

Guernsey ODCA Notice of Proposed Amendment: 2022-5

1. Title

2022 changes to GAR 91, 121, 125 and 135

2. Introduction

This Notice of Proposed Amendment proposes to change GAR 91, 121, 125 and 135 as a result of user input and a detailed verification against ICAO Annex 6 SARPs. It should be read in conjunction with draft GAR 91/125 September 2022 and draft GAR 91/135/121 September 2022.

Chapter 3 explains the consultation process.

Chapter 4 introduces the proposals, the reason why they are proposed and, for those proposals that do not require public consultation, presents the text changes.

Chapter 5 presents for a number of proposal for which this is considered to be of benefit to stakeholders, the old text and new text adjacent to each other and indicates the safety and other impact.

3. Consultation and timeline

3.1 Consultation categories

This Notice of Proposed Amendment is offered to interested parties for both information and public consultation. The proposals in this NPA fall into three categories, as follows:

Category 1 – information only. This applies to those proposals that would have no material impact on interested parties, or codify policies and practices that are already in use, or are adaptations to external developments that cannot be influenced by Guernsey;

Category 2 – comments invited on proposed implementation period only. This applies to proposals that ensure compliance of GARs with amendments of ICAO Annexes or other mandatory external standards, or from audits. Interested parties may comment on the proposed publication period but not on the substance of the change. Any comment for extending the implementation period should be substantiated with the reason and supported with evidence. It should be borne in mind that whilst the proposed implementation period starts on the publication date of the GAR revision, interested parties can start preparing for implementation from the moment that this NPA is published. The effective implementation period for interested parties is therefore longer.

Category 3 – comments invited on both the proposed implementation period and the substance of the change. This applies to those changes that may have a material effect on interested parties. Comments that propose changes to the substance of the proposal should state the reason and preferably contain an alternative text proposal, and be supported with evidence. Any comment for

Guernsey ODCA Notice of Proposed Amendment 2022-5

extending the implementation period should be substantiated with the reason and supported with evidence.

3.2 Consultation categories and proposed implementation periods

Proposal no.	Title of proposal	Consultation category	Interested parties	Proposed effectivity date
1	Editorial changes	1		upon publication
2	Text changes to remove any ambiguity	1		upon publication
3	GAR 91.45a6 – Article 83 bis transfer agreement	1		upon publication
4	GAR 91.75(b) Portable electronic devices	3	All operators	3 months from GAR revision date
5	GAR 91/125/121/135.85 – common language	1		upon publication
6	GAR 125/121/135.95a - Stowage of baggage and cargo	1		upon publication
7	GAR 135/121.100d – Transport of dangerous goods	1		upon publication
8	GAR 91.140e – Use of flight recorder recordings	2	All operators	3 months from GAR revision date
9	GAR 121/135.145c – Security, search procedure checklist	2	AOC holders	3 months from GAR revision date
10	GAR 121/135.190 – Flight preparation forms	2	AOC holders	3 months from GAR revision date
11	GAR 91.210 - Operating in icing conditions - ground procedures	3	All operators	3 months from GAR revision date
12	GAR 121/135.220a – Operating facilities	1		upon publication
13	GAR 91.240 – Aerodrome operating minima	2	All operators	3 months from GAR revision date
14	GAR 121/135.267 cargo compartment safety	2	AOC holders	3 months from GAR revision date
15	GAR 121.275a4 EDTO	2	AOC holders	3 months from GAR revision date
16	GAR 91.280 Fuel and oil requirements	2	All operators	3 months from GAR revision date
17	GAR 125/121/135.290 - In-flight simulation of emergency situations	2	AOC and POC holders	3 months from GAR revision date
18	GAR 121/135.305a - In-flight fuel management	2	AOC holders	3 months from GAR revision date
19	GAR 91/121/135.410 and 121/135.425 – Meteorological conditions	1		upon publication
20	GAR 121/135.420b method of establishing minimum flight altitudes	1		upon publication
21	GAR 121/135.640 VFR instruments and equipment	1		upon publication
22	GAR 121/135.655 – attitude indicator emergency power supply	2	AOC holders	3 months from GAR revision date

Guernsey ODCA Notice of Proposed Amendment 2022-5

23	GAR 91.670c4 – Performance-based communication procedures	2	All operators	3 months from GAR revision date
24	GAR 91.675 – RVSM equipment	2	All operators	3 months from GAR revision date
25	GAR 91.677c – Performance-based surveillance procedures	2	All operators	3 months from GAR revision date
26	GAR 91.675c, 91.677d – Installation of navigation and surveillance equipment	2	All operators	3 months from GAR revision date
27	GAR 91/121/135.705 ELTs	2	All operators	3 months from GAR revision date
28	GAR 121.707 Location of an aeroplane in distress	1		upon publication
29	GAR 91.710b Designated land areas	2	All operators	3 months from GAR revision date
30	GAR 91.715e1 Life jackets seaplanes and amphibians	1		upon publication
31	GAR 91.735 Oxygen non-pressurized aircraft	1		upon publication
32	GAR 121/135.740 Oxygen	2	AOC holders	3 months from GAR revision date
33	GAR 91/121/135.750 Flight recorders	1		upon publication
34	GAR 91/125/121/135.755c, d, e - FDR	1		upon publication
35	GAR 121.760c CVR/CARS	1		upon publication
36	GAR 91/125.765c and d - Data link recorders for helicopters	2	All operators	3 months from GAR revision date
37	GAR 91.770b, 121/135.770c GPWS	2	All operators	3 months from GAR revision date
38	GAR 121/135.905b Radio operator and Flight navigator	1		upon publication
39	GAR 121/135.905c2 Single pilot operations – MTOM discriminant	1		upon publication
40	GAR 91.910e Flight crew qualification	2	All operators	3 months from GAR revision date
41	GAR 121/135.955e Crew security training programme approval	2	AOC holders	3 months from GAR revision date
42	GAR 121/135.1002 Security training for non-crew employees	2	AOC holders	3 months from GAR revision date
43	GAR 125.1115b Operator proficiency check interval	2	POC holders	3 months from GAR revision date
44	GAR 121/135.1212b, c and d - FRMS	2	AOC holders	3 months from GAR revision date
45	Appendix 1 to GAR 121/135.1250 Operations Manual - Dangerous Goods	2	AOC holders	3 months from GAR revision date
46	GAR 121/135.1280c Cosmic radiation records	2	AOC holders	3 months from GAR revision date
47	GAR 125/121/135 Part SPA, SPA.025.GEN	1		upon publication

Guernsey ODCA Notice of Proposed Amendment 2022-5

48	GAR 125/121/135 Part SPA, SPA.001.SPN c2	2	AOC and POC holders	3 months from GAR revision date
49	GAR 125/121/135 Part SPA, SPA.005.LVO d – HUD etc.	2	AOC and POC holders	3 months from GAR revision date
50	GAR 135 App. E2 - E2.020a single-engined operations	1		upon publication
51	GAR 125.A.5d5 – SMS, compliance monitoring	2	POC holders	3 months from GAR revision date
52	GAR 91.225 Note 2; Appendix D - Rules of the Air	1		upon publication

3.3 Method of consultation

Interested parties should use the commenting form [\[link\]](#) for submitting their comments.

3.4 Timeline

The commenting period for this NPA is three months. All comments received by 30 June 2022 will be processed by the Guernsey Office of the Director of Civil Aviation (ODCA). It is expected that this process will take 2 months and result in publication of the revised GARs on 1 September 2022. The changes that would materially affect interested parties would then become effective 3 months after that, i.e. 1 December 2022. Changes that have no effect or would be a relaxation will become effective on the publication date.

4. Proposals - rationale

4.1 Proposal 1 – editorial changes

Editorial changes are proposed as follows.

4.1.1 GAR 91.5a; Applicability, specific approvals

In Note 2, replace 'These additional requirements are codified in GAR Parts 121, 125 and 135' by: 'These additional requirements are codified in Subpart SPA.' This is a correction.

4.1.2 GAR 91.15a; 121/125/135.15a Laws, requirements and procedures

Transfer the contents of GAR 91.15a to GAR 125.15a. The text of GAR 91.15a is aimed at operators, rather than individuals and therefore better placed in GAR 125. Consequentially, current GAR 125.15a is renumbered as GAR 125.15d.

Replace in both 125.15a and 121/135.15a the text 'the holder of a certificate, licence, permit or approval' by 'the operator'. This is for reasons of consistency.

4.1.3 GAR 121/135.97 Cargo compartment safety

Replace in GAR 121/135.97a and 121/135.97c the word 'policy' by 'policies' to match ICAO Annex 6, Part I, 15.1 and 15.2.2.

4.1.4 GAR 91.120a8 Responsibilities of pilot-in-command

Remove the word 'that' behind 'emergency situation'. This is a correction.

4.1.5 GAR 121/135.140a - Use and preservation of flight recorders and records

Re-number the introductory text 'a' and re-word for clarity by replacing 'that the requirements of 91.140 are met' by actually repeating the introductory text from 91.140a.

Guernsey ODCA Notice of Proposed Amendment 2022-5

4.1.6 GAR 91.145 note – Security

In the note to GAR 91.145, replace the word ‘Chapter’ by ‘Part’, as ‘chapter’ has no meaning in a GAR, but ‘Part’ has.

4.1.7 GAR 121/135.225b - Use of aerodromes/operating sites

Replace the word ‘his’ by ‘its’.

4.1.8 GAR 91.240c8 - Aerodrome operating minima — determination

Add the word ‘used’ behind ‘means’. This had earlier been inadvertently omitted.

4.1.9 GAR 121.268 - Any operation beyond 60 minutes to an en-route alternate aerodrome

Adjust the title by replacing ‘an’ by ‘any’.

4.1.10 GAR 125.280 - Fuel requirements

Augment the title by adding the word ‘oil’ so as to conform to the respective ICAO Annex 6 standards.

Correct the reference to GAR 135 into a reference to GAR 125 in current c2; c4ii; c4iii; c4iv; e (new e2, e4ii, e4iii, e4iv, g respectively¹).

4.1.11 GAR 125.305 - In-flight fuel management

Re-number the notes so as to be in order.

4.1.12 GAR 91 multiple places: owner/charterer by demise/operator

GAR 91.5 lists the addressees of GAR 91 as follows:

1	the owner or charterer by demise of an aircraft registered in Guernsey, wherever such an aircraft may be; and
2	all aircraft operating or navigating within Guernsey; and
3	the crew of all such aircraft.

Although the introductory text gives a way-out (‘unless stated otherwise’), there must be a good reason for such a deviation. Individual GAR 91 paragraphs deviating from the above, and especially item 1, were screened as to such a reason. Item 1 is based on the Aviation Registry (Guernsey) Law, 2013 and subordinate regulations, which addresses ownership of Guernsey registered aircraft. It was found that some GAR 91 sections address ‘the owner or lessee’ rather than ‘the owner or charterer by demise’ for no plausible reason. In all these instances (GAR 91.900, 1255a, 1275), this is now corrected.

In addition, GAR 91 paragraphs addressed to ‘the operator’ have been screened for a plausible reason and corrected where appropriate. Operators are normally not addressed in GAR 91, but rather in GAR 125, 121 and 135, in addition to GAR 119 for those that conduct commercial air transportation. Changes are made to:

- GAR 91.155 (by removal of the words ‘Except as otherwise specified by the operator’);
- GAR 91/125/121/135.625 (by replacing in GAR 91 ‘the operator’ by ‘the owner or charterer by demise’ and adding in GAR 125/121/135 ‘The operator shall ensure that’);
- GAR 91/125.630 (by replacing in GAR 91 ‘the operator’ by ‘the owner or charterer by demise’ and adding in GAR 125 ‘The operator shall ensure that’ – for GAR 121 and 135 this was already done).

¹ See 3.2.5 for reason for revising subsection numbering

Guernsey ODCA Notice of Proposed Amendment 2022-5

4.1.13 Aeroplane vs. aircraft

Replace the word 'aeroplane' by 'aircraft' where the requirement is meant to cover both aeroplanes and helicopters. This is the case in 91.670c. Conversely, replace the word 'aircraft' by 'aeroplane' when the requirement is solely applicable to aeroplanes. This is the case in 121.715c and d.

4.1.14 GAR 91.355 Note - Occupation of seats and wearing of restraints

Delete the note in GAR 91.355 as it refers to a paragraph which was deleted earlier.

4.1.15 GAR 121/135.675a1 – Navigation equipment

In GAR 121/135.675a1, add the word 'operational' before 'flight plan' to conform ICAO Annex 6, Part I, 7.2.1. Note that this is not required per ICAO Annex 6, Part II and therefore 91.675 is not amended.

4.1.16 GAR 121/135.790a Cosmic radiation detection equipment

Add the altitude discriminant in meters, in addition to feet.

4.1.17 GAR 121.1155e7/135.1115e8 - Operator proficiency check (OPC)

Replace the words 'shall include the mandatory items of the proficiency checks contained in GAR 61' by 'shall include the mandatory items of the licence proficiency checks' as GAR 61 itself does not contain the proficiency requirement. Under the validation concept this is implicit.

4.2 Proposal 2 – text changes to remove any ambiguity

Reposition in the following instances of GAR 125/121/135 subparagraphs which appear in the same row as GAR 91 text so as to ensure that, as per the reading convention of the Note to GAR 125/135/121.1, they are read in addition to the GAR 91 text and not as a replacement of that GAR 91 text. This in order to remove any ambiguity as to the applicability of the GAR 91 text to GAR 125/121/135 operators.

This applies to:

4.2.1 GAR 125/121/135.105a, now GAR 125/121/135.105b

4.2.2 GAR 125/121/135.110a, now GAR 125/121/135.110c

4.2.3 GAR 121/135.130a through d, now GAR 121/135.130f through i

4.2.4 GAR 121/135.210 intro, now GAR 121/135.210b

4.2.5 GAR 125/121/135.280a through f, now GAR 125/121/135.280c through h.

4.2.6 GAR 125/121/135.710a and b (text removed, so that GAR 91.710a and b apply)

4.2.7 GAR 135.715e (text removed, so that GAR 91.715e applies)

4.2.8 GAR 125/121/135.755e (text removed, so that GAR 791.755e applies)

Conversely, in the following paragraph, repeat the GAR 91 text in the GAR 135 and GAR 121 columns to facilitate proper reading:

4.2.9 GAR 121/135.240c (because of 'broken' numbering).

4.2.10 Replace in Note 4 of GAR 91.5 'are subject to permission by the Secretary of State' by 'are subject to a foreign carrier permit by the Director' to reflect the current practice.

Guernsey ODCA Notice of Proposed Amendment 2022-5

4.2.11 Add in GAR 125/121/135.900 (intro) the words ‘the operator shall’ to ensure that the continuing airworthiness management obligation rests with the operator and not with the owner or charterer by demise.

4.3 Proposal 3 – GAR 91.45a6 – Article 83 bis transfer agreement

Delete the requirement for a true copy of the transfer agreement under Article 83 bis as this has been replaced by the agreement summary codified in 91.47. A similar change is made to 121/135.45a6.

4.4 Proposal 4 – GAR 91.75(b) Portable electronic devices

Add a note to make users aware of EU guidance for this subject, as follows:

Note: Guidance relating to portable electronic devices is contained in relevant Acceptable Means of Compliance that are part of Regulations (EU) No 965/2012.

4.5 Proposal 5 – GAR 91/125/121/135.85 – common language

Expand GAR 125/121/135.85 with the following text, which already appears in GAR 91.85 in the same row: ‘and for aeronautical radiotelephony communications’. This to clarify that the intent of the requirement is also for radiotelephony purposes, as required by ICAO Annex 6, Part I, 3.1.8 and Part II, 3.3.1.5.

In 91.85, replace the reference to the Annex 1 specification by the following: ‘at the ICAO Operational Level (level 4) or higher’. This is to obviate the need for users to consult ICAO Annex 1.

Note that GAR 91.85 does not necessarily specify English, as the operation may be exclusively in an area where another language than English is spoken. For GAR 125/121/135 operations, however, English is prescribed, at ICAO level 4 as a minimum.

4.6 Proposal 6 – GAR 125/121/135.95a - Stowage of baggage and cargo

Augment GAR 125/121/135.95a with a text that explains that the operator’s procedures for stowage of baggage and cargo must at least meet the provisions of GAR 91.95. This intent was previously implicit, now it is explicit, as follows:

‘The operator shall specify procedures to ensure that all baggage carried onto an aircraft and taken into the passenger cabin is adequately and securely stowed. These procedures shall at least cover the provisions of GAR 91.95a and 91.95b.’

4.7 Proposal 7 – GAR 135/121.100d – Transport of dangerous goods

Add, for the avoidance of doubt, requirements for operators not holding a dangerous goods approval, as follows. This, together with proposal 45, ensures compliance with Annex 6, Part I, 14.2.

d		Any operator, regardless of whether or not he holds an approval as per 121/135.100c, shall ensure that operational staff are:
	1	trained in accordance with GAR 121/135.1000a;
	2	familiar with the policies and procedures contained in the Operations Manual with respect to dangerous goods.

4.8 Proposal 8 – GAR 91.140e – Use of flight recorder recordings

Add flight recorder protection requirements as required by ICAO Annex 6, Part I, 3.3.4 and 3.3.5, Part 2, 3.3.2 and Part 3, section II, 1.3.3.

Guernsey ODCA Notice of Proposed Amendment 2022-5

See 5.2.1 for further text proposal and justification.

4.9 Proposal 9 – GAR 121/135.145c – Security, search procedure checklist

Add a requirement for a security search procedure checklist as required by ICAO Annex 6, Part I, 13.3.

See 5.2.2 for further text proposal and justification.

4.10 Proposal 10 – GAR 121/135.190 – Flight preparation forms

Change the introductory text of GAR 121/135.190 to more adequately reflect ICAO Annex 6, Part I, 4.3.1, as follows. Effectively, this means the addition of a requirement for flight preparation forms to be completed before commencement of flight.

Current text	Proposed text
The operator shall ensure, by use of appropriate procedures, that no flight is commenced unless the requirements of 91.190 have been satisfied	A flight shall not be commenced until flight preparation forms have been completed certifying that the pilot-in-command is satisfied that:

4.11 Proposal 11 - GAR 91.210 - Operating in icing conditions - ground procedures

Add a note to make users aware of industry standards for de-/anti-icing, including hold-over times, as follows:

Note: Global Aircraft De-/anti-icing Standards have been developed by the Society of Automotive Engineers. Refer to EASA SIB 2017-11 for an overview.

4.12 Proposal 12 – GAR 121/135.220a – Operating facilities

In the previous issue, the requirement for verifying operating facilities was inadvertently omitted when the requirement for conflict zones was added. This requirement is now restored as 121/135.220a and the conflict zone requirement is renumbered as 121/135.220c.

4.13 Proposal 13 – GAR 91.240 – Aerodrome operating minima

Following a review of GAR 91/121/135.240 against ICAO Annex 6, Parts I and II, the following changes are proposed:

91.240b: now that ‘State of Aerodrome’ is defined in GAR 1, a corresponding editorial change is made. The words ‘state in which the aerodrome is located’ are replaced by ‘State of Aerodrome’.

125.240a and 91.240c: remove these paragraphs as the ICAO Annex 6, Part II, 2.2.2.2.1 standard is already covered by 91.240a. The content of 91.240c is shifted to 121/135.240c, with additions made in c5 (words ‘acquisition of visual references’ added) and c11 (reference to State of Aerodrome minima added) to reflect ICAO Annex 6, Part I, 4.2.8.2e) and j) respectively.

91.240d: replace the word ‘may’ by ‘shall’. This to better reflect the intent and to correspond with ICAO Annex 6, Part I, 4.2.8.1.1 and Part II, 2.2.2.2.1.1.

91.240e: add a requirement to add margins for alternate aerodromes, ref. ICAO Annex 6, Part I, 4.3.5.3. Remaining sections are renumbered.

91.240f: add the following: ‘Where the operational credit relates to low visibility operations, this will take the form of a specific approval.’ This to comply with ICAO Annex 6, Part I, 4.2.8.1.1.

Guernsey ODCA Notice of Proposed Amendment 2022-5

4.14 Proposal 14 – GAR 121/135.267 cargo compartment safety

Add a new requirement stemming from Annex 6 recommendation 4.3.10. It introduces a requirement to adhere, in the flight planning phase, to the instructions in the flight manual with respect to cargo compartment safety time. Such instructions are required since the previous issue of GAR 121/135.

4.15 Proposal 15 – GAR 121.275a4 EDTO

Add in GAR 121.275a4 the requirement that for EDTO operations, there is an EDTO maintenance programme, as required by ICAO Annex 6, Part I, 4.7.2.6c). Re-number subsequent subparagraphs.

4.16 Proposal 16 – GAR 91.280 Fuel and oil requirements

Modify GAR 91.280a to more adequately conform ICAO Annex 6, Part II, 2.2.3.6 and Part III, section III, 2.8.4.

Add GAR 91.280b2iv to cover the en-route scenarios of loss of pressurization and engine failure. This requirement stems from ICAO Annex 6, Part III, section III, 2.8.4d) so applies to helicopters. Note that for aeroplanes flown by operators this aspect is further elaborated in 125/121/135.280e6i.

4.17 Proposal 17 – GAR 125/121/135.290 - In-flight simulation of emergency situations

Add the word 'cargo' to reflect ICAO Part I, 4.2.5. Although not required by ICAO Part II, 3.4.2.4, GAR 125 has been amended similarly.

4.18 Proposal 18 – GAR 121/135.305a - In-flight fuel management

Add a requirement for approval by the Director of the policies and procedures for in-flight fuel checks and fuel management. This is required in ICAO Annex 6, Part I, 4.3.7.1.

4.19 Proposal 19 – GAR 91/121/135.410 and 121/135.425 – Meteorological conditions

The requirements of GAR 121/135.410 and 121/135.425 overlap those of GAR 91.410. The latter is actually more complete and better matches ICAO Annex 6, Part I, 4.3.5.2 and, in GAR 91.410b, already includes the margin of time called for in GAR 121/135.410a2 and the in-flight replanning requirement called for in GAR 121/135.425. Therefore, delete the requirements of GAR 121/135.410 and GAR 121/135.425 in their entirety in favour of GAR 91.410.

4.20 Proposal 20 – GAR 121/135.420b method of establishing minimum flight altitudes

Modify GAR 121/135.420b to be in compliance with ICAO Annex 6, Part I, 4.2.7.2 by clarifying that this method is only needed when no minimum flight altitude has been established by the State overflown and by adding that the resulting altitude must be not lower than that specified in the rules of the air. Owing to the very widespread use in modern aviation of (electronic) charts based on AIP information, this change will save many cases where the Director needs to approve such a method.

4.21 Proposal 21 – GAR 121/135.640 VFR instruments and equipment

Add text to more accurately reflect ICAO Annex 6, Part I, 6.4.1. Whilst in essence the text of GAR 91.640 (which is based on ICAO Annex 6, Part II, 2.4.3.1) suffices, this addition is made to better conform to ICAO.

Guernsey ODCA Notice of Proposed Amendment 2022-5

4.22 Proposal 22 – GAR 121/135.655 – attitude indicator emergency power supply

Modify the requirement for emergency power supply for attitude indicator to comply with all elements of ICAO Annex 6, Part I, 6.9.2.1 and Part II, 3.6.5.2 by adding the words ‘clearly visible to the pilot-in-command’ and ‘independent of the main electrical generating system, for the purpose of operating and illuminating.’

4.23 Proposal 23 – GAR 91.670c4 – Performance-based communication procedures

Add requirement for establishing and documenting RCP related procedures, conform ICAO Annex 6, Part I, 7.1.4 and Part II, 2.5.1.8.

4.24 Proposal 24 – GAR 91.675 – RVSM equipment

Add requirement that RVSM equipment is capable of automatic reporting of pressure altitude, as required by ICAO Annex 6, Part I, 7.2.6 and Part II, 2.5.2.7a)4).

4.25 Proposal 25 – GAR 91.677c – Performance-based surveillance procedures

Add requirement for establishing and documenting RSP related procedures, conform ICAO Annex 6, Part I, 7.3.3 and Part II, 2.5.3.4.

4.26 Proposal 26 – GAR 91.675c, 91.677d – Installation of navigation and surveillance equipment

Add requirement pursuant to ICAO Annex 6, Part I, 7.4 and Part II, 3.7.2 that failure of a single unit of navigation or surveillance equipment will not result in the failure of another unit. This requirement already existed for communication equipment (91.670d), but not yet for navigation and surveillance equipment.

4.27 Proposal 27 – GAR 91/121/135.705 ELTs

To achieve compliance with ICAO Annex 6, Part I, 6.17, add requirements GAR 135.705d and GAR 121.705d. This will no longer allow, for aircraft first certificated before 1 July 2008, used for commercial air transportation, the use of only one, non-automatic ELT or even, for smaller capacity aircraft, the use of a personal locator beacon (PLB).

Copy, for clarity, the text of GAR 91.705e in 135.705e with the addition of ‘aircraft authorized to carry 19 passengers or less.’ This change is editorial only and does not change the requirement.

Add dots in 135.705f and 121.705f to ensure that the requirement of GAR 91.705f is read as not being applicable to commercial air transport operations. This requirement was already intended but is now made more clear.

Combine GAR 91.705g and 91.705h into modified 91.705g. Currently, 705g and 705h do not differ, so can be merged. The modification adds a requirement for ELTs for helicopter overwater operation and ensures compliance with ICAO Annex 6, Part III, section III, 4.8.

4.28 Proposal 28 – GAR 121.707 Location of an aeroplane in distress

Postpone the compliance date for this requirement by two years, in accordance with ICAO Annex 6, Part I, amendment 44.

4.29 Proposal 29 - GAR 91.710b Designated land areas

Although GAR 91.710b was intended to cover designated land areas as addressed in ICAO Annex 6, Part I, 6.6 and Part II, 2.4.5, this may not be entirely clear from the present text. It is therefore amended to better reflect this intent by adding the words ‘and shall take into consideration whether

Guernsey ODCA Notice of Proposed Amendment 2022-5

the aircraft is operated across land areas which have been designated by the State concerned as areas in which search and rescue would be especially difficult.’

4.30 Proposal 30 – GAR 91.715e1 Life jackets seaplanes and amphibians

Add a requirement for life jacket on seaplanes and amphibians, in accordance with ICAO Annex 6, Part I, 6.5.1 and Part II, 2.4.4.1. Renumber rest of 91.715e.

4.31 Proposal 31 – GAR 91.735 Oxygen non-pressurized aircraft

Remove the requirement for an approval by the Director for operation of non-pressurized aircraft above FL 100, as the requirement of GAR 91.735, which conforms to ICAO Annex 6, Part I, 6.7.1, is considered adequate.

4.32 Proposal 32 – GAR 121/135.740 Oxygen

Shift GAR 91.740d from GAR 91 to GAR 121/135 and modify. The shift is because it is not required by ICAO Annex 6, Part II but only by Part I. The modification will more accurately reflect section 6.7.5 of Annex 6, Part I by adding a requirement that oxygen masks be automatically deployable for certain newer aircraft.

Remove GAR 135.740d. This refers to the condition where cabin crewmembers are required, but such a condition does not exist in GAR 135 operations.

4.33 Proposal 33 – GAR 91/121/135.750 Flight recorders

In the GAR 91/121/135 edition add notes 1 and 2, which were inadvertently omitted. They were already in the GAR 91/125 edition.

4.34 Proposal 34 – GAR 91/125/121/135.755c, d, e - FDR

Re-group and correct GAR 91/125/121/135.755c, d and e.

There are many different discriminants for when an FDR needs to be installed:

- certification date (either type certificate application date or first individual certificate of airworthiness date);
- MTOM and/or seating capacity;
- aeroplane or helicopter;
- turbine-engined or having any kind of engine type;
- commercial air transport, corporate aviation or general aviation.

The FDR requirements currently appear in no clear order of these discriminants. To better assist users in digesting these requirements, they are now re-grouped as follows:

755c: by type certification application date (2023, 2018 or 2016);

755d: by first certificate of airworthiness dates 2016 (helicopters) or 2005 (aeroplanes);

755e: by first certificate of airworthiness date 1989 or earlier.

This re-grouping does not alter any of the requirements, which remain in compliance with the standards, but not necessarily the recommendations, of ICAO Annex 6, Parts I, II and III.

There are some unintentional discrepancies between the current GAR 91/125 edition and current GAR 91/121/135 edition, particularly in the GAR Part 91 column. These are corrected by means of this re-grouping.

In the GAR 91/125 edition in 91.755e, the FDR duration for both aeroplanes and helicopters is 25 hours; but in the GAR 91/135/121 edition a distinction is made between aeroplanes (25 hours) and

Guernsey ODCA Notice of Proposed Amendment 2022-5

helicopters (10 hours). The latter conforms with ICAO Annex 6, Part III and is now carried through in both editions. This is an alleviation for those users that rely on the GAR 91/125 edition only.

In the case of (new) 135.755b3i, the number of 48 parameters to be recorded is corrected into 16 parameters, in accordance with ICAO Annex 6, Part I, 6.3.1.1.1 a). This is an alleviation.

In the case of (new) 121.755b, the words 'individual Certificate of airworthiness was first issued' are corrected into 'which the application for type certificate is submitted to an ICAO contracting state' in accordance with Annex 6, Part I, 6.3.1.1.11. This is an alleviation.

4.35 Proposal 35 – GAR 121.760c CVR/CARS

Postpone the compliance date for the 25 hour recording requirement for aeroplanes above 27,000 kg MTOM by one year, in accordance with amendment 46 to Annex 6, Part I and amendment 39 to Annex 6, Part II.

4.36 Proposal 36 – GAR 91/125.765c and d - Data link recorders for helicopters

Transfer the requirements now appearing in GAR 125.765c and d to GAR 91 in order to achieve compliance with ICAO Annex 6, Part III, Section III, 4.7.3.1.

4.37 Proposal 37 – GAR 91.770b, 121/135.770c GPWS

Adjust text to reflect more accurately ICAO Annex 6, Part I, 6.15.2 and Part II, 2.4.11.4 by replacing 'shall provide an automatic and distinctive warning' by 'shall provide automatically a timely and distinctive warning'.

4.38 Proposal 38 – GAR 121/135.905b Radio operator and Flight navigator

Adds requirements for radio operator and flight navigator, to comply with ICAO Annex 6, Part I, 9.1.2 and 9.1.4. Actually, these ICAO standards are considered to be quite archaic and will not mean any change in practice as typically in current well-equipped aircraft pilots can fulfill these functions. Re-number the rest of GAR 121/135.905.

4.39 Proposal 39 – GAR 121/135.905c2 Single pilot operations – MTOM discriminant

Add a requirement that for single pilot operations the MTOM may not exceed 5,700 kg. This change is to comply with ICAO Annex 6, Part I, 4.9.2 d).

4.40 Proposal 40 – GAR 91.910e Flight crew qualification

Transfer the requirement for each flight crew member to be trained for ACAS when the aircraft is so equipped from 125.910 to 91.210 as it may also apply to non-GAR 125 operations.

4.41 Proposal 41 – GAR 121/135.955e Crew security training programme approval

Current GAR 121/135.955 requires that the operator shall establish and maintain a security training programme. According to ICAO Annex 6, Part I, 13.4.2, for crew members this training programme must be approved. Such a requirement was missing. It is now introduced in GAR 121/135.955e. The current note saying that such an approval *may* be required under applicable security legislation is removed. ICAO does not prescribe who must approve the programme. It is proposed that the Director approves.

4.42 Proposal 42 – GAR 121/135.1002 Security training for non-crew employees

Add a requirement for security training for non-crew employees, in accordance with ICAO Part I, 13.4.2.

Guernsey ODCA Notice of Proposed Amendment 2022-5

4.43 Proposal 43 – GAR 125.1115b Operator proficiency check interval

Correct the interval period for the operator proficiency check from 13 months into 12 months.

4.44 Proposal 44 – GAR 121/135.1212b, c and d - FRMS

Add requirements for approval by the Director of an FRMS when it is used instead of traditional (i.e. prescriptive) fatigue management regulations. These requirements are based on ICAO Annex 6, Part I, 4.10.4 and 4.10.5.

4.45 Proposal 45 – Appendix 1 to GAR 121/135.1250 Operations Manual - Dangerous Goods

Add subjects with respect to Dangerous Goods to be covered in the Operations Manual to ensure compliance with ICAO Annex 6, Part I, 14.2b.

4.46 Proposal 46 – GAR 121/135.1280c Cosmic radiation records

Add a requirement in GAR 121/135.1280c that for flight above 15,000 m cosmic radiation records shall be maintained so that the dose over a 12 month period can be determined. This in order to comply with ICAO Annex 6, Part I, 4.2.11.2.

4.47 Proposal 47 – GAR 125/121/135 Part SPA, SPA.025.GEN

Modify the text to align with the policy that specific approvals, and thus Operations Specifications, are limited to operators and remove the need to repeat specific approvals in the Operations Manual. This is an alleviation, as operators no longer need to include in their Operations Manual a copy of the Operations Specifications. This also solves the sequencing paradox problem: the Operations Manual could not be finished and offered for approval or acceptance until the Operations Specification was issued, yet the issue of that document relies on a finished Operations Manual.

4.48 Proposal 48 – GAR 125/121/135 Part SPA, SPA.001.SPN c2

Add the words 'and proficiency' behind 'flight crew qualification' to conform with ICAO Annex 6, Part I, 7.2.3b) and Part II, 2.5.2.4 and Part III, section III, 5.2.4.

4.49 Proposal 49 – GAR 125/121/135 Part SPA, SPA.005.LVO d – HUD etc.

Add a requirement for approval of HUD and other low visibility landing augmentation systems, in accordance with ICAO Annex 6, Part I, 6.24.1 and 6.24.2 and Part II, 2.4.15.1 and 2.4.15.2.

4.50 Proposal 50 – GAR 135 App. E2 - E2.020a single-engined operations

Add the word 'light' in E2.020a to conform to ICAO Annex 6, Part I, 5.1.2 to ensure that not only weather but also light conditions are taken into consideration before operating a single-engined commercial air transport flight.

4.51 Proposal 51 – GAR 125.A.5d5 – SMS, compliance monitoring

Replace the phrase 'quality assurance' by 'compliance monitoring'. Since its introduction for aviation safety in the 1990s the phrase quality assurance always actually referred to monitoring compliance of an organization with the statutory standards and regulations, as opposed to assurance of quality.

4.52 Proposal 52 – GAR 91.225 Note 2; Appendix D - Rules of the Air

To synchronise with the publication of the SERA rules, remove Note 2 to 91.225 as that has become obsolete and replace the reference in Appendix D to the current SERA rules publication.

Guernsey ODCA Notice of Proposed Amendment 2022-5

5 Proposals – The changes and their justification

5.1 Introduction

Many of the proposals discussed in chapter 4 are proposed to ensure compliance with ICAO standards by the letter and will have no impact on users. In a number of cases, the requirements as proposed will increase the burden on users, in some cases, there will be an alleviation.

Those proposals that are assessed as potentially impacting *existing* users of the Guernsey Aircraft Registry are further reviewed in this chapter. The old and new text are presented side-by-side, and an indication is given of both the safety and other impact.

Users are invited to specifically comment to these proposals. As explained in section 3.1, in some cases only the implementation period can be commented upon. This is because the substance of the change is to achieve compliance with ICAO standards.

If users find that there are proposals missing in this chapter for which they foresee an impact as well, they are invited to comment accordingly.

5.2 The proposals

5.2.1 Proposal 8 – GAR 91.140e – Use of flight recorder recordings

The change

Current GAR 91.140e text	Proposed GAR 140e text	Gist of change
[Void]	Flight data and voice recordings and transcripts shall only be used for the purpose of the investigation of an accident or incident as per ICAO Annex 13, except where the recordings and transcripts are: <ol style="list-style-type: none">1. related to a safety-related event identified in the context of a safety management system, are restricted to the relevant portions of a de-identified transcript of the recording, and are subject to the protections accorded by ICAO Annex 19;2. used for airworthiness or maintenance procedures, or inspection of the systems;3. used in the operation of a flight data analysis programme;4. de-identified or disclosed under secure procedures; or5. sought for use in criminal proceedings not related to an event involving an accident or incident investigation and are subject to the protections accorded by Annex 19.	Add clarity when recordings and transcripts may be used.

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
See 4.8	By delineating when an operator may use flight data recordings and transcripts, there will be increased trust, mainly on the part of pilots.	This change will have no economic or other impact.	ICAO: Annex 6, Pt 1, 3.3.4 and 3.3.5; Annex 6, Pt 2, 3.3.2; Annex 6, Pt 3, II, 1.3.3.

5.2.2 Proposal 9 – GAR 121/135.145c – Security, search procedure checklist

The change

Current GAR 121/135.145c text	Proposed GAR 121/135.145c text	Gist of change
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Guernsey ODCA Notice of Proposed Amendment 2022-5

[Void]	The operator shall ensure that there is on board a checklist of the procedures to be followed in searching for a bomb in case of suspected sabotage and for inspecting aircraft for concealed weapons, explosives or other dangerous devices when a well-founded suspicion exists that the aeroplane may be the object of an act of unlawful interference. The checklist shall be supported by guidance on the appropriate course of action to be taken should a bomb or suspicious object be found and information on the least-risk bomb location specific to the aeroplane.	Add a requirement for CAT operators for a search procedure checklist.
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Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
See 4.9	By means of this requirement, CAT operators will be better prepared for the scenario of a bomb threat.	This change will require an operator to draft such a checklist for each aeroplane type in their fleet. For long-range types, the least-risk bomb location will have been specified by the type certificate holder. There will be a negligible to very minor economic impact on the operator.	ICAO: Annex 6, Pt 1, 13.3.

5.2.3 Proposal 14 - GAR 121/135.267 cargo compartment safety - new requirement

The change

Current GAR 121/135.267 text	Proposed GAR 121/135.267 text	Gist of change
[Void]	The operator shall ensure that a flight shall be planned so that the diversion time to an aerodrome where a safe landing could be made does not exceed the cargo compartment fire suppression time capability of the aircraft as identified per 135.97b, reduced by a 15-minute operational safety margin.	Adds a requirement for CAT operators that cargo compartment safety (i.e. mainly concerning adequate protection against the effects of lithium-ion batteries fires) is accounted for in the flight planning phase. (Note that since the previous issue, the operator must already have introduced policies and procedures for this scenario)

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
See 4.14	By means of this requirement, CAT operators will be better prepared for the scenario of a fire on an inaccessible cargo compartment.	This change completes the measures that were introduced in the previous issue, and which operators must already have introduced. The 15-minute added safety margin may have an economic impact. CAT operators are specifically invited to comment on this element, supported with data. In the case that convincing data are received, the Director may consider to add an implementation period for this requirement.	ICAO: Annex 6, Pt 1, 4.3.10 (recommendation)

Guernsey ODCA Notice of Proposed Amendment 2022-5

5.2.4 Proposal 16 - 91.280 Fuel and oil

The change

Current GAR 91.280 text	Proposed GAR 91.280 text	Gist of change
280a	<u>280a</u>	
A flight shall not be commenced unless the aircraft carries sufficient fuel and oil, taking into account weather reports, forecasts and weather conditions to complete the flight and to allow for contingencies, which shall be at least the amount sufficient to enable:	A flight shall not be commenced unless the aircraft carries sufficient fuel and oil, taking into account weather reports, forecasts and weather conditions, expected air traffic control routings and any expected delays, to safely complete the flight and to allow for contingencies, which shall be at least the amount sufficient to enable:	Add for the determination of fuel uplift, expected air traffic control routings and other delays.
280b2iv	280b2iv	
[void]	the procedure for loss of pressurization, where applicable, or failure of one-engine while en-route.	For helicopters, for fuel uplift to take into account the scenario of loss of pressurization.

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
280a			
See 3.16	By means of this requirement, the fuel uplift will need to take into account scenarios that were previously not required to be taken into consideration. This will reduce the number of cases of a fuel emergency.	It is assumed that P-I-Cs and general aviation operators, in their current operations, already comply with this requirement and that therefore the impact will be minimal. However, if this is not the case, users are invited to comment on the possible impact and the Director may consider to add an implementation period.	ICAO: ICAO Annex 6, Part II, 2.2.3.6 and Part III, section III, 2.8.4.
280b2iv			
See 4.16	For a helicopter flight, by means of this requirement, the fuel uplift will need to take into account the scenario of loss of pressurization and subsequent higher fuel consumption because the flight must be continued at less economical altitudes. Whilst this is a rare scenario for fixed-wing aircraft, it is even more remote for a helicopter and, thus, the safety impact will be minor.	What applies to the safety impact, also applies to the economic impact: this scenario is rare and will unlikely lead to many cases where indeed extra fuel is needed. The economic impact is considered negligible.	ICAO: ICAO Annex 6, Part III, section II, 2.3.6.4d); section III, 2.8.4d)

5.2.5 Proposal 18 - GAR 121/135.305a – In-flight fuel management

The change

Current GAR 121/135.305a text	Proposed GAR 121/135.305text	Gist of change
The operator shall establish policies and procedures to ensure that in-flight fuel checks and fuel management are carried out.	The operator shall establish policies and procedures, approved by the Director, to ensure that in-flight fuel checks and fuel management are carried out.	Add the requirement that the Director approves the policies and procedures.

Guernsey ODCA Notice of Proposed Amendment 2022-5

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
See 4.18	The safety impact of this change, which stems from an ICAO standard, is considered minor.	This change will mean that one item is added to the list of 'approvables' for initial AOC certification. The impact of this will be very minor.	ICAO: ICAO Annex 6, Part I, 4.3.7.1.

5.2.6 Proposals 23 and 25 – GAR 91.670c and 91.677c – Performance-based communication and surveillance procedures

The change

Current GAR 91 text	Proposed GAR 91 text	Gist of change
91.670c4	91.670c4	
[void]	for operations where an RCP specification for PBC has been prescribed, the owner or charterer by demise shall establish, or the operator shall establish and document: i normal and abnormal procedures; ii contingency procedures; iii flight crew qualification and proficiency requirements in accordance with appropriate RCP specifications; iv a training programme for relevant personnel consistent with the intended operation; v appropriate maintenance procedures to ensure continuing airworthiness, in accordance with appropriate RCP specifications.	New requirement
91.677c	91.677c	
[void]	for operations where an RSP specification for PBS has been prescribed, the owner or charterer by demise shall establish, or the operator shall establish and document: i normal and abnormal procedures; ii contingency procedures; iii flight crew qualification and proficiency requirements in accordance with appropriate RSP specifications; iv a training programme for relevant personnel consistent with the intended operation; v appropriate maintenance procedures to ensure continuing airworthiness, in accordance with appropriate RSP specifications.	New requirement

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
See 4.23 and 4.25	This requirement ensures that when operating in PBC or PBS airspace, aircraft equipment meets the RCP and RSP specifications and thus, that ATM operations predicated on these systems is detected and corrected in a timely manner.	This equipment is only required when an operator chooses to operate in PBC or PBS airspace. As this will ensure more efficient ATM operations, the implementation and operating costs will be offset.	ICAO: PBC: Annex 6 Part I, 7.1.4 and Part II, 2.5.1.8. PBS: Part I, 7.3.3 and Part II, 2.5.3.4.

Guernsey ODCA Notice of Proposed Amendment 2022-5

5.2.7 Proposal 24 – GAR 91.675e – RVSM equipment, automatic pressure altitude reporting.

The change

Current GAR 91 text	Proposed GAR 91 text	Gist of change
91.675e1iv	91.675e1iv	
[void]	An aircraft operating in RVSM airspace shall be: [...] automatically reporting pressure altitude.	New requirement

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
675c			
See 4.24	The pressure altitude reporting feature is an essential element for operations in RVSM airspace.	As this feature is part of RVSM approved equipment, there should be no impact.	ICAO: Annex 6 Part I, 7.2.6 and Part II, 2.5.2.7.

5.2.8 Proposal 26 – GAR 91.675c, 91.677d – Installation of navigation and surveillance equipment

The change

Current GAR 91 text	Proposed GAR 91 text	Gist of change
91.675c	91.675c	
[void]	Navigation equipment shall be installed such that failure of one unit will not result in the failure of another unit.	New requirement
91.677d	91.677d	
[void]	Surveillance equipment shall be installed such that failure of one unit will not result in the failure of another unit.	New requirement

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
See 4.26	Navigation and surveillance equipment is important for flight safety and must be reliable. Hence, there must be redundancy and reliability.	This requirement, although new, is in most cases already met by the design of the equipment and its installation. Comments are specifically invited for those instances where this is not the case.	ICAO: ICAO Annex 6, Part I, 7.2.6 and Part II, 2.5.2.7a)4).

5.2.9 Proposal 27 – GAR 91/121/135.705 ELTs

The change

Current GAR 705d text	Proposed GAR 705d text	Gist of change
[void]	Except as provided for in 135/121.705e, an aeroplane authorized to carry more than 19 passengers shall be equipped with at least one automatic ELT or two ELTs of any type.	The requirement of current 121/135.705d, which only requires one ELT of any type for aircraft certificated before 1 July 2008, and allows an alleviation for lower capacity aircraft, is replaced by this more demanding requirement.

Guernsey ODCA Notice of Proposed Amendment 2022-5

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
See 4.27	The use in older aircraft operated for CAT of a single ELT of any type, or even only a PLB, is discontinued, which is an enhancement of safety.	This requirement may mean that CAT operators must add ELT equipment. Comments are specifically invited for this proposal.	ICAO: Annex 6 Part I, 6.17.3.

5.2.10 Proposal 36 – GAR 91/125.765c and d - Data link recorders for helicopters

The change

Current GAR text	Proposed GAR text	Gist of change
91.765c	91.765c	
[void]	All helicopters for which the individual certificate of airworthiness is first issued on or after 1 January 2016, which use any of the data link communications applications listed in 5.1.2 of Appendix 4 to ICAO Annex 6, Part III and are required to carry a CVR, shall record the data link communications messages on a crash-protected flight recorder.	The applicability of this requirement is extended from GAR 125 operations only to any operation.
91.765d	91.765d	
[void]	All helicopters for which the individual certificate of airworthiness was first issued before 1 January 2016, that are required to carry a CVR and are modified on or after 1 January 2016, use any of the data link communications applications referred to in 5.1.2 of Appendix 4 to ICAO Annex 6, Part III shall record the data link communications messages on a crash-protected flight recorder unless the installed data link communications equipment is compliant with a type design or aircraft modification first approved prior to 1 January 2016.	The applicability of this requirement is extended from GAR 125 operations only to any operation.

Justification

Drive for this proposal	Safety impact	Other impact	Regulatory verification:
See 4.36	By means of this requirement, accident investigation will be further assisted.	This change only affects those helicopters equipped for and using data link communications that do not operate on GAR 125 operations. It is estimated that few, if any, helicopters are affected and thus the economic impact will be minimal. Yet, comments are specifically invited.	ICAO: Annex 6 Part III, III, 4.7.3.1.