



**Isle of Man**  
CIVIL AVIATION ADMINISTRATION

# **Air Navigation (Environmental Standards) Order 2002**

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

Contents

**Table of Contents**

Contents	i
Amendment Record.....	iii
Foreword	iii
PART I - Preliminary .....	1
1. Citation and commencement.....	1
3. Interpretation .....	1
PART II - Noise Certification.....	2
4. Requirement for noise certificate .....	2
5. Issue of noise certificate by the Department and validity of noise certificate....	2
6. Information to be included in flight manual .....	4
7. Exemptions in respect of Part II of this Order .....	4
PART III - Emissions Certification .....	4
8. Fuel venting requirements .....	4
9. Smoke emission requirements.....	4
10. Unburned hydrocarbons, carbon monoxide and oxides of nitrogen emission requirements .....	5
11. Emissions certification .....	6
12. Exceptions to requirement to be certified .....	6
13. Exemptions in respect of Part III of this Order.....	6
PART IV - Carriage, Production and Revocation of Noise Certificate.....	7
14. Noise certificate to be carried.....	7
15. Production of noise certificate .....	7
16. Revocation, suspension and variation of noise certificate .....	7
PART V - Offences, Penalties and General .....	8
17. Offences in relation to noise certificates and emissions certification .....	8
18. Power to prevent aircraft flying .....	8
19. Right of access to aerodromes and other places .....	8
20. Obstruction of persons .....	8
21. Penalties .....	9
22. Liability of persons other than principal offender.....	9
23. Application of the Order to the Crown and visiting forces.....	9



24.	Extra-territorial effect of the Order .....	10
25.	Acceptance of reports.....	10
SCHEDULE 1 11		
SCHEDULE 2 11		

## 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 Air Navigation (Environmental Standards) Order 2002 '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 2002 No 798 – The Air Navigation (Environmental Standards) Order 2002.
3. This document will be updated regularly to take into account further amendments.



## PART I - Preliminary

### 1. Citation and commencement

This Order may be cited as the Air Navigation (Environmental Standards) Order 2002.

### 2. *[omitted]*

### 3. Interpretation

#### (1) In this Order -

**"adversely"** means, for the purpose of the definition of "derived version" an increase by more than 0.3dB to any one of the noise certification levels;

**"aircraft type certificate"** means a certificate indicating that the type of aircraft to which the certificate refers is acceptable for airworthiness certification;

**"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 Department"** means the Department of Economic Development;

**"derived version"** means an aircraft which, from the point of view of airworthiness, is similar to the aircraft in respect of which a noise type certificate has been granted but incorporates changes in type design which may affect its noise characteristics adversely;

**"jet aeroplane"** means an aeroplane powered by turbo jet engines or turbo fan engines;

**"noise certificate"** means a certificate issued by the Department in accordance with article 5 or a certificate or other document issued or validated in accordance with article 4;

**"noise type certificate"** means a certificate indicating that the type of aircraft to which the certificate refers is acceptable for noise certification;

**"prescribed"** means prescribed by regulations made by the Department under this Order;

**"rated output"** has the meaning specified in Part I, Chapter 1 of Volume II of Annex 16;

**"smoke"** means the carbonaceous materials in exhaust emissions which obscure the transmission of light;

**"subsonic aeroplane"** means an aeroplane which is incapable of sustaining level flight at a speed in excess of flight mach 1.0;

**"supersonic aeroplane"** means an aeroplane which is capable of sustaining level flight at a speed in excess of flight mach 1.0;

**"Volume I of Annex 16"** means the third edition - July 1993 of Volume I of Annex 16 to the Chicago Convention as amended by Amendment 6 dated 4th November 1999;

**"Volume II of Annex 16"** means the second edition - July 1993 of Volume II of Annex 16 to the Chicago Convention as amended by Amendment 3 dated 20th March 1997, Amendment 4 dated 4th November 1999, Supplement dated 31st December 1994 and Amendment to Supplement dated 25th March 1999.

- (2) Other expressions used in this Order and in the Air Navigation Order 2005 shall have the same meaning in this Order as they have in that Order.

## PART II - Noise Certification

### 4. Requirement for noise certificate

- (1) This article shall apply to every aircraft of a description specified in column 1 of the Table in Schedule 2.

- (2) An aircraft to which this article applies shall not land or take off in the Isle of Man unless:

- (a) there is in force in respect of that aircraft a noise certificate:
  - (i) issued by the Department in accordance with article 5; or
  - (ii) *[omitted]*
  - (iii) issued or validated by the competent authority of the Contracting State in which the aircraft is registered in accordance with the Chicago Convention; and
- (b) any conditions subject to which the certificate was issued or validated are complied with.

- (3) The foregoing prohibition shall not apply to:

- (a) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in Schedule 2 to the Air Navigation (Isle of Man) Order 2007; or
- (b) an aircraft landing or taking-off at a prescribed place.

### 5. Issue of noise certificate by the Department and validity of noise certificate

(1)

- (a) The Department shall issue a noise certificate in respect of any aircraft registered in the Isle of Man described in Column 1 of the Table in Schedule 2 if it is satisfied that the aircraft complies with the applicable standards specified or referred to in Column 2 of that Table in relation to the noise made by the aircraft.
- (b) For the purposes of sub-paragraph (a) the applicant for a certificate shall furnish such evidence and submit the aircraft to such flying trials and other tests as the Department may require.

(2) The Department shall issue every noise certificate subject to a condition as to the maximum total weights at which the aircraft may land or take-off and may issue such a certificate subject to such other conditions relating to standards as to noise as it thinks fit.

(3) Subject to paragraph (4) and article 16, a noise certificate issued under this article shall remain in force without limit of time.

(4) A noise certificate issued under this article shall cease to be valid for the purposes of article 4:

- (a) if the aircraft or any part of it is modified in any way which affects the ability of the aircraft to comply with the noise standards required by this Order, except if such modification is in a manner and with material of a type approved by the Department for the purposes of this Part of this Order either generally or in relation to a class of aircraft or to a particular aircraft;
- (b) until the satisfactory completion of any inspection or test of the aircraft required by the Department to be made for the purpose of ascertaining whether the aircraft continues to comply with the noise standards required by this Order.

(5) For the purposes of determining the noise standard applicable to an aircraft where the interval between:

- (a) the application for a type certificate and the first issue of a certificate of airworthiness for an aircraft of that type, or
- (b) the application for a change of type design and the first issue of a certificate of airworthiness for an aircraft of that type as modified,

exceeds 5 years, the date on which the application for a type certificate or a change of type design was made shall, unless the Department in a particular case otherwise directs, be deemed to be 5 years before the date of the first issue of the certificate of airworthiness.



## 6. Information to be included in flight manual

- (a) This article shall apply to any aircraft registered in the Isle of Man in respect of which by virtue of this Order a noise certificate is required to be carried.
- (b) An aircraft to which this article applies shall not fly unless the flight manual in respect of that aircraft includes the information specified in Part II, Chapter 1 of Volume I of Annex 16.

## 7. Exemptions in respect of Part II of this Order

The Department, after consultation with the Secretary of State, may exempt from any of the provisions of this Part of this Order any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as it thinks fit.

## PART III - Emissions Certification

## 8. Fuel venting requirements

### (1) This article shall apply to -

- (a) every jet aircraft in respect of which a certificate of airworthiness was first issued on or after 18th February 1982; and
- (b) every aircraft to which paragraph (1)(a) does not apply but which is powered by one or more than one turbojet engine or turbofan engine where the date of manufacture of any such engine was on or after 18th February 1982.

(2) Subject to article 12, an aircraft to which this article applies shall not land or take-off in the Isle of Man unless it individually or is of a type which has been certified in accordance with article 11 as complying with the requirements relating to fuel venting specified in paragraph (3) and it is fitted with the engines specified in the emissions certification issued under article 11.

(3) The requirements referred to in paragraph (2) are that the aircraft is individually or is of a type which, when fitted with the type of engine specified in the emissions certification designed and constructed to prevent the intentional discharge into the atmosphere of liquid fuel from the fuel nozzle manifolds resulting from the process of engine shutdown following normal flight or ground operations.

## 9. Smoke emission requirements

### (1) This article shall apply to -

- (a) every subsonic aeroplane powered by one or more than one turbojet engine or turbofan engine where the date of manufacture of any such engine was on or after 1st January 1983; and



- (b) every supersonic aeroplane powered by one or more than one turbojet engine or turbofan engine where the date of manufacture of any such engine was on or after 18th February 1982.

(2) Subject to article 12, an aeroplane to which this article applies shall not land or take-off in the Isle of Man unless every engine of the description contained in paragraph (1) which is fitted to the aeroplane is of a type which has been certified in accordance with article 11 as complying with requirements relating to smoke emission specified in paragraph (3).

(3) The requirements referred to in paragraph (2) are -

- (a) for turbojet engines or turbofan engines fitted to subsonic aeroplanes those specified in Part III, Chapter 2 of Volume II of Annex 16; and
- (b) for turbojet engines or turbofan engines fitted to supersonic aeroplanes those specified in Part III, Chapter 3 of Volume II of Annex 16.

10. Unburned hydrocarbons, carbon monoxide and oxides of nitrogen emission requirements

(1) Subject to paragraph (4) this article shall apply to -

- (a) every turbojet engine and every turbofan engine intended for the propulsion of aeroplanes only at subsonic speeds the rated output of which is greater than 26.7 kilonewtons and the date of manufacture of which was on or after 1st January 1986;
- (b) every turbojet engine and every turbofan engine intended for the propulsion of aeroplanes at supersonic speeds, the date of manufacture of which was on or after 18th February 1982; and
- (c) every aeroplane which is powered by one or more than one turbojet engine or turbofan engine described in sub-paragraphs (a) or (b).

(2) Subject to paragraph (4) and article 12, an aeroplane to which this article applies shall not land or take-off in the Isle of Man unless every engine of the description contained in paragraph (1)(a) or paragraph (1)(b) which is fitted to the aeroplane is of a type which has been certified in accordance with article 11 as complying with the requirements specified in paragraph (3) relating to the emission of unburned hydrocarbons, carbon monoxide and oxides of nitrogen.

(3) The requirements referred to in paragraph (2) are -

- (a) for turbojet engines or turbofan engines intended for propulsion of aeroplanes only at subsonic speeds, the requirements specified in Part III, Chapter 2 of Volume II of Annex 16;



- (b) for turbojet engines or turbofan engines intended for propulsion of aeroplanes at supersonic speeds, the requirements specified in Part III, Chapter 3 of Volume II of Annex 16.

(4)

- (a) The Department may grant an exemption from the requirements referred to in paragraph (2) in respect of any engine manufactured after 31st December 1999 and in respect of which the Department is satisfied that not more than 50 engines of that type will be manufactured after that date;
- (b) An exemption granted in accordance with sub-paragraph (a) shall cease to be valid immediately upon a manufacturer producing more than 50 engines of the type in question after 31st December 1999.

## 11. Emissions certification

(1) Certification required by this Part of this Order shall be issued -

- (a) in the case of an aircraft registered in the Isle of Man by the Department in accordance with paragraph (2); or
- (b) in the case of any other aircraft by the competent authority of a Contracting State in which the aircraft is registered in accordance with the Chicago Convention.

(2) The Department shall certify a type of aircraft, turbojet engine, or turbofan engine if it is of the opinion that the type in question complies with the requirements specified in article 8(3), 9(3) or 10(3) as the case may be.

(3) The applicant for certification to be issued by the Department pursuant to paragraph (1)(a) shall furnish such evidence and subject aircraft or engines of a type in respect of which the application has been made to such tests as the CAA may require.

## 12. Exceptions to requirement to be certified

The requirement to be certified in accordance with this Part of this Order shall not apply to -

- (a) an aircraft flying in accordance with the "A Conditions" or the "B Conditions" set forth in Schedule 2 to the Air Navigation (Isle of Man) Order 2007; or
- (b) an aircraft landing or taking off at a prescribed place.

## 13. Exemptions in respect of Part III of this Order

The Department, after consultation with the Secretary of State, may exempt from any of the provisions of this Part of this Order any aircraft or engine or persons or classes of aircraft or engine or persons, either absolutely or subject to such conditions as it thinks fit.



#### PART IV - Carriage, Production and Revocation of Noise Certificate

##### 14. Noise certificate to be carried

(1) An aircraft shall not land or take-off in the Isle of Man unless it carries every noise certificate which it is required to carry under the law of the country in which it is registered other than any certificate which is required to be carried under regulation 18(1) or (2) of the Aeroplane Noise Regulations 1999.

(2)

(a) Subject to sub-paragraph (b), an aircraft registered in the Isle of Man shall, when in flight, carry every noise certificate which is required by this Order to be in force in respect of that aircraft.

(b) If the flight is intended to begin and end at the same aerodrome in the Isle of Man, the certificate may be kept at that aerodrome instead of being carried in the aircraft.

##### 15. Production of noise certificate

(1) Within a reasonable time after being requested to do so by the Department or an authorised person, the commander of an aircraft shall cause to be produced to the Department or that person every noise certificate in force in respect of that aircraft other than any certificate which may be required to be produced under regulation 18(3) of the Aeroplane Noise Regulations 1999.

(2) Within a reasonable time after being requested to do so by the Department or an authorised person, the operator of an aircraft shall cause to be produced to the Department or that person every noise certificate in force in respect of that aircraft other than any certificate which may be required to be produced under regulation 18(3) of the Aeroplane Noise Regulations 1999.

##### 16. Revocation, suspension and variation of noise certificate

(1) The Department may, if it thinks fit, provisionally suspend any noise certificate, exemption or other document issued under this Order pending inquiry into or consideration of the case.

(2) The Department may, after sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, exemption or other document.

(3) The holder or any person having the possession or custody of any noise certificate, exemption or other document which has been revoked, suspended or varied under this Order shall surrender it to the Department within a reasonable time after being required to do so by it.

(4) The breach of any condition subject to which any noise certificate, exemption or other document has been issued under this Order shall render the document invalid during the continuance of the breach.



## PART V - Offences, Penalties and General

### 17. Offences in relation to noise certificates and emissions certification

#### (1) A person shall not with intent to deceive -

- (a) use any noise certificate issued under this Order which has been revoked or suspended, or to which he is not entitled; or
- (b) lend any such certificate to, or cause or permit it to be used by, any other person; or
- (c) make any false representation for the purpose of procuring for himself or any other person the issue, renewal or variation of any such certificate or of emissions certification issued in accordance with article 11 of this Order.

#### (2) A person shall not purport to issue any noise certificate or emissions certification under this Order unless he has been authorised to do so by the Department.

### 18. Power to prevent aircraft flying

(1) If it appears to the Department or an authorised person that any aircraft is intended or likely to be flown in such circumstances that articles 4(2), 8(2), 9(2) or 10(2) would be contravened, the Department or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Department or by an authorised person, and, if the aircraft is in the Isle of Man, the Department or that authorised person may take such steps as are necessary to detain the aircraft.

(2) The operator or, as the case may be, the commander of an aircraft shall comply with any direction given to him pursuant to paragraph (1), unless he has reasonable excuse.

(3) For the purposes of paragraph (1), the Department or any authorised person may enter upon and inspect any aircraft.

### 19. Right of access to aerodromes and other places

(1) Subject to paragraph (2), for the purpose of ascertaining whether the provisions of this Order are being complied with, the Department and any authorised person shall have the right of access at all reasonable times to any aerodrome or any other place in the Isle of Man where an aeroplane has landed for the purpose of inspecting any aircraft or any document which it, or he, has power to demand under this Order, and for the purpose of detaining any aircraft under this Order.

### 20. Obstruction of persons

A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.



## 21. Penalties

(1) If any provision of this Order is contravened in relation to an aircraft the operator of that aircraft and the commander thereof shall (without prejudice to the liability of any other person under this Order for that contravention) be deemed for the purposes of the following provisions of this article 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 this Order 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 any provisions of this Order, not being a provision referred to in paragraph (4), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £1,000.

(4) If any person contravenes articles 4(2), 8(2), 9(2), 10(2), 17, 18(2) or 20 he shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5,000.

## 22. Liability of persons other than principal offender

(1) Where an offence under this Order 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.

## 23. Application of the Order to the Crown and visiting forces

(1) Subject to the following provisions of this article, the provisions of this Order shall apply to, or in relation to, aircraft belonging to or exclusively employed in the service of Her Majesty, as they apply to or in relation to other aircraft and for the purposes of such application the authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft.

(2) Nothing in this article shall render liable to any penalty any authority responsible on behalf of Her Majesty for the management of any aircraft.

(3) The naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Order to



the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving there.

(4) Nothing in this Order shall apply to or in relation to any military aircraft.

## 24. Extra-territorial effect of the Order

(1) Except where the context otherwise requires, the provisions of this Order -

- (a) insofar as they apply (whether by express reference or otherwise) to aircraft registered in the Isle of Man, shall apply to such aircraft wherever they may be;
- (b) insofar as they apply as aforesaid to other aircraft shall apply to such aircraft when they are within the Isle of Man;
- (c) insofar as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by the commander of any aircraft registered in the Isle of Man, shall apply to him wherever he may be; and
- (d) insofar as they prohibit, require or regulate as aforesaid the doing of anything in relation to any aircraft registered in the Isle of Man by other persons shall, where such persons are Commonwealth citizens, British protected persons or citizens of the Republic of Ireland, apply to them wherever they may be.

(2) Nothing in this article shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948 (which limits the criminal liability of citizens of certain countries) that that person shall not be guilty of an offence.

## 25. Acceptance of reports

The Department may, for the purposes of this Order, accept reports furnished to it by a person whom it may approve, either absolutely or subject to such conditions as it thinks fit, as qualified to furnish such reports.



SCHEDULE 1  
[omitted]

SCHEDULE 2  
(Articles 4 and 5)

TABLE

<i>(1) Description of Aircraft</i>	<i>(2) Relevant Standards</i>
<i>Supersonic aeroplanes</i>	
<p>(1) Subject to article 5(5) every supersonic aeroplane which in the opinion of the Department— (a) conforms to a type in respect of which the competent authority received an application for a type certificate before 1st January 1975 and did not reject that application and in respect of which a certificate was first issued on or after 26th November 1981; or (b) conforms to a derived version of such a type being an aeroplane in respect of which the competent authority received an application for a change to the type design before 1st January 1975 and did not reject that application and in respect of which the certificate of airworthiness for the individual aeroplane was first issued on or after 26th November 1981.</p>	<p>The noise made by the aeroplane shall be no greater than that made by the first certificated aeroplane of the type when the noise level of the aeroplane is determined in accordance with Appendix 1 of Volume 1 of Annex 16 in the noise certification reference conditions set out therein.</p>
<i>Helicopters</i>	
<p>(3) Subject to article 5(5) every helicopter which does not fall within paragraph (4) and which in the opinion of the Department—</p>	
<p>(a) conforms to a type in respect of which the competent authority received an application for a type certificate on or after 1st August 1986 and did not reject that application; or (b) conforms to a derived version of a helicopter, being a derived version in respect of which the competent authority received an application to change the type design on or after 1st August 1986 and did not reject that application.</p>	<p>Part II, Chapter 8 of Volume I of Annex 16.</p>



<p>(4) Subject to article 5(5) every helicopter having a maximum certificated take-off mass not exceeding 2730kg and which in the opinion of the Department -</p>	
<p>(a) conforms to a type first issued with a type certificate (whether in the United Kingdom or elsewhere) in respect of which the competent authority received an application for a type certificate on or after 1st July 1992 and did not reject that application; or (b) the change of type design was issued, where such a change may increase the helicopter's overflight noise level, on or after 1st July 1992.</p>	<p>Part II, Chapter 11 of Volume I of Annex 16.</p>