the Isle of Man.
  - (2) Subject to regulation 25, an aeroplane to which this regulation applies shall not be used in the Isle of Man, the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise

certificate granted by the Department certifying that the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 2, of Volume 1 of Annex 16/1981.

- (3) This regulation shall not apply to any aeroplane to which regulation 8, 10 or 12 or regulation 14 applies but it shall apply to any such aeroplane for the time being exempted from the requirements of paragraph (2) of regulation 10, paragraph (2) of regulation 12 or paragraph (2) of regulation 14 if that aeroplane would otherwise fall within the description set out in paragraph (1).

## 10.

- (1) Subject to paragraph (3), this regulation shall apply to any civil subsonic jet aeroplane, registered in the Isle of Man, which has a maximum take-off mass of more than 34,000 kilograms and a capacity of more than 19 seats and powered by engines having a by-pass ratio of less than 2.
- (2) Subject to regulations 21 and 22, an aeroplane to which this regulation applies shall not be operated in the Isle of Man, the territories of member States or EEA States [or Switzerland] unless there is in force in respect of that aeroplane a noise certificate granted by the Department certifying that the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 3, Volume 1 of Annex 16/1988.
- (3) This regulation shall not apply -
  - (a) to any aeroplane entered on the register of a member State or EEA State [or Switzerland] on 1st November 1990,
  - (b) to any aeroplane used only in the territories of the overseas departments,
  - (c) to any aeroplane to which regulation 14 applies.

## 11.

- (1) Subject to paragraph (2) no civil subsonic jet aeroplane which is registered otherwise than in the Isle of Man, the United Kingdom, Gibraltar or another member State or EEA State [or Switzerland] shall land or take-off in the Isle of Man unless there is in force in respect of that aeroplane a noise certificate granted by the competent authority of the State of registry certifying that the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 2, of Volume 1 of Annex 16/1981.  
Amended by SI 2004/1256
- (2) This regulation shall not apply to any aeroplane to which regulation 12, regulation 14 applies but it shall apply to any such aeroplane for the time being exempted from the requirements of either of those regulations if that aeroplane would otherwise fall within the description set out in paragraph (1).

12.

- (1) Subject to paragraph (3) and to regulation 13, this regulation applies to any civil subsonic jet aeroplane with a maximum take-off mass of 34,000 kilograms or more or with a certified maximum internal accommodation for the aeroplane type in question of more than 19 passenger seats, excluding any seats for crew only, and in either case fitted with engines having a by-pass ratio of less than 2.
- (2) Subject to regulations 20 and 22 to 25 an aeroplane to which this regulation applies shall not be operated at any airport in the Isle of Man unless there is in force in respect of that aeroplane a noise certificate granted, in the case of an aircraft registered in the Isle of Man by the Department, in the case of an aeroplane registered in the United Kingdom by the CAA, in the case of an aeroplane registered in Gibraltar by the competent authority for Gibraltar and in the case of an aeroplane registered elsewhere by the competent authority of the State of registry, certifying that the aeroplane meets either —
  - (a) the standards specified in Part II, Chapter 3, Volume 1 of Annex 16/1988, or
  - (b) the standards specified in Part II, Chapter 2, Volume 1 of Annex 16/1988, provided that the aeroplane was first issued an individual certificate of airworthiness less than 25 years before 1 April 1995.
- (3) This regulation shall not apply —
  - (a) to any aeroplane on the register of [Switzerland or] a member State or EEA State in respect of which there is in force an exemption granted by that State pursuant to articles 4 to 7 of the 1992 Directive,
  - (b) to any aeroplane on a register kept for Gibraltar in respect of which there is in force an exemption granted by Gibraltar pursuant to articles 4 to 7 of the 1992 Directive,
  - (c) *omitted*,
  - (d) to any aeroplane to which regulation 14 applies.

13.

- (1) Subject to paragraph (2), regulation 12 shall not apply in relation to any aeroplane listed in the Schedule to these Regulations insofar as -
  - (a) that aeroplane, having been granted noise certification to the standards specified in Part II, Chapter 2, Volume 1 of Annex 16/1988, operated into any airport in the territories of member States or EEA States [or Switzerland] in a twelve month reference period between 1986 and 1990 selected in conjunction with the States concerned, and

- (b) that aeroplane was on the register of the developing nation shown for that aeroplane in the Schedule to these Regulations in that twelve month reference period and continues to be used either directly or under any form of lease agreement by a natural or legal person established in that nation.

- (2) Paragraph (1) shall not apply in relation to an aeroplane listed in the Schedule to these Regulations where that aeroplane is leased to a natural or legal person who is not established in the developing nation shown for that aeroplane in the said Schedule.

## 14.

- (1) Subject to paragraph (3), this regulation applies to any civil subsonic jet aeroplane with a maximum take-off mass of 34,000 kilograms or more or with a certified maximum internal accommodation for the aeroplane type in question of more than 19 passenger seats, excluding any seats for crew only.
- (2) Subject to regulations 22 and 25, an aeroplane to which this regulation applies shall not be operated at any airport in the Isle of Man unless there is in force in respect of that aeroplane a noise certificate granted, in the case of an aircraft registered in the Isle of Man by the Department, in the case of an aeroplane registered in the United Kingdom by the CAA, in the case of an aeroplane registered in Gibraltar by the competent authority for Gibraltar and in the case of an aeroplane registered elsewhere by the competent authority of the State of registry, certifying that the aeroplane complies with requirements which meet the standards specified in Part II, Chapter 3, Volume 1 of Annex 16/1988.
- (3) This regulation shall not apply -
  - (a) to any aeroplane on the register of [Switzerland or] a member State or EEA State in respect of which there is in force an exemption granted by that State pursuant to article 5.2 of the 1992 Directive,
  - (b) to any aeroplane on a register kept for Gibraltar in respect of which there is in force an exemption granted by Gibraltar pursuant to article 5.2 of the 1992 Directive.

## 15. Content of noise certificates

The noise certificate referred to in regulations 4 and 5 and 7 to 9 shall provide at least the following information -

- (a) the State of registry and registration mark of the aeroplane,
- (b) the manufacturer's serial number,
- (c) the manufacturer's type and model designation,

- (d) a statement of any additional modifications incorporated for the purpose of compliance with the applicable noise certification standards,
- (e) the maximum mass at which compliance with the applicable noise certification standards has been demonstrated, and
- (f) for aeroplanes for which application or certification is submitted on or after 6 October 1977: the noise level or levels and their 90 per cent confidence limits at the reference point or points for which compliance with the applicable noise certification standards has been demonstrated.

## 16. Grant of noise certificates by the Department

- (1) The Department shall grant a noise certificate in respect of any aeroplane registered in the Isle of Man to which these Regulations apply if it is satisfied on the basis of satisfactory evidence that the aeroplane complies with the standard specified for that aeroplane in these Regulations.
- (2) For the purposes of determining the standard applicable to an aeroplane to which regulation 4 or 5 applies where the interval between -
  - (a) the application for a certificate of airworthiness for a prototype aeroplane and the first issue of a certificate for an aeroplane of that type; or
  - (b) the application to modify a certificate of airworthiness for a prototype aeroplane and the first issue of a certificate for an aeroplane of that type as modified,

exceeds 5 years, the date on which the application was made shall be deemed to be 5 years before the date of the first issue of the certificate.

- (3) The Department shall grant every noise certificate subject to a condition as to the maximum total weights at which the aeroplane may land or take-off and may grant such a certificate subject to such other conditions relating to standards as to noise as it thinks fit.
- (4) Subject to paragraph (5) and regulation 17 a noise certificate granted by the Department under these Regulations shall remain in force without limit of time.
- (5) A noise certificate granted by the Department under these Regulations shall cease to be sufficient -
  - (a) at such time as the aeroplane or any part of it is modified, in any way which affects the ability of the aeroplane to comply with the noise standard required by these Regulations, otherwise than in a manner and with material of a type approved by the Department either generally or in relation to a class of aeroplane or to a particular aeroplane, and



- (b) until the completion of any inspection or test of the aeroplane required by the Department to be made, which shows that the aeroplane complies with the noise standard required by these Regulations.

17. Suspension and revocation of noise certificates and exemptions by the Department

- (1) The Department may, if it thinks fit, provisionally suspend or vary any noise certificate or provisionally suspend any exemption granted by it under these Regulations pending inquiry into or consideration of the case. The Department may, after sufficient ground being shown to its satisfaction after due inquiry, revoke or vary any such certificate or revoke any such exemption.
- (2) The holder or any person having the possession or custody of any noise certificate or exemption which has been revoked by the Department under these Regulations shall surrender it to the Department within a reasonable time after being required to do so by it.
- (3) The breach of any condition subject to which any noise certificate has been granted by the Department under these Regulations shall render the certificate invalid during the continuance of the breach.

18. Carriage and production of noise certificate

- (1) An aeroplane to which regulation 4, 5, 8, 9 or 10 applies shall not be used in the Isle of Man or the territories of member States or EEA States [or Switzerland] unless the noise certificate required by these Regulations to be in force in respect of that aeroplane is carried on board the aeroplane.
- (2) An aeroplane to which regulation 7, 11, 12 or 14 applies shall not take off from or land in the Isle of Man unless the noise certificate required by these Regulations to be in force in respect of that aeroplane is carried on board the aeroplane.
- (3) The commander of an aeroplane shall, within a reasonable time after being requested to do so by the Department or an authorised person, cause to be produced to the Department or that person the noise certificate in force in respect of that aeroplane.

19. Recognition of noise certificates and exemptions issued by other member States or EEA States

- (1) A noise certificate granted by the competent authority of [Switzerland or] a member State or EEA State ... attesting noise certification in respect of an aeroplane registered in the territory of that State to the effect that the aeroplane complies with requirements which are at least equal to the applicable standards specified in Part II, Chapters 2, 3, 5 or 6 of Volume I of Annex 16/1981 shall be recognised as valid.



- (2) Exemptions granted by [Switzerland or] a member State or EEA State pursuant to article 4 or 5 of the 1989 Council Directive shall be recognised as valid.

## 20. Exemption for jet aeroplanes subject to conversion

The Department shall grant an exemption from the requirements of paragraph (2) of regulation 12 in relation to any aeroplane which does not meet the standards of Chapter 3 of Volume 1 of Annex 16/1988 but which can be altered to meet those standards provided that -

- (a) suitable conversion equipment exists and is actually available for the aeroplane type in question,
- (b) aeroplanes fitted with such equipment meet the standards of Chapter 3 of Volume 1 of Annex 16/1988,
- (c) the equipment was ordered by 1st April 1994, and
- (d) the earliest delivery date for such alterations was accepted.

## 21. Exemption where jet aeroplanes accidentally destroyed

- (1) After consultation with the Secretary of State, the Department may grant an exemption from the requirements of paragraph (2) of regulation 10 in relation to an aeroplane which replaces one which has been accidentally destroyed provided that the requirements contained in paragraph (2) are satisfied.
- (2) The requirements referred to in paragraph (1) are that -
  - (a) the operator is unable to replace the aeroplane accidentally destroyed with a comparable aeroplane -
    - (i) which is available on the market, and
    - (ii) in respect of which there is in force a noise certificate certifying that the aeroplane meets the standards referred to in paragraph (2) of regulation 10, and
  - (b) the registration of the replacement aeroplane in the Isle of Man is carried out within one year of the date on which the replaced aeroplane was accidentally destroyed.

## 22. Exemption for jet aeroplanes of historical interest

After consultation with the Secretary of State, the **Department** may grant an exemption from the requirements of paragraph (2) of regulation 10, paragraph (2) of regulation 12 or paragraph (2) of regulation 14 in relation to any aeroplane of historical interest.

23. Exemption where air carrier's operations adversely affected to an unreasonable extent

After consultation with the Secretary of State, the Department may grant an exemption from the 25 year period specified in regulation 12(2)(b) for not more than three years in total in relation to any aeroplane in respect of which an air carrier demonstrates that the pursuit of its operations would otherwise be adversely affected to an unreasonable extent.

24. *[omitted]*

25. Temporary exemption for jet aeroplanes

- (1) After consultation with the Secretary of State, the Department may grant an exemption from the requirements of paragraph (2) of regulation 8 or paragraph (2) of regulation 9 to permit, in exceptional individual cases, temporary use in the Isle of Man of aeroplanes which could not otherwise lawfully be operated on the basis of that regulation.
- (2) Subject to paragraph (3), after consultation with the Secretary of State, the Department may grant an exemption from the requirements of paragraph (2) of regulation 12 or paragraph (2) of regulation 14 to permit the temporary use at any airport situated in the Isle of Man of any aeroplane which could not otherwise lawfully be operated on the basis of regulations 12, 14 or 22.
- (3) The Department shall not grant such an exemption under paragraph (2) unless -
  - (a) the operations of the aeroplane are of such an exceptional nature that it would be unreasonable to withhold such an exemption; or
  - (b) the aeroplane is being operated on a non-revenue flight for the purposes of alterations, repair or maintenance.

26. *Omitted.*

27. Department's duty in relation to exemptions

- (1) *Omitted.*
- (2) If the Department grants an exemption under regulation 21 or under regulation 22 relating to the requirements in paragraph (2) of regulation 10 or suspends or revokes such an exemption the Department shall notify the CAA so that the CAA may inform the Commission and the competent authorities of the member States and EEA States [and Switzerland] of that fact.
- (3) If the Department grants an exemption under any provision in regulation 20, 22 (insofar as that regulation relates to the requirements in paragraph (2) of regulation 12 or paragraph (2) of regulation 14) or 23 or suspends or revokes such an exemption it shall notify the CAA so that the CAA may inform the

Commission and the competent authorities of the member States and EEA States [and Switzerland] of that fact and of the grounds for its decision.

## 28. Power to prevent aeroplanes flying

Where the **Department** or an authorised person has reason to believe that an aeroplane is intended to be operated by any person without the noise certificate required to be in force in respect of that aeroplane the **Department** or the authorised person may -

- (a) give to the person appearing to the **Department** or the authorised person to be in command of the aeroplane a direction that he shall not permit the aeroplane to take off until the **Department** or the authorised person has informed him that the direction is cancelled,
- (b) whether or not the **Department** or the authorised person has given such a direction, detain the aeroplane until the **Department** or the authorised person is satisfied that the aeroplane will not be so operated,

and a person, who, without reasonable excuse, fails to comply with a direction given to him in pursuance of this regulation shall be guilty of an offence.

## 29. Right of access to airports and other places

- (1) Subject to paragraph (2), for the purposes of ascertaining whether the provisions of these Regulations are being complied with, the **Department** and any authorised person, upon production (if required) of his credentials, shall have the right of access at all reasonable times to any airport or any other place in the **Isle of Man** where an aeroplane has landed for the purpose of inspecting that aeroplane or any noise certificate required to be in force in respect of that aeroplane or for the purpose of detaining that aeroplane under regulation 28.
- (2) *Omitted.*
- (3) Any person who intentionally obstructs or impedes any person acting in the exercise of his powers or the performance of his duties under this regulation shall be guilty of an offence.

## 30. Circumvention

- (1) This regulation shall apply to any civil subsonic jet aeroplane not registered in the Isle of Man or any member State or EEA State [or Switzerland] which has a maximum take-off mass of more than 34,000 kilograms and a capacity of more than 19 seats, powered by engines having a by-pass ratio of less than 2 and for which there is not in force a noise certificate certifying that the aeroplane complies with requirements which are at least equal to the standards specified in Part II, Chapter 3, Volume 1 of Annex 16/1988.

- (2) An aeroplane to which this regulation applies shall not be operated in the Isle of Man if its operation would have the effect of circumventing regulation 10(2).
- (3) Any person who agrees any form of leasing agreement which has the effect referred to in paragraph (2) shall be guilty of an offence.

## 31. Penalties

- (1) If any provision of these Regulations is contravened in relation to an aeroplane the operator of that aeroplane and the commander thereof shall (without prejudice to the liability of any other person under these Regulations for that contravention) be deemed for the purposes of the following provisions of this regulation to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.
- (2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of these Regulations was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.
- (3) If any person contravenes regulation 18 he shall be liable on summary conviction to a fine not exceeding £1,000.
- (4) If any person contravenes any other provision of these Regulations, he shall be liable on summary conviction to a fine not exceeding £2,500.

## 32. Liability of persons other than principal offender

- (1) Where an offence under these Regulations has been committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of any director, manager, secretary or other similar officer of the body corporate or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and be liable to be proceeded against and punished accordingly.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the body corporate.