

State Safety Programme

for the

Bailiwick of Guernsey

Part 1 - Overview

1 Executive Summary

- (a) Part 1 of The State Safety Programme for the Bailiwick of Guernsey (“the Bailiwick”), a United Kingdom Crown Dependency, includes a description of the regulatory framework and activities carried out to ensure Guernsey meets its obligations to the UK, as the Contracting State, to achieve compliance with the Chicago Convention and associated Annexes.
- (b) The Aviation (Bailiwick of Guernsey) Law 2008, as amended, established the independent Office of the Director of Civil Aviation (DCA) and sets out his main functions and the scope of his powers
- (c) The Bailiwick of Guernsey’s Civil Aviation Legislation is based on the UK system but is not identical. The Bailiwick of Guernsey makes its own decisions on the method of adopting individual requirements whilst always with the objective of maintaining ICAO compliance.
- (d) The State Safety Plan for the Bailiwick of Guernsey (Parts 1 and 2) incorporates the 8 critical elements of a State’s safety oversight system defined by ICAO.
- (g) By these means the UK Government can be assured, and demonstrate as required, that the aviation industry of the Bailiwick of Guernsey is meeting the agreed international standards and that there is adequate regulatory oversight of the industry..

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3 Change history

Change to this document will be achieved by a re-issue of the entire document rather than by the amendment of individual pages.

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| Initial | September 2013 | |
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4 Terminology

For the purposes of this document:

State safety programme means an integrated set of regulations and activities aimed at improving safety.

Safety performance indicator is a measure (or metric) used to express the safety performance in a system.

Safety performance target is the desired level of safety performance. A safety performance target comprises one or more safety performance indicators, together with desired outcomes expressed in terms of those indicators.

Note: ICAO Doc.9859 Safety Management Manual describes safety performance indicators and safety performance targets within the concept of an "acceptable level of safety". This concept is used to express safety expectations under a performance-based approach that is designed to complement regulatory compliance.

Safety initiatives are the steps that need to be taken to achieve the safety performance targets. They include the operational procedures, technology systems and programmes to which measures of reliability, availability, performance and/or accuracy can be specified.

Note: Safety initiatives are referred to in ICAO Doc.9859, as "safety requirements".

A **hazard** is any situation or condition that has the potential to cause damage or injury.

Risks are the potential adverse consequences of a hazard, and are assessed in terms of their severity and likelihood.

When risks have been assessed, mitigation is then needed: either to eradicate the hazard, or to reduce the severity or likelihood of the risks.

5 Purpose of this Document

- (a) The Safety Programme for the Bailiwick comprises two parts: Part 1 'Overview' and Part 2 the 'Safety Plan'. This document is Part 1.
- (b) ICAO Annex 19 sets the requirement for States to establish a safety programme, in order to achieve an acceptable level of safety in the operation of aircraft, the maintenance of aircraft, the provision of air traffic services and aerodrome operations.
- (c) While ICAO currently restricts its requirements for safety programmes and safety management systems (SMS) to Annex 19, the Bailiwick will ensure that it follows and extends all further changes to ICAO Standards and Recommended Practices (SARPs).
- (d) Therefore, the purpose of this document is to describe:
 - the civil aviation legislation that is unique to the Bailiwick, and, whilst similar in many aspects, is not identical to the laws and regulations applicable under the United Kingdom (UK) and European system;
 - the Bailiwick's regulatory framework, thereby enabling visible linkage between national regulatory planning and an operator's/service provider's SMS;

and to demonstrate:

- the integration of the diverse, multidisciplinary safety regulatory activities into a coherent whole;
- that adequate provisions are being made for the safety regulation of the aviation system within the Bailiwick, and that, as a consequence, the UK is meeting the requirements of the larger global aviation system;
- that regulatory, oversight and enforcement functions are in place;
- compliance by the Bailiwick's aviation authority, The Director of Civil Aviation (DCA), with ICAO SARPs;
- that a performance-based approach to aviation safety is being actively promoted, to complement regulatory compliance.

6 Background

(a) The UK is a signatory to the Convention on International Civil Aviation (the Chicago Convention) and, therefore, agrees to comply with the SARPs published by ICAO in the Annexes to the Convention. The UK's signature also covers aviation regulation for the UK Crown Dependencies (CDs) which includes the Bailiwick of Guernsey.

(b) The Aviation (Bailiwick of Guernsey) Law 2008, as amended, establishes the independent Office of the Director of Civil Aviation (DCA) and the extent of his powers. It also has the power to give effect to the Chicago Convention, to amend some aspects of air navigation regulations by Ordinance, and provides a sound legal framework for enabling the adoption of the UK Civil Aviation Authority (CAA) advice, recommendations and publications.

(c) Primary responsibility for civil aviation safety regulation within the Bailiwick rests with the Director of Civil Aviation (DCA).

7 Safety Regulatory Framework – Objectives and Criteria

(a) The State Safety Programme (SSP) for the Bailiwick includes a description of the regulatory framework and activities carried out to ensure Guernsey meets its obligations to the UK, as the Contracting State, to achieve compliance with the Chicago Convention and associated Annexes. The SSP is designed to be proportionate to the level of aviation activity in the Bailiwick.

(b) A Memorandum of Understanding (MoU) between the UK Department for Transport (DfT) and the DCA is in place to assist both parties in meeting their obligations under the Chicago Convention. The MoU includes the obligation on Guernsey to arrange from time to time for external audits of its safety oversight obligations.

- (c) By these means the UK Government can be assured, and demonstrate as required, that the Bailiwick's aviation sector is meeting the agreed international standards and that the regulatory oversight of the industry is adequate.
- (d) To ensure that the safety regulatory regime of the Bailiwick of Guernsey meets the requirements of ICAO Annex 19 for a SSP.
- (e) The main aviation laws and requirements for the Bailiwick comprise:
- i. Primary Legislation: The Aviation (Bailiwick of Guernsey) Law 2008; The Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012; The Air Navigation (Bailiwick of Guernsey) Law, 2012; and The Aviation Registry (Guernsey) Law 2013.
 - ii. Secondary legislation: The Civil Aviation (Investigation of Air Accidents and Incidents) (Guernsey) Order 1998
 - iii. Guernsey Aviation Requirements (GARs): Set out, for the benefit of those regulated, the detailed guidance to applicants on how to comply with the Air Navigation (Bailiwick of Guernsey) Law 2013 requirements for the application of Certificates.
- (f) The Bailiwick, wherever possible, maintains consistency with the approach of the UK CAA and avoids any differences. As the European Aviation Safety Agency (EASA) becomes the lead authority in Europe, and European Regulations are applicable in the UK, divergence from these regulations is possible. In each case the Bailiwick of Guernsey makes its own decision on adopting or adapting individual requirements whilst always maintaining ICAO compliance.
- (g) The regulatory provisions use ICAO terminology wherever possible.

8 Policies and Procedures

- (a) **Policy** for the Bailiwick on high-level or complex issues is generally set through discussion and decision with External Affairs, the Airport, and other appropriate Government stakeholders including the Law Officers.
- (b) **Technical Procedures** are dealt with at a working level by the DCA with reference to the Law Officers and affected stakeholders. In all cases due notice is taken of best practices as defined by recognised authorities (e.g. UK CAA, DfT and EASA).

9 Public Consultation

- (a) All new procedures and amendments are subject to a consultation process. Depending on the nature of the procedure or amendment the following are consulted:
- The UK Department for Transport (DfT)
 - The UK Civil Aviation Authority (CAA)

- Government Departments
- Law Officers
- Regulated Parties/Organisations
- Representative Bodies
- Consultative Groups

10 Enforcement Sanctions

(a) The Aviation (Bailiwick of Guernsey) Law, 2008, as amended, confers on the DCA the power of enforcement. Breach of the Aviation Laws is a criminal offence carrying a maximum penalty which is set out in the Law and depends on the nature and circumstances of the breach.

11 Regulatory Oversight

(a) The responsibility for regulatory oversight of the aviation industry rests with the DCA.

(b) The DCA contracts through CAA International to carry out certain functions when the required resources are not available within his Office.

(c) In respect of the above the UK CAA carries out Air Traffic Services, Aerodrome and RFFS audits on a regular basis.

(d) The UK CAA also regularly visits the Bailiwick for Air Traffic Controlling Licensing purposes.

(e) All ATC licences are validated by the DCA for use in Guernsey Airspace. The DCA does not issue Controller licences.

(f) The DCA may use the services of other suitable and recognised organisations to provide support services, whenever necessary.

12 Occurrence Reporting and Analysis

(a) The Bailiwick participates in the UK CAA's Mandatory Occurrence Reporting Scheme under a contract.

13 Safety Promotion

- (a) Under the Guernsey and Alderney Airport SMS it disseminates safety notices, publications and information to all airport stake holders.
- (b) The DCA relies on General Aviation receiving specific advice and information issued by the UK CAA via its well established distribution schemes and on safety information produced by GA representative bodies such as the Aircraft Owners and Pilots Association (AOPA).

14 Accident and Serious Incident Investigation

- (a) The Civil Aviation (Investigation of Air Accidents and Incidents) (Guernsey) Order 1998 lays down in law the responsibility for the UK Air Accident Investigation Branch (AAIB) to be notified of any reportable accident or incident and appoints the UK's Chief Investigator of Aircraft Accidents as the relevant authority in the Bailiwick to undertake investigations.

15 Monitoring and Review

- (a) **Oversight and Maintenance of the Regulatory Framework:** The scope of the MoU (see 7 b) with the UK ensures that the CAA provides timely advice to the Bailiwick of any changes to relevant technical requirements established under the Chicago Convention, EU legislation and any UK aviation legislation that may be drafted. The Bailiwick of Guernsey is required to ensure the timely enactment of relevant civil aviation legislation. It also provides the UK National Safety Oversight Coordinator with all relevant information required under ICAO's Universal Safety Oversight Audit Programme and cooperates with any audit conducted by ICAO.
- (b) **External Oversight of the DCA.** The MoU ensures that a regular schedule of independent reviews/audits of the safety regulatory system is agreed to be conducted by the CAA on behalf of the DfT.
- (c) **Airport Safety Review Board.** The safety review board operates under the airport's SMS and conducts an annual review on safety performance indicators and safety performance targets and reports to the DCA. The report will then be reviewed by the DCA
- (d) **Compliance Action Plan Review.** The airport is to provide quarterly updates to the DCA on progress with the actions on the Compliance Action Plan following the audits undertaken by the CAA

16 Safety Plans

(a) Part 2 of the Guernsey State Safety Programme gives the operational details of the Safety plan.

(b) The Safety Plan includes input from (but not limited to):

- the Guernsey and Alderney Airport Safety Risk Registers,
- safety occurrence reports,
- UK CAA safety planning,
- safety initiatives developed by the CAA and EASA,
- staff of Guernsey and Alderney Airports.
- findings and recommendations from safety investigations

(c) Aims and objectives are provided, grouped into six focus areas. The objectives are suitable for adoption in operators' and service providers' SMS thereby providing linkage between regulatory planning and the regulated organisations.

(d) Wherever possible the monitoring activities and questions should be defined in terms that are quantifiable, as a means to verify satisfactory operational performance of the system; i.e. safety performance indicators (SPI).

(e) Not all areas of aviation in the Bailiwick of Guernsey have a mature system for gathering information. Consequently there may be an absence of information suitable for establishing baseline performance trends or comparison data. Therefore, an important early warning activity will be to ensure that data is gathered and recorded. Improved data collection, including safety data from routine aviation operations, will enable greater use of more quantified safety objectives in future; i.e. safety performance targets (SPT).

Note: This approach enables safety expectations to be expressed in terms that are performance based, for example:

1.0 bird strike per 1,000 aircraft movements (SPI) with a 50% reduction in five years (SPT).

Safety committee meetings to be held every month (SPI) but at intervals not greater than 6 weeks (SPT).

(f) In the context of SMS evaluations, the DCA will consider the acceptability of the safety objectives and activities set by the regulated organisation, including the degree of measurability that has been provided (SPIs/SPTs), and thereby agree the acceptable level of safety.

Appendix A

Extract from ICAO Document 9734

SAFETY OVERSIGHT MANUAL

PART A

CRITICAL ELEMENTS OF A

SAFETY OVERSIGHT SYSTEM

ICAO has identified and defined the following critical elements of a State's Safety Oversight System:

CE-1 Primary Aviation Legislation.

The provision of a comprehensive and effective aviation law consistent with the environment and complexity of the State's aviation activity and compliant with the requirements contained in the Convention on International Civil Aviation.

CE-2 Specific Operating Regulations

The provision of adequate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation and providing for standardized operational procedures, equipment and infrastructures (including safety management and training systems), in conformance with the Standards and Recommended Practices (SARPs) contained in the Annexes to the Convention on International Civil Aviation.

Note: The term "regulations" is used in a generic sense to include but is not limited to instructions, rules, edicts, directives, sets of laws, requirements, policies, and orders.

CE-3 State Civil Aviation System and Safety Oversight Functions.

The establishment of a Civil Aviation Authority (CAA) and/or other relevant authorities or government agencies, headed by a Chief Executive Officer, supported by the appropriate and adequate technical and non-technical staff and provided with adequate financial resources. The State authority must have stated safety regulatory functions, objectives and safety policies.

Note: The term "State Civil Aviation System" is used in a generic sense to include all authorities with aviation safety oversight responsibility which may be established by the State as separate entities, such as: CAA, Airport Authorities, Air Traffic Service Authorities, Accident Investigation Authority, and Meteorological Authority.

CE-4 Technical Personnel Qualification and Training.

The establishment of minimum knowledge and experience requirements for the technical personnel performing safety oversight functions and the provision of appropriate training to

maintain and enhance their competence at the desired level. The training should include initial and recurrent (periodic) training.

CE-5 Technical Guidance, Tools and the provision of Safety-Critical Information

The provision of technical guidance (including processes and procedures), tools (including facilities and equipment) and safety-critical information, as applicable, to the technical personnel to enable them to perform their safety oversight functions in accordance with established requirements and in a standardized manner. In addition, this includes the provision of technical guidance by the oversight authority to the aviation industry on the implementation of applicable regulations and instructions.

CE-6 Licensing, Certification, Authorization and Approval Obligations.

The implementation of processes and procedures to ensure that personnel and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity.

CE-7 Surveillance Obligations.

The implementation of processes, such as inspections and audits, to proactively ensure that aviation licence, certificate, authorization and/or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State to undertake an aviation-related activity for which they have been licensed, certified, authorized and/or approved to perform. This includes the surveillance of designated personnel who perform safety oversight functions on behalf of the CAA.

CE-8 Resolution of safety concerns.

The implementation of processes and procedures to resolve identified deficiencies impacting aviation safety, which may have been residing in the aviation system and have been detected by the regulatory authority or other appropriate bodies.

Note: This would include the ability to analyse safety deficiencies, forward recommendations, support the resolution of identified deficiencies, as well as take enforcement action when appropriate.