



**Office of the DCA**  
**Newsletter**  
**Jersey**

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# A reflection on the challenges in 2020

As I reflect on the challenges we have all faced in 2020, I think back to early March, when the discussions of 'lockdown' and the cessation of aviation activity became a reality. Unprecedented in our lifetime, it required the understanding and patience of everyone as we tried to grasp the changing landscape and restrictions placed upon us all.

Move forward now to December and the challenges we face, as we all work together to move into 2021 in a positive and focussed manner, continue.

It would be wrong to pretend there hasn't been many frustrations faced by us all, but I wish to express my extreme gratitude for the way we have worked together to find solutions in these unprecedented times. I know I speak for all of us when I say that there is nothing finer than seeing a healthy and thriving aviation community across the beautiful island of Jersey, which has been thwarted for much of 2020, due to this coronavirus pandemic.

As the year draws to a close I felt it appropriate to get in touch through the medium of a Newsletter, to share regulatory matters of interest, for your awareness and, in some circumstances, your action.

I welcome any comments you may have on the Newsletter and, of course, any suggestions for future content. Please do not hesitate to get in touch and I'd be particularly interested to hear from you aviation experts on which aircraft is represented by the photo on the front page! Enjoy the upcoming holiday with your family and loved ones and most importantly, keep safe.

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# Permits and Exemptions issued by the DCA

Throughout the year the DCA receives requests for Exemptions and Permits for operations that might otherwise not be possible. Whenever such a request is made, it should be accompanied by supporting safety assurance, so that an appropriate assessment can be made regarding the suitability to provide a Permit or Exemption.

Exemptions are often issued for a specific aviation activity, which can be valid for a period of weeks/months and even extend to 1 year and beyond.

It is most important that you keep check on the validity period of your Permit or Exemption and remember that once it has expired you must comply with the Law in Jersey and that stepping outside this compliance could result in you operating illegally. If you wish to continue operating beyond the expiry of the Permit

or Exemption you should provide sufficient notice to the Office of the DCA (ODCA) that you wish to apply for a new one. Looking back through the records I can see that many Permits and Exemptions expire on **31<sup>st</sup> December 2020** - if this is one of yours, please take the time to consider how you wish to operate going forward and remember that once the Permit or Exemption expires, you no longer have an alleviation against compliance to the Air Navigation (Jersey) Law 2014.

# Cost Sharing Flights

The questions posed by the fatal ditching in January 2019 of a Piper Malibu which took the lives of pilot David Ibbotson and newly-signed Cardiff City footballer Emiliano Sala prompted the UK CAA to clarify to both passengers and pilots what's legal and what's not when conducting private flights involving valuable consideration (in other words, cost sharing). The Channel Islands rules on cost sharing differ from those in the UK, so it's important to understand the difference between the two when operating in the Channel Islands.

'Cost-sharing flights' are flights shared by private individuals. The "cost-shared" part is reference to the costs of the specific flight which can be shared only between the pilot in command and others on board the aircraft. These costs are the "direct costs", which are incurred in relation to a specific flight. Whilst the UK defines these costs as covering items such as fuel, airfield charges, rental fee for an aircraft, the Air Navigation (Jersey) Law does not; however, the Office of the DCA considers the UK's approach of defining the costs to be both pragmatic and reasonable.

Most importantly, there can be no element of profit for the pilot as these flights are not commercial, and if profit is suspected, then the flight might be operating outside of the regulations and therefore be illegal. The pilot must pay a contribution to these direct costs.

'The safety and conduct of any flight, including cost-shared flights, is the responsibility of the pilot in command of the aircraft [who] must conduct the flight in accordance with the applicable regulation for non-commercial flights with light aircraft by private pilots. It is also the pilot's responsibility to ensure that the flight is appropriately insured, although passengers may want to check that any personal life, accident and/or health insurance they have is valid for non-commercial flights.

Passengers should be aware that the pilot may amend or cancel the flight for any reason, including at short notice, and that the proportion of the costs must be shared by the pilot. If the flight does not take place, then no remuneration (money or exchange of gifts) should be exchanged between pilot and passengers. Passengers are not taking part in a commercial flight, but in a leisure flight with a private pilot [and] the pilot has a duty not to undertake flight if the conditions are not suitable.

The criteria regarding cost-sharing flights in the Channel Islands is:

- No more than 4 persons (including the pilot) are carried on such a flight;

# Cost Sharing Flights (continued)...

- The proportion of the total direct costs of the flight does not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot);
- No information concerning the flight has been published or advertised prior to the commencement of flight, other than within the premises of a flying club. Passengers accepting flights through advertisement within the flying club must be over 18 years of age and a member of the club.
- No person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight.
- If the aircraft is owned jointly by persons (each of whom is a natural person) who each hold not less than a 5% beneficial share and (i) the aircraft is registered in the names of all the joint owners, or (ii) the aircraft is registered in the name or names of one or more of the joint owners as trustee or trustees for all the joint owners, and written notice has been given to the Director of Civil Aviation of the names of all the persons beneficially entitled to a share in the aircraft (iii) or by a

company in the name of which the aircraft is registered and the registered shareholders of which (each of whom is a natural person) each hold not less than 5% of the shares in that company.

Articles 159,160 and 161 of the [Air Navigation \(Jersey\) Law 2014](#) refers.

Ultimately, the clear intention of the cost-sharing rules is to allow pilots to fly more - building skills and experience - while sharing their passion for aviation with others. Providing passengers and pilots understand and stick to the rules, then that intention can become a reality.

Please do check the Channel Islands legislation on cost-sharing to ensure you don't inadvertently fall into the area of illegal grey charters. If you're unsure or want a second opinion that your activities are allowed then do get in touch with the Office of the DCA for advice.



**= 3 passengers + pilot pays £100**

# Unmanned Aircraft Systems/Drones

Some of the most beautiful photography across Jersey has been captured using cameras attached to 'drones', thereby giving a birds eye view of our stunning surroundings. Drones are also widely used by estate agents, surveyors and, on occasion, emergency and rescue teams.

With an ever-increasing number of manufacturers and operators wishing to use drones, it is essential that the safety issues involved in the simultaneous operation of manned and unmanned aircraft are fully considered and monitored.

Following extensive deliberations, the UK - along with EASA - are in the process of updating their regulation, introducing different categories (Open, Specific, Certified) and introducing the requirement for drone operators to be registered.

It is important to remember that Jersey has **NOT** adopted the changes being introduced by EASA and the UK, although the Office of the DCA is engaged with the airport to evaluate whether the revised regulations are appropriate for introduction. Therefore, the current legislation regarding the use of drones remains extant and when operating a drone across the Channel Islands you should continue to abide by the rules that are in place.

I would also like to take this opportunity of reminding you that any proposed commercial operation falling within the 'Flight Restricted Zone' (FRZ) for Jersey requires permission from the airport operator, in addition to a Permit from the Office of the DCA.

Some helpful links included below:

- 'Dronesafe UK' provides further information on the FRZs for Jersey and other airports across the UK, which can be viewed [here](#)
- Ports of Jersey Ltd has produced its own Drone Code, which provides helpful guidance on flying safe, flying legal. The Drone Code can be viewed [here](#).
- Applications for a Permit from the ODCA can be downloaded [here](#).

If in doubt, please ask.



# Safety Information

- **2019 ATC Presentation (jointly organised by JAC & AOPA)**

In November 2019 The Jersey Aeroclub and AOPA hosted a Safety Evening, supported by Ports of Jersey Ltd and organised by the then Head of Air Navigation Services. An incredibly informative evening was held where subjects of importance to us all were discussed and shared, for example:

- Runway 'Ring of Red' Stop bar Lighting
- Channel Islands Airspace changes
- Incidents that provide valuable learning opportunities
- The risks presented by Foreign Objective Debris (FOD)
- The important and diverse role of the Aerodrome Rescue & Fire Fighting Team
- Reporting of Incidents

The event was extremely popular with over 50 people attending. Whilst 2020 has made it difficult to hold a similar event, we can reflect on the good conversations held during that evening and the camaraderie and common aim that brought us all together to discuss aviation to make sure we all play our part in keeping us all safe.

- **Infringements**

The unauthorised entry of an aircraft into controlled or temporarily restricted airspace, or an active Danger Areas, is known as an 'infringement'. Infringements can have both safety and commercial implications. These occurrences are normally promptly resolved by the intervention of air traffic control and pilots.

Thankfully there have only been a small number of infringements in the Channel Islands Control Zone during 2020, but this does not mean we can become complacent with the hazard itself and the resultant risks. Planning and preparation is the best way to prevent airspace infringements. Modern technologies (ie digital maps, flight planning software etc) can make flight preparation easier and more accurate. Thoroughly plan and prepare your flight, even a local one. Importantly, know where you are at all times during the flight and don't be afraid to communicate

- **[DCA website & Aviation Journal](#)**

**Over the coming months the DCA's website will be reviewed and, where required, updated. One document that has temporarily been removed is the 'Aviation Journal', which does require updating; this will be reinstated as soon as possible but in the meantime if you need access to the information that was contained within the Journal please get in touch and we can provide it to you.**

- **[EASA Safety Bulletins](#)**

**An EASA Safety Information Bulletin (SIB) is an information tool that intends to alert, inform and draw the attention of the aviation community on safety issues. SIBs contain non-mandatory information and guidance that do not qualify for an Airworthiness Directive (AD).**

- **[UK CAA SkyWise](#)**

**SkyWise allows you to stay up-to-date with news, safety alerts, consultations, rule changes, airspace amendments and more from the CAA.**