



STATUTORY INSTRUMENTS.

S.I. No. 23 of 2023



IRISH AVIATION (FLYING DISPLAYS) ORDER, 2023

S.I. No. 23 of 2023

IRISH AVIATION (FLYING DISPLAYS) ORDER, 2023

The Irish Aviation Authority, pursuant to section 58, 59 and 60 of the Irish Aviation Authority Act, 1993 (No. 29 of 1993), hereby orders as follows:

Short Title and Commencement

1. This Order may be cited as the Irish Aviation Authority (Flying Displays) Order 2023.

Definitions

2. In this Order:

“flying display” means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at:

- a. an advertised event open to the public; or
- b. a private event which would require a permission to operate in accordance with the requirements of Commission Implementing Regulation (EU) No 923/2012, specifically, SERA.5005(f);

“Flying Display Director” means a natural person responsible for the safe conduct of a flying display conducted pursuant to a permission issued by the Authority;

“operator” means, for the purpose of the application of any provision of this Order in relation to any particular aircraft, reference to the person who at the relevant time has the management of that aircraft;

“permission” means the document issued by the Authority permitting the proposed flying activity to take place;

“pilot-in-command” means the pilot designated by the operator as being in command and charged with the safe conduct of its flight, without being under the direction of any other pilot in the aircraft;

“the Act” means the Irish Aviation Authority Act, 1993 (No. 29 of 1993) as amended;

“the Authority” means the Irish Aviation Authority;

“the EASA Regulation” means Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 and shall include any rules or regulations adopted by the European Commission in accordance with the EASA regulation;

Applicability

3. This order shall apply, unless otherwise specified herein, to flying displays conducted in the State.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 7th February, 2023.

4. This Order shall not apply to—
 - (a) a flying display which takes place at an aerodrome under the control of the Minister for Defence; or
 - (b) State Aircraft, or
 - (c) a flying display at which the only participating aircraft are balloons; or
 - (d) A flying display at which the only participating aircraft are UAS.

Flying Displays

5. A flying display shall not be undertaken without the permission of the Authority.

6. A flying display shall not take place without a Flying Display Director.

7. A person must apply to the Authority for permission to act as a Flying Display Director for each specific flying display.

8. A person may not act as a Flying Display Director of any flying display, without first applying for and obtaining the permission of the Authority for that specific flying display.

9. A person granted permission to act as a Flying Display Director for a flying display must comply with any conditions as the Authority may determine.

10. A permission issued under this Order shall not purport to grant any additional permission, privilege, or exemption to aircraft operators, pilots, or aircraft, as may be required under the Act or any of the Orders or Directions thereunder, including this Order, or the EASA Regulation, as regards personnel licencing, aircraft operations, continuing airworthiness, air navigation, or rules of the air.

Duties and Responsibilities of the Flying Display Director

11. The Flying Display Director shall be responsible for the safe conduct of the flying display.

12. The Flying Display Director who has been granted permission for a flying display must comply with any conditions associated with that permission.

13. The Flying Display Director must not permit any person to act as pilot of an aircraft which participates in a flying display unless the Flying Display Director has determined that the pilot is competent to undertake the display concerned.

14. The Flying Display Director shall not act as pilot-in-command of an aircraft partaking in any flying display for which they have been granted permission under Article 5 of this Order.

15. The Flying Display Director shall remain present for the duration of the flying display.

Duties and Responsibilities of the pilot-in-command

16. The pilot-in-command of an aircraft who is intending to participate in a flying display must take all reasonable steps to be satisfied, before participating, that—

- (a) the Flying Display Director has been granted an appropriate permission under Article 5;
- (b) the intended flight can comply with any relevant conditions subject to which that permission may have been granted; and

17. The pilot-in-command of an aircraft who is participating in a flying display must comply with any conditions associated with that permission.

18. No person may be carried during flights for the purpose of flying displays or demonstration flying (except for the minimum required flight crew) unless specified in the permission issued under Article 5.

Directions

19. The Authority may give directions for the purposes of giving effect to the provisions of this Order, and may exempt natural or legal persons, or operations from the provisions of this Order, subject to such conditions as may be specified in relation to any such exemption. A condition specified in or with a written permission or in relation to an exemption in a particular case shall have the effect of a direction under this Order and shall be complied with by the person or persons to whom it applies.

Insurance

20. The Flying Display Director shall ensure that the operator of any aircraft engaged in a flying display shall hold appropriate third-party liability insurance for the flying activities undertaken at that specific flying display.

Notification of accidents and incidents

21. Where an incident occurs during a flying display, the Flying Display Director shall send notice of the incident to the Authority, and where required by S.I. 460 of 2009 (Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations 2009), to the Air Accident Investigation Unit.

Investigations

22. In accordance with Section 65 of the Act of 1993, the Authority may obtain from any individual, such information which is within their knowledge or procurement, as may reasonably be required for the purposes of an investigation in relation to an incident which occurred during a flying display.

23. The Authority may:

- (a) Cause such investigations or inspections as it considers appropriate to be made in respect of an occurrence, related to a flying display. For the purposes of such investigation or inspection, the Authority may detain an aircraft, take copies of or extracts from any documents or records (including the records in any electronic flight data), have access to any place or premises and obtain from any person such information as may reasonably be required, and
- (b) For the purpose of such investigations, the Authority may require the attendance of any person at a specified place and time on a specified day.

24. This Order shall apply without prejudice to the roles and responsibility of the Air Accident Investigation Unit relating to accident investigation, as set out in the Air Navigation (Notification and Investigation of Accidents, Serious Incidents and Incidents) Regulations 2009.

Power to Prevent an Aircraft from Flying

25. If it appears to the Authority or an authorised officer of the company, that an aircraft is likely to be operated in contravention of the EASA Regulation, the Act, this Order, or any Directions thereunder, they may direct the pilot-in-command, or a Flying Display Director, not to operate, or grant permission to operate, the aircraft concerned. The Authority or an authorised officer of the company may take such steps as are necessary to detain that aircraft at a suitable location.

Revocation, Limitation, and Suspension of Permissions, Exemptions and Authorisations and Directions

26. The Authority may revoke, limit, or suspend any permission, exemption, authorisation, or direction issued under this Order.



Present when the common seal of the Irish Aviation Authority
was affixed hereto
2 February 2023

ROSE HYNES,
Director

ERNIE DONNELLY,
Director

EXPLANATORY NOTE

(This note is not part of the Order and does not purport to be a legal interpretation)

This Order provides for the Authority to grant permissions for flying displays in the State, including provisions for the role and responsibilities of Flying Display Directors and the pilot-in-command of an aircraft participating in a flying display.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

€ 3.00

