



Statutory Document No. 139/93

AIRPORTS AND CIVIL AVIATION ACT 1987

CIVIL AVIATION (SUBORDINATE LEGISLATION) (APPLICATION)
ORDER 1993

Approved by Tynwald 6th April, 1993

Coming into operation 12th April, 1993

In exercise of the powers conferred on the Department of Highways, Ports and Properties by section 11(1) of the Airports and Civil Aviation Act 1987 (a), and of all other powers enabling it in that behalf, and after consultation with the Secretary of State, the following Order is hereby made:-

Citation, commencement and amendment

1. (1) This Order may be cited as the Civil Aviation (Subordinate Legislation) (Application) Order 1993 and, subject to section 5(4) of the Airports and Civil Aviation Act 1987, shall come into force on 12th April, 1993.

(2) The public document mentioned in Schedule 6 is amended to the extent specified in that Schedule.

Interpretation

2. In this Order, "the applied legislation" means the subordinate legislation specified in Schedule 1.

Application of Subordinate Legislation to the Island.

3. Subject to the exceptions, adaptations and modifications specified in Schedules 2 to 5, the applied legislation shall apply to the Island as part of the law of the Island.

(a) 1987 c.10

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Article 2

SCHEDULES

SCHEDULE 1

UNITED KINGDOM SUBSIDIARY LEGISLATION APPLIED TO THE ISLAND

1. The Carriage by Air Acts (Application of Provisions) Order 1967 (S.I. 1967 no. 480).
2. The Carriage by Air (Sterling Equivalents) Order 1986 (S.I. 1986 no. 1778).
3. The Air Navigation (Dangerous Goods) (Fourth Amendment) Regulations 1992 (S.I. 1993 no. 179)
4. The Air Navigation (Third Amendment) Order 1993 (S.I. 1993 no. 231).
5. The Rules of the Air (Amendment) Regulations 1993 (S.I. 1993 no. 254).

GENERAL ADAPTATIONS APPLICABLE TO LEGISLATION APPLIED BY THIS ORDER.

1. References in any legislation applied by this Order to -
 - (a) its date of commencement shall be construed as references to the date of commencement of this Order;
 - (b) "the United Kingdom" shall be construed as references to the Isle of Man;
 - (c) any statutory provision shall be construed as references to that provision as amended or replaced by any other provision;
 - (d) any provision of any such legislation, or of any other legislation applied to the Island by an order made under section 11 of the Airports and Civil Aviation Act 1987, shall be construed as references to that legislation as it has effect in the Island.

2. (1) Any reference in the applied legislation to any provision in any enactment which is not applied to the Island by this Order shall be construed as a reference to that provision as it has effect in England and Wales.

(2) In this paragraph, "enactment" means a provision of an instrument of a legislative character made under any Act of Parliament.

3. In the applied legislation, expressions which are not defined in this Schedule or in such legislation shall have the same meanings, subject to any necessary modification, as they have in such legislation as it has effect in England and Wales.

4. Where, by virtue of any modification made by this Order, references to the Board of Trade are construed as references to the Department of Highways, Ports and Properties, any pronoun referring to the Board of Trade shall be modified accordingly.

5. Where any provision of the applied legislation re-enacts, with or without modification, any provision in any enactment of Parliament or any instrument of a legislative character which had effect in the Island by virtue of an Order in Council, section 16 of the Interpretation Act 1976 shall apply in respect of such a provision of the applied legislation as it applies in respect of any enactment which repeals and re-enacts another enactment.

Article 3

SCHEDULE 3

CARRIAGE BY AIR ACTS (APPLICATION OF PROVISIONS) ORDER 1967
(SI 1967 no. 480)

<u>Provision of Order</u>	<u>Subject Matter</u>	<u>Modifications and Exceptions</u>
Article 8	Exemptions	For "Board of Trade" substitute "Department of Highways, Ports and Properties".
Article 9	Revocations	Omit.

Article 3

SCHEDULE 4

CARRIAGE BY AIR (STERLING EQUIVALENTS) ORDER 1986
(SI 1986 no. 1778)

<u>Provision of Order</u>	<u>Subject Matter</u>	<u>Modifications and Exceptions</u>
Article 2.	Revocation	Omit.

Article 3.

SCHEDULE 5

THE AIR NAVIGATION (THIRD AMENDMENT) ORDER 1993
(S.I. 1993 No. 231)

<u>Provision of Order</u>	<u>Subject Matter</u>	<u>Modifications and Exceptions</u>
Article 2	Amendment of Air Navigation Order 1989	<p>(a) Omit paragraphs (1) to (6).</p> <p>(b) In paragraph (13), for "Authority", wherever occurring, substitute "Department".</p> <p>(c) In paragraph (14), in the substituted article 94(1) -</p> <p>(i) omit sub-paragraphs (a) to (c);</p> <p>(ii) In sub-paragraph (e), for "a licensed aerodrome" substitute "an aerodrome in the Isle of Man".</p> <p>(d) Omit paragraphs (20) to (23).</p>

MODIFICATION OF ENACTMENTS

In Schedule 3 to the Civil Aviation (Subordinate Legislation)(Application) Order 1992 (b) -

1. For the modification to Article 21 substitute -

"For article 21 substitute -

"21. The provisions relating to the minimum age of holders of licences, the period of validity and ratings of licences of flight crew, which are specified in Schedule 8, shall have effect in relation to flights in the Isle of Man."

2. For the modification to Article 86 substitute -

"Omit".

3. For the modification to Article 104 substitute -

"The Department may exempt from any of the provisions of this Order (other than articles 67, 88, 89, or 93 thereof) or any regulations made thereunder, any aircraft or person or classes of aircraft or persons either absolutely or subject to such conditions as it thinks fit."

4. For entry (d) in the modification to Article 106 substitute -

"(d) In the definition of "Authorised Person" in subparagraph (c) for "Authority" substitute "Department".

5. For the entry relating to Schedule 8 substitute -

"Omit Part C".

Made this 14th. day of March, 1993.

David North,

MINISTER for
Highways, Ports and Properties.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is made by the Department of Highways, Ports and Properties Section 11 of the Airports and Civil Aviation Act 1987 and after consultation with the Secretary of State. The Order applies to the Island with modifications the following United Kingdom legislation, namely -

The Carriage by Air Acts (Application of Provisions) Order 1967 (S.I. 1967 no. 480).

The Carriage by Air (Sterling Equivalents) Order 1986 (S.I. 1986 no. 1778).

The Air Navigation (Third Amendment) Order 1993 (S.I. 1993 no. 231).

The Rules of the Air (Amendment) Regulations 1993 (S.I. 1993 no. 254).

The Order also amends Schedule 3 to the Civil Aviation (Subordinate Legislation) (Application) Order 1992.