



JERSEY ADVISORY CIRCULAR (JAC)

Guidance on Private Flight Definition

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Jersey Advisory Circulars (JACs) 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 Jersey Aircraft Register.

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

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<https://cidca.aero/article/166742/Jersey-Aircraft-Registry> which should be viewed to establish the latest issue.

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Processing of applications will be done by the Jersey Aircraft Registry. For further information consult 1<http://www.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 | 2 | 1 | April 2020 |
| Revisions | 3 | 1 | April 2020 |
| Contents | 4 | 1 | April 2020 |
| | 5 | 1 | April 2020 |
| | 6 | 1 | April 2020 |

Revisions

| JAC Issue | Subject |
|-----------|-------------|
| Issue 1 | First issue |

Table of Contents

| | |
|--|----------|
| 1. Purpose | 5 |
| 2. Related laws, regulations and requirements | 5 |
| 3. Definitions | 5 |
| 4. Introduction | 5 |
| 5. When is a flight, which carries passengers or cargo, a private flight? | 6 |

1. Purpose

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

2. Related laws, regulations and requirements

This JAC relates to The Air Navigation (Jersey) Law, 2014, Part 13 sections 96 to 101.

No rights can be derived from this document. For exact details please refer to The Air Navigation (Jersey) Law, 2014 (Law). In case of conflict between this guidance document and the Law, 2014, the latter shall prevail.

3. Definitions

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

4. Introduction

Aircraft registered in Jersey can be used for:

- aerial work;
- training flights;
- private flights without any passenger or cargo; and
- private flights carrying passengers or cargo.

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 (Jersey) Law, Part 13 sections 96 to 101, 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 JAC 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 | <u>ANL ref</u> |
|---------------------------------------|--|--|--|
| 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