

AVIATION JOURNAL

*The Office of the
Director of Civil Aviation [DCA]
Channel Islands
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THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION

INTRODUCTION: THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION

Welcome to the Office of the Director of Civil Aviation (ODCA) 'Aviation Journal', a document aimed at providing relevant guidance and reference material to aviation stakeholders and the wider community in the Channel Islands.

The Aviation Journal has recently undergone a review to ensure the information contained within its pages is up to date and relevant to the audience. You may notice that the layout and content is different to previous versions – this is because the decision has been taken to separate the details out into two distinct documents:

The Aviation Journal (AJ)



A Journal containing information on the Office of the DCA, the Channel Islands and their relationship with the UK with regard to aviation, the two Aircraft Registries and other aviation related information. The AJ is intended to provide general information to aviation stakeholders and the wider public on topical matters of aviation safety and provides the forum to share the latest safety initiatives. Additional information will be added as and when it becomes available and will appear on the final page "In the Spotlight". The AJ will be updated as and when new information emerges.

The Regulatory Framework Document (RFD)



A document describing the regulatory activities of the ODCA and how it collaborates with the aviation industry it oversees. The RFD contains specific information relating to aviation safety, including Occurrence Reporting, Accident Investigation, Safety Oversight, ICAO (International Civil Aviation Organisation) compliance, the Aviation Permit System and Foreign Carrier Permit System. The RFD will be reviewed on a bi-annual basis.

Aviation Permits & Exemptions

The ODCA is often called on to issue Permits and Exemptions throughout the course of the year and are, by their very nature, issued across varying dates. Aviation Permits and Exemptions are available to companies as well as individuals, where it is appropriate.

Details relating to individual Permits and Exemptions are not published, however anyone requiring specific information can contact the ODCA (permits@cidca.aero) stating the reason for the request.

CHANNEL ISLANDS AVIATION REGULATORY SYSTEM

THE CHANNEL ISLANDS AND THEIR RELATIONSHIP WITH THE UNITED KINGDOM

The term 'Channel Islands' is a collective term used to describe the Bailiwicks of Guernsey and Jersey. They are not part of the United Kingdom but enjoy a constitutional relationship directly with the British Crown. Today the islands rely on the United Kingdom only for international relations and defence.

This has relevance to aviation as the Channel Islands are not signatories to the Chicago Convention, falling instead under "territories for which the UK is responsible". This gives the UK Government a role in the setting of aviation policy for the Islands, to ensure that the UK remains in compliance with its own international obligations

In setting this policy, the UK Department for Transport (DfT) has established Memorandum of Understanding (MoU) with the insular authorities, which sets out the following responsibilities between the parties:

The Bailiwicks of Jersey and Guernsey will:

- (a) Establish and maintain a civil aviation safety regulator separate from any aviation service provider;
- (b) Ensure that the civil aviation safety regulator is competent and is provided with sufficient resources to allow it to carry out its functions effectively;
- (c) Contract in, as may be required, any expert services which cannot be provided in-house;
- (d) Take steps to ensure or promote, as the case may be, the timely enactment of relevant civil aviation legislation;
- (e) Agree with the UK a regular scheduled of independent reviews/audits of the safety regulatory system and advise the UK of the outcome, and;
- (f) Provide the UK National Safety Oversight Co-Ordinator with all relevant information required under ICAO Universal Safety Oversight Programme (USOAP) and cooperate with any audit conducted by ICAO;

The United Kingdom will:

- (g) Consult with the Bailiwicks in a timely manner prior to international negotiations and discussions in relevant international forums and take account of the Bailiwicks' interest in those negotiations and discussions;
- (h) Facilitate participation in any relevant international forum or negotiations;
- (i) Provide timely advice of any changes to relevant technical requirements established under the Chicago Convention;
- (j) Ensure that the Bailiwicks are advised in a timely manner;
 - (i) Of any proposals to amend, in its application to the UK, civil aviation legislation which has been extended to the Bailiwicks; and
 - (ii) Upon request, of any amendments to the UK domestic legislation on which the Bailiwicks' local legislation may be based.
- (k) In accordance with agreed timescales, provide timely advice to the Bailiwicks on any proposed aviation legislation that they may have drafted.
- (l) Facilitate the provision of assistance from the CAA to the Bailiwicks under Section 16(1) of the UK Civil Aviation Act 1982.
- (m) Inform the Bailiwicks of any EU legislation dealing with the implementation of ICAO Standards and Recommended practices (SARPs);
- (n) Act on behalf of the Bailiwicks to withdraw or amend an existing difference filed by the UK or provide for a new difference in respect of a SARP, except where, notwithstanding that there may be practical points of distinction to be drawn between the UK and the special circumstances of the Bailiwicks, a fundamental risk to aviation safety would arise from the withdrawal, amendment or filing.

THE OFFICE OF THE DCA

The Aviation Regulator

The Bailiwicks of Jersey and Guernsey have a statutory aviation regulator called the Director of Civil Aviation (DCA). Offices are established separately as a “corporation sole” in each Bailiwick under the respective laws and have been shared by a single post-holder since 2009.

The DCA has statutory responsibility to ensure the safety of aerodromes and air traffic, to ensure the security of aerodromes, passengers and goods carried by air, to licence aerodromes and to approve licensed aviation personnel. The DCA also has responsibilities to regulate the operation of the Channel Islands Airspace (CIA) and meteorological (MET) services for aviation therein. An annual report must be submitted in each Bailiwick.

The DCA also tenders advice to the States of Guernsey, Government of Jersey, relevant Ministers and Committees and other Government bodies in each Bailiwick.

The main contemporary instruments for the regulation of aviation are: the Air Navigation (Jersey) Law 2014 in Jersey and the Air Navigation (Bailiwick of Guernsey) Law 2012 in Guernsey. These domestic laws lay down the primary means by which the islands comply with the Chicago Convention.

Core to the effective delivery of the duties of the DCA, the Safety Policy is committed to developing and implementing effective processes to ensure that all aviation activities under the Office of the DCA regulatory oversight continuously seek improvements to achieving the highest practicable level of safety and compliance.

To support the Safety Policy the DCA will:

- Adopt a data-driven and performance-based approach to safety regulation and industry oversight activities where appropriate;
- Identify safety trends within the aviation industry and adopt a risk-based approach to address safety concerns or needs;

- Monitor and measure the safety performance of service providers’ safety performance indicators (SPIs);
- Collaborate and consult with the aviation industry to identify opportunities to enhance aviation safety;
- Promote good safety practices and a positive safety [just] culture in the aviation community based on sound safety management principles;
- Encourage safety information collection, analysis and exchange amongst relevant industry organisations and service providers, with the intent that such information is to be used as learning opportunities;
- Allocate sufficient financial and human resources for safety management and oversight; and;
- Equip DCA staff with the proper skills and expertise to discharge their safety oversight and management responsibilities competently.

At the current time the Office of the DCA delivers its regulation through two Acting DCAs – one for Guernsey/Alderney and one for Jersey.



ACCIDENT INVESTIGATION

In line with the requirements of ICAO Annex 13, the laws of Jersey and Guernsey have established a statutory separation between the aviation regulator and the body charged with investigation of accidents involving aircraft.

This body is the United Kingdom Air Accidents Investigation Branch (AAIB) (part of the UK Department for Transport).

There are two distinct situations where the AAIB may be called upon to conduct an investigation: where an accident occurs within the Channel Islands (as state of occurrence); and where an accident involving a locally-registered aircraft occurs over the high seas (i.e. where there is no state of occurrence) and responsibility falls to the state of registration. AAIB may also be called upon to assist with an investigation by a third country the subject of which is a Guernsey or Jersey registered aircraft.

Where an accident occurs within any of the Channel Islands' territories, responsibility for notifying the AAIB and appointing an inspecting officer rests with the appropriate Bailiff.

Where an accident occurs over the high seas involving a locally registered aircraft, responsibility for notifying the AAIB rests with the aircraft operator (or the DCA where this is not possible).

Incident investigation

Other than accidents, incident investigation is normally carried out by the operator or service provider concerned. The DCA has provision to conduct an external regulatory investigation in such cases as may be deemed necessary through a commercial arrangement with the UK CAA.

AIRCRAFT REGISTRIES

Separate aircraft registries are established in the Channel Islands:

[Jersey Aircraft Registry](#)
[Guernsey Aircraft Registry](#)

(known as the Jersey Aircraft Registry or “JAR”) and Guernsey (known as 2-REG Aircraft Registry). Both registries have a statutory registrar with responsibility for the legal formalities in registering aircraft. The DCA has regulatory oversight of both registries under Air Navigation (Jersey) Law 2014 and Air Navigation (Guernsey) Law 2012.

Primary requirements relating to airworthiness of aircraft are found mainly in the respective air navigation laws. These measures are published with the aim of ensuring ICAO compliance. Each registry has drawn up its own system for meeting these standards which is in turn approved by the DCA. Authority for certificate issue remains with the DCA in all cases; the right is reserved to vary any registry policy and where this is considered appropriate an entry will be made in Chapter 3.

It should be noted that the Guernsey and Jersey registry requirements are separate and no reciprocal or recognition arrangements exists between them.

Guernsey

In Guernsey, 2-REG was established in 2013 and is operated as a public- private partnership by the States of Guernsey and SGI Guernsey, the latter being a wholly owned subsidiary of SGI Aviation Services B.V., established in the Netherlands. The first point of contact for registry issues is:

Dominic Kaines

Head of Airworthiness, SGI Guernsey, Terminal Building, Guernsey

Airport, Forest, GY8 ODS

dkaines@2-reg.com or +44 (0)330 828 0875

www.2-reg.com/legislation/register

Jersey

The Jersey Aircraft Registry was established in 2014 and is operated by the Government of Jersey Economic Development, Tourism, Sport and Culture Department. Technical support is provided by Trustflight. The first point of contact is:

Seb.Lawson

1st Floor Forum 4

Grenville Street

St. Helier

Jersey JE2 4UF

Seb.lawson@trustflight.io

UNMANNED AERIAL SYSTEMS (UAS)

Jersey and Guernsey have each adopted law that regulate the operation of small unmanned aircraft or UAS (colloquially known as “drones”). Aircraft with surveillance or data gathering capability (most commonly a camera) are subjected to more stringent rules.

Comprehensive guides for UAS operators are published by both Jersey and Guernsey airports respective websites as well as through the DCA website. Operators are strongly urged to make use of these resources.

Private use of UAS is permitted subject to the primary statutory requirements referenced above. Attention is drawn to the requirements for operators to ensure that UASs are always operated in a safe manner in Jersey and Guernsey.

Non-private use of UAS’ requires an aerial work certificate. For the avoidance of doubt, non-private use is any use of an UAS during a business, club, association, charity, governmental body or where any transaction is affected or promised in respect of the flight – this includes where materials obtained during the flight (such as photographs or video recordings) are used by a commercial or charitable undertaking.

Operators wishing to obtain an aerial work certificate should apply to the DCA in writing. Application forms are available on the website. Permits are issued under the Aviation Permit system.

Operators will be required to submit evidence of a pilot qualification, an operation manual (which must include an elementary safety management process including flight risk assessments) and proof of insurance cover.

Temporary or short-term operations by non-Channel Islands-based operators will be permitted where the operator can provide evidence of appropriate certification from an acceptable jurisdiction. In such cases a temporary permit will be issued by the DCA.

All UAS operators holding long-term permissions are required to be audited at their own expense by a body approved by the DCA. Such audits will be required at least once every 24 months and may additionally be required whenever the DCA deems appropriate or necessary. Audits are currently charged at a fixed fee of £450.

No permissions are given or implied in respect of compliance with the Data Protection (Jersey) Law 2018 or the Data Protection (Bailiwick of Guernsey) Law 2017 and operators are strongly advised to seek advice from the Office of the Data Protection/Information Commissioner (www.dataci.gg or www.dataci.ie) where any flight involves the use of surveillance equipment.

Changes to terminology with the introduction of the terms ‘remote pilot’ and ‘UAS operator’ in place of the previously used term ‘person in charge’

- (a) the “remote pilot”, in relation to a small unmanned aircraft, is an individual who
 - (i) operates the flight controls of the small unmanned aircraft by manual use of remote controls, or
 - (ii) when the small unmanned aircraft is flying automatically, monitors its course and can intervene and change its course by operating its flight controls,
- (b) the “UAS operator”, in relation to a small unmanned aircraft, is the person who has the management of the small unmanned aircraft

GUERNSEY LEGISLATION

The Air Navigation (Bailiwick of Guernsey)(Foreign Aircraft Operations) Regulations 2019

Charges for Foreign Carrier Permits

Air Navigation (Guernsey) Order 1972

Extends certain provision of the UK Civil Aviation Act 1972 to the Bailiwick

Air Navigation (Bailiwick of Guernsey) Law 2012

The main contemporary regulatory instrument laying down technical requirements

Airport Services Charge (Guernsey) Law 1958

Lays out the charging regime for Guernsey Airport. [outside DCA remit]

Aviation Registry (Guernsey) Law 2013

Establishes the Office of the DCA and lays out the statutory duties and powers

Carriage by Air (Channel Islands) Order 1961

Provisions pertaining to civil actions in respect of deaths aboard aircraft where carriage by air is not International as defined in the Warsaw Convention 1929

Air Transport Licensing (Guernsey) Law 1995

Deals with the economic licensing of air services to and from Guernsey. [Managed by the air route licensing authorities]

Civil Aviation Act 1971 (Channel Islands) Order 1972

Detention of Aircraft (Guernsey and Alderney) Law 1994

Loi relative au Marquange des Obstructions se trouvant aux Alentours de Terre Possedees ou Occupees par les Etats pour les besoins d'un Aerodrome [1938]

Protection of Aircraft (Guernsey) Order 1973

The Aviation Security (Bailiwick of Guernsey) Direction 2012

Civil Aviation (Investigation of Accidents)(Guernsey) Order 1972

Civil Aviation (Licensing) Act 1960 (Channel Islands) Order 1972

JERSEY LEGISLATION

Air Navigation (Fees)(Amendment) Jersey Order 2019

Charges for the issue of Foreign Carrier Permits and aerial work

Aerodromes (Administration) (Jersey) Law 1952

Requires there to be an Airport Director and sets out their powers.

Aerodromes (Jersey) Regulations 1965

Establishes the powers of the Minister or Airport Director to deal with objects, vehicles and aircraft.

Air Navigation (General) (Jersey) Regulations 1972

Extends certain UK requirements for weight and balance and performance calculations to Jersey.

Air Navigation Acts (Extension to the Channel Islands) Order 1939

Extends certain UK procedural provisions to Jersey.

Air Navigation (Jersey) Law 2014

The main contemporary regulatory instrument laying down technical requirements.

Airport Dues (Jersey) Law 1956

Lays down obligations to pay dues for aircraft using Jersey Airport.

Airports Act 1986 (Jersey) Order 2000

Extends a provision of the UK Airports Act 1986 to Jersey.

Aviation Security (Jersey) Order 1993

Extends provisions of the UK Aviation Security Act 1982 to Jersey.

Carriage by Air (Jersey) Order 1967

Extends provisions of the UK Carriage by Air Act 1961 to Jersey.

Carriage by Air (Sterling Equivalent) Order 1999

Establishes a statutory exchange rate for the Act above.

Carriage by Air Acts (Application of Provisions) (Jersey) Order 1967

Extends provisions of the UK Carriage by Air Acts to Jersey.

JERSEY LEGISLATION

Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000

Civil Aviation (Jersey) Law 2008

Establishes the Office of the DCA and lays out the statutory duties and powers.

Civil Aviation (Licensing) Act 1960 (Channel Islands) Order 1961

Extends certain UK air route licensing provisions to Jersey.

Civil Aviation (Licensing) Regulations 1964

Extends certain UK air route licensing provisions to Jersey.

Civil Aviation (Supplementary Provisions) (Jersey) Law 1955

Provides for the purchase of and control over land for the interests of civil aviation.

Civil Aviation Act 1980 (Jersey) Order 1984

Modifies certain provisions of the UK Civil Aviation Act 1980 as extended.

Civil Aviation Act 1982 (Jersey) Order 1990

Extends provisions of the UK Civil Aviation Act 1982 to Jersey.

Civil Aviation Authority Regulations 1972

Extends certain provisions of the UK CAA Regulations to Jersey.

The Aviation Security (Jersey) Direction 2012

Covers aviation security - see section 2-15.

Aircraft Registration (Jersey) Law 2014

Establishes the Jersey Aircraft Registry. Lays out the powers of the Registrar.

