



BAILIWICK OF JERSEY
Director of Civil Aviation

JERSEY AVIATION REQUIREMENTS (JARQ)

PART 13 – Occurrence Reporting

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First Issue

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Note: the relevant standards of ICAO Annex 8 are Part II, 4.2.3f and 4.2.4 which is about collecting from operators and maintenance organisations, and transmitting to the organisation responsible for the Type Design information on faults, malfunction, defects and other occurrences that cause or might cause adverse effects on the continuing airworthiness of aircraft. Annex 13 is primarily about accident and incident investigation but has a section on incident reporting; Annex 19 is about Safety Management, of which safety data collection, analysis and exchange are elements.

The definitive version of JARs is on the Office of the Director of Civil Aviation for the Channel Islands website <http://cidca.aero/> which should be viewed to establish the latest issue of each Part.

Processing of applications will be done by the Jersey Aircraft Registry. For further information consult <http://jar.je> or send a message to info@jar.je.

Checklist of Pages

	Page no	Issue no	Date
Title page		1	April 2020
Checklist of pages	i	1	April 2020
Revisions	ii	1	April 2020
Contents	iii	1	April 2020
Subpart A	1	1	April 2020
	2	1	April 2020
Subpart B	3	1	April 2020
	4	1	April 2020
Subpart C	5	1	April 2020
Subpart D	6	1	April 2020

Revisions

JAR Issue	Subject
Issue 1	First issue

Contents

Checklist of Pages	i
Revisions	ii
Subpart A – General	1
13.1 Purpose	1
13.3 Use of English	2
13.5 Laws, regulations and procedures	2
13.7 Procedure compliance	2
13.9 Applicability	2
Subpart B - Notification	3
13.51 Notification of an occurrence	3
13.53 Types of occurrence	4
13.57 Other hazardous occurrences	4
Subpart C – Investigation	5
13.103 Occurrence investigation and follow-up reporting	5
13.105 Preservation of records	5
13.107 Retention of defective products and components	5
Subpart D – Safety data analysis, protection and exchange	6
13.151 Safety data analysis	6
13.153 Safety data protection	6
13.155 Safety information exchange	6

Subpart A – General

13.1 Purpose

- (a) The requirements of this Part cover the submission, both mandatory and voluntary, to the Director of information about occurrences. The information submitted will be analysed to identify any necessary corrective actions with an overall objective of improving aviation safety.
- (b) The sole objective of an occurrence reporting system shall be the prevention of accidents and incidents in accordance with the SARPs of ICAO Annex 13 and 19. It is not the purpose of this activity to apportion blame or liability.
- (c) These Requirements are not in themselves Law. Failure to comply may not constitute an offence. However, the Requirements reproduce or amplify certain provisions of the Air Navigation (Jersey) Law 2014 (“the Law”). Therefore, failure to comply with these Requirements may:
 - (1) constitute a breach of the Law; and
 - (2) result in proceedings for breaches of the Law; or
 - (3) result in the refusal of an application or renewal of a certificate, approval or validation; or
 - (4) result in action to suspend or revoke a certificate, approval or validation.
- (d) The reporting requirements set out in Article 95 of the Law and as are further detailed in this JAR.
- (e) It is fundamental to the purpose of a Reporting Scheme that the substance of reports should be disseminated where necessary in the interest of flight safety. Without prejudice to the proper discharge of his responsibilities, the Director will not disclose the name of the person submitting a report or of a person to whom it relates unless required to do so by law or unless the person concerned authorises disclosure. Should any flight safety follow up action be considered necessary, the Director will take all reasonable steps to avoid disclosing the identity of the reporter or of those individuals involved in the reportable occurrence. The primary concern is to secure free and uninhibited reporting.
- (f) Without prejudice to the duty of the Director to take appropriate action in respect of any licence or certificate, it will not be the policy to institute proceedings in respect of unpremeditated or inadvertent breaches of the law which come to the attention of the Director only because they have been reported hereunder except in cases involving dereliction of duty or gross negligence. The Director shall not use or make available for the purpose of prosecution any information submitted to him by a person under this Part unless:
 - (1) the information reveals a grossly negligent act or omission that caused danger to any other person or to any property; or
 - (2) false information is submitted; or

- (3) the Director is obliged to release the information pursuant to a statutory requirement or by order of a Court.

13.3 Definitions

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

13.4 Use of English

All documentation, written communications and data (electronic or otherwise) for submission to the Director shall be provided in English.

13.5 Laws, regulations and procedures

Each holder of a certificate, approval, licence, validation or permit shall take reasonable care to ensure that all persons employed, engaged, or contracted by the holder to perform aviation-related activities, are familiar with the appropriate sections of legislation, the Jersey Aviation Requirements, any applicable conditions on the certificate and the procedures specified in the approval holder's safety assurance documentation or exposition.

13.7 Procedure compliance

Each person performing duties in relation to a certificate, approval, licence, validation or permit shall conform with the applicable procedures specified in the safety management system documentation of the certificate holder which authorises the operation.

13.9 Applicability

- (a) This Part details requirements governing the reporting of occurrences, both mandatory and voluntary, and applies to all holders of certificates, approvals, licences, validations or permits issued by the Director.
- (b) In the event of an aircraft accident or serious incident occurring in the Bailiwick of Jersey the Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000 applies.
- (c) In addition to (b), in the event of an aircraft accident or serious incident occurring outside the Bailiwick of Jersey to an aircraft registered in Jersey, regulations in force in the State of occurrence may apply.

Subpart B - Notification

13.51 Notification of an occurrence

- (a) Every person listed below shall report to the Director as soon as practicable, by a means acceptable to him, any event which constitutes an occurrence described in 13.53 and which comes to that person's attention in the exercise of that person's functions:
- (1) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness or permit to fly issued by the Director;
 - (2) the operator and the pilot-in-command of an aircraft operated under an air operator certificate or a private operator certificate issued by the Director;
 - (3) a person who carries on in Jersey the business of manufacturing, repairing or overhauling an aircraft referred to in sub-paragraphs (a) or (b), or any equipment or part thereof;
 - (4) a person who carries on the business of maintaining or modifying an aircraft that has a certificate of airworthiness or permit to fly issued by the Director and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
 - (5) a person who carries on the business of maintaining or modifying an aircraft operated under an air operator certificate or private operator certificate granted by the Director, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
 - (6) a person who signs an airworthiness report or a certificate of release to service in respect of such an aircraft, part or equipment;
 - (7) a person who performs a function which requires an air traffic controller's licence or flight information service authority;
 - (8) an aerodrome certificate holder, operator or manager of a certificated or licensed aerodrome;
 - (9) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the Director;
 - (10) a person who performs a function concerning the ground-handling of aircraft, including fuelling, servicing, load sheet preparation, de-icing and towing.
- (b) An acceptable method of reporting to the Director is by completion of the occurrence reporting forms available on the JAR website:

www.jar.je/documents

13.53

Types of occurrence

- (a) Occurrences required to be reported on a mandatory basis are safety-related events involving operation or continuing airworthiness of aircraft registered in Jersey which significantly endanger or which, if not corrected or addressed, could significantly endanger an aircraft, its occupants or any other person. It includes, in particular, an accident or serious incident. It also includes

Note: European Commission Implementing Regulation 2015/1018 gives a list of occurrences that classify for mandatory reporting in the European Union and thereby gives a good indication of the kind of occurrences that need to be reported under this JAR.

- (b) Occurrences that may be reported on a voluntary basis are safety-related events:

- (1) of the kind described in (a) but observed by a person not listed in 13.51;
- (2) not of the kind described in (a).

13.57

Other hazardous occurrences

Hazardous flight conditions encountered, including those associated with meteorological conditions, shall be reported to the appropriate aeronautical station as soon as possible. The reports so rendered shall give such details as may be pertinent to the safety of other aircraft.

Subpart C – Investigation

13.103 Occurrence investigation and follow-up reporting

- (a) Each person required to provide an occurrence report shall provide such additional information relating to the occurrence as the Director may require.
- (b) Submission of an occurrence report does not preclude investigation through the reporting organisation's Safety Management System.

13.105 Preservation of records

Each operator of an aircraft registered in Jersey that is involved in an accident or serious incident shall preserve all records, including all recording media maintained for the operation and maintenance of the aircraft, for at least 90 days after the incident unless otherwise notified by the Director.

13.107 Retention of defective products and components

Each holder of a certificate, approval, licence, validation or permit issued under the JARs shall retain any defective product or component that is associated with a defect occurrence for at least 90 days after submitting the report unless otherwise notified by the Director.

Subpart D – Safety data analysis, protection and exchange

13.151 Safety data analysis

A safety database shall be maintained for storing both mandatory and voluntary occurrence reports, facilitating the effective analysis of actual and potential safety deficiencies and determining any actions required for the enhancement of safety.

13.153 Safety data protection

Occurrences reported under the mandatory scheme shall be stored in the occurrence database such as to ensure confidentiality of individual reporter identity and of any other person involved.

The voluntary reporting scheme shall be non-punitive and afford protection to the sources of the information.

13.155 Safety information exchange

If, in the analysis of information contained in the safety database, safety matters are identified that are considered to be of interest to other states or other parties, they shall be forwarded to them as soon as possible. This includes, in particular, the transmission to the organization responsible for the Type Design, for aeroplanes with an MTOM over 5,700 kg or helicopters with an MTOM over 3,175 kg, information on faults, malfunction, defects and other occurrences that cause or might cause adverse effects on the continuing airworthiness of aircraft.

END