

GUERNSEY ADVISORY CIRCULARS

(GACs)



GAC GEN-3



**GUIDANCE ON
PRIVATE FLIGHT
DEFINITION**

© Published by the Director of Civil Aviation, Guernsey

First Issue
Second issue
Third issue

March 2015
August 2018
October 2018

Guernsey Advisory Circulars (GACs) are issued to provide advice, guidance and information on standards, practices and procedures necessary to facilitate the application and processing of applications for services related to the Guernsey Aircraft Register.

They are not in themselves law or a regulation but may amplify provisions of the laws and regulations, including the Guernsey Aviation requirements, or provide practical guidance.

The definitive version of GACs is on the States of Guernsey website <http://www.cidca.aero/guernsey-aviation-requirementsgov.gg/> which should be viewed to establish the latest issue.

Enquiries regarding the content of this publication should be addressed to the Director of Civil Aviation, Guernsey Airport, Airport Terminal Building, La Villiaze, Forest, Guernsey, GY8 0DS.

Processing of applications will be done by the Guernsey Aircraft Registry, which operates as '2-REG'. For further information consult <http://www.2-reg.com> or send a message to info@2-reg.com.

Checklist of Pages

	Page no	Issue no	Date
Title page		3	October 2018
Checklist of pages	i	3	October 2018
Revisions	ii	3	October 2018
Contents	iii	3	October 2018
	1	3	October 2018
	2	3	October 2018

Revisions

GAR Issue	Subject
Issue 1	First issue
Issue 2	<ul style="list-style-type: none">• Editorial changes;• Removal of restriction on commercial air transport
Issue 3	<ul style="list-style-type: none">• Changed cost sharing description

Contents

Checklist of Pages	i
Revisions	ii
Contents	iii
1 - Purpose	1
2 - Related laws, regulations	1
3 – Definitions	1
4 - Introduction	1
5 - When is a flight, which carries passengers or cargo, a private flight?	2



1 - Purpose

The purpose of this Guernsey Advisory Circular (GAC) is to present an easy to read overview with examples of when a flight with an aircraft registered in Guernsey is considered to be a private flight and when it is aerial work.

2 - Related laws, regulations and requirements

This GAC relates to The Air Navigation (Bailiwick of Guernsey) Law, 2012, sections 138 through 144.

No rights can be derived from this document. For exact details please refer to The Air Navigation (Bailiwick of Guernsey) Law, 2012 (Law). In case of conflict between this guidance document and the Law, 2012, the latter shall prevail.

3 – Definitions

Definitions, in the context of this GAC shall have the meanings listed in GAR Part 1 (Definitions, Abbreviations and Units of Measurement).

4 - Introduction

Aircraft registered in Guernsey can be used for:

- aerial work;
- training flights;
- private flights without any passenger or cargo;
- private flights carrying passengers or cargo;
- commercial air transport.

A flight is for the purpose of aerial work when it is flown for reward other than in the case of a private flight or for commercial air transport. Training flights are considered to be neither aerial work nor private flights nor commercial air transport.

The distinction between a private flight carrying passengers or cargo and a commercial air transport flight is not always obvious. The Air Navigation Law, sections 138 through 144, provides for a number of different kinds of private flights with passengers or cargo that are not considered to be for commercial air transport.

This GAC explains by means of example scenarios what are considered to private flights carrying passengers or cargo and not being for commercial air transport.

5 - When is a flight, which carries passengers or cargo, a private flight?

Scenario	Description	Example	ANL ref
Private use, owner flies	Aircraft owner flies passengers or cargo without reward.	Pilot-owner takes his family or neighbours gratuitously for a flight.	
Private use, pilot is employed	Aircraft owner is private person and employs a pilot to fly his aircraft.	Owner of aircraft operated by paid pilots takes family or other guests gratuitously.	138(2)
Corporate use	Company-owned aircraft is flown to transport company employees and/or cargo. Pilot is paid for his services. <i>Note: company is meant in a broad sense and includes holding company, subsidiary, sister companies.</i>	Company-owned aircraft is flown to transport employees between production sites or to generate business.	138(2), 138(3)(b)(i) 138(8) 142
Cost sharing	Direct costs of the flight are equally paid by all persons and no more than 4 persons (including the pilot) are carried and the flight is not advertised other than at a flying club to its members.	Flying club members or other individuals agree to share the costs of a flight. <i>Note: Under certain circumstances, the typical "puppy run" could qualify.</i>	141
Jointly owned aircraft	Aircraft is jointly owned by persons each having not less than a 5% beneficial share who pay direct costs for a flight, or on an annual basis. Direct costs include the payment of a pilot for his services.	Joint ownership of aircraft.	143
Charity	Aircraft is chartered by a registered charity, and permission is given by DCA.		140
Check or training flight	Aircraft is on an inspection, training, practice flight or test flight.		138(3)(b)(i)
Sale	Flight is under a hire-purchase or conditional sale agreement.	Prospective buyer flies an aircraft.	138(3)(c)
Flying display	Aircraft is used for a flying display or race, or positioned to or from that.	Sponsor pays for direct costs for individual flight, or on annual basis.	139
Parachuting	Aircraft is used for dropping of persons by parachute, or being positioned for that purpose, subject to permission by DCA.		144

END