



Jersey

EU LEGISLATION (CIVIL AVIATION INSURANCE) (JERSEY) REGULATIONS 2015

Official Consolidated Version

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THE STATES, in pursuance of Article 2 of the [European Union Legislation \(Implementation\) \(Jersey\) Law 2014](#), have made the following Regulations –

Commencement [[see endnotes](#)]

1 Interpretation

(1) In these Regulations –

“aerodrome” has the meaning given to it by Article 1(1) of the [Air Navigation \(Jersey\) Law 2014](#);

“Director” has the meaning given to it under Article 2 of the [Civil Aviation \(Jersey\) Law 2008](#);

“Insurance Regulation” means Regulation (EC) No 785/2004 of the European Parliament and of the Council of 21 April 2004 on insurance requirements for air carriers and aircraft operators (OJ L 138, 20.4.2004, p1) as amended up to the date of making of these Regulations;

“Registrar” means the Registrar of Aircraft appointed under Article 2 of the [Aircraft Registration \(Jersey\) Law 2014](#);

“relevant authority” means –

(a) in the case of an aircraft in respect of which a permit is required under Article 105 of the [Air Navigation \(Jersey\) Law 2014](#), the Secretary of State or a person authorized to act on his or her behalf for this purpose; and

(b) in the case of any other aircraft, the Director;

“State aircraft” means an aircraft referred to in Article 3(b) of the Convention in International Civil Aviation, signed at Chicago on 7 December 1944.

(2) Unless the context otherwise requires, expressions used in both these Regulations and the Insurance Regulation have the same meaning as in the Insurance Regulation.

2 Director to perform functions

The Director shall perform the functions that are required by Articles 5 and 8 of the Insurance Regulation to be performed by a member State or by the competent authorities of such a member State and for the purpose of these provisions Jersey is to be treated as if it were a member State.

3 Offence of failing to comply with the Insurance Regulation

- (1) Subject to paragraph (2), an air carrier or aircraft operator who fails to comply with any requirement imposed upon the air carrier or aircraft operator by paragraphs 1 and 2 of Article 4 of the Insurance Regulation shall be guilty of an offence.
- (2) An offence under this Regulation shall not be committed by –
 - (a) an aircraft operator in relation to an aircraft which is registered in a member State; and
 - (b) an air carrier, if the air carrier's operating licence has been granted by such a member State.

4 Minimum insurance in respect of liability for passengers

In accordance with paragraph 1 of Article 6 of the Insurance Regulation, the level of minimum insurance cover set for liability in respect of passengers in the case of non-commercial operations by an aircraft with a maximum take-off mass of 2,700 kg or less, shall be 100,000 SDRs rights per passenger.

5 Provision of information

- (1) This Regulation applies if –
 - (a) the Director, in exercise of his or her functions under Regulation 2, requires an air carrier or aircraft operator to provide the Director with an insurance certificate or any other evidence of valid insurance relating to an aircraft operated by the air carrier or aircraft operator for aviation-specific liability in respect of passengers, baggage, cargo or third parties; and
 - (b) the air carrier or aircraft operator fails to provide within a reasonable period –
 - (i) the evidence referred to in sub-paragraph (a), or
 - (ii) a declaration in writing that the air carrier or aircraft operator will not permit that aircraft to be flown other than as a State aircraft unless the air carrier or aircraft operator has first provided the Director with such a certificate or such other evidence of insurance.
- (2) Where this Regulation applies –
 - (a) if the aircraft is registered under Article 20 of the [Aircraft Registration \(Jersey\) Law 2014](#), the Director shall give notice to the Registrar of the air carrier's or aircraft operator's failure and the Registrar shall, subject to paragraph (3), cancel the registration of the aircraft; and
 - (b) the air carrier or aircraft operator shall be guilty of an offence.
- (3) The Registrar shall not cancel the registration of an aircraft which is the subject of an undischarged mortgage under the [Aircraft Registration \(Jersey\) Law 2014](#) unless all persons shown in the Register as mortgagee of that aircraft have consented to the cancellation.

6 Provision of information on application for registration

- (1) On applying for the registration of an aircraft in Jersey under Article 20 of the [Aircraft Registration \(Jersey\) Law 2014](#), the applicant shall provide the following to the Registrar –
 - (a) an insurance certificate or any other evidence of insurance relating to the aircraft for aviation-specific liability in respect of passengers, baggage, cargo or third parties; or
 - (b) a declaration in writing that the applicant will not permit the aircraft to be flown other than as a State aircraft unless the applicant has first provided to the Registrar such a certificate or such evidence of insurance.
- (2) If the applicant fails to comply with paragraph (1), the Registrar shall refuse the application.
- (3) The requirement in Article 13 of the [Aircraft Registration \(Jersey\) Law 2014](#) to give notice to the Registrar of changes in the registered particulars shall not extend to changes in particulars provided under paragraph (1).

7 Provision of information: overseas-registered aircraft

- (1) This Regulation applies in relation to an air carrier or aircraft operator who is operating, or appears to the Director to be intending to operate, an aircraft for which a permission under Article 105 or 107, or a licence under Article 113 or 114, of the [Air Navigation \(Jersey\) Law 2014](#) is required or has been granted.
 - (2) If –
 - (a) the Director, in exercise of the functions under Regulation 2, requires the air carrier or aircraft operator to provide an insurance certificate or any other evidence of insurance relating to that aircraft for aviation-specific liability in respect of passengers, baggage, cargo or third parties; and
 - (b) the air carrier or aircraft operator fails to provide within a reasonable period –
 - (i) the evidence referred to in sub-paragraph (a), or
 - (ii) a declaration in writing that the air carrier or aircraft operator will not permit that aircraft to be flown other than as a State aircraft unless the air carrier or aircraft operator has first provided the Director or that authorized person with such a certificate or such other evidence of insurance,
- the air carrier or aircraft operator shall be guilty of an offence.

8 Provision of false information

Any person who for the purpose of demonstrating compliance with the requirements of paragraphs 1 and 2 of Article 4 of the Insurance Regulation knowingly or recklessly provides an insurance certificate or other evidence of insurance which is false in a material respect shall be guilty of an offence.

9 Prevention of take off

- (1) Where the relevant authority has reason to believe that an aircraft is intended or likely to be flown in such circumstances that the requirements of paragraphs 1 or 2

of Article 4 of the Insurance Regulation will be contravened, the relevant authority –

- (a) shall give to the person appearing to the relevant authority to be in command of the aircraft a direction that the person shall not permit the aircraft to take off until further notice; and
 - (b) shall take such steps as may be necessary to detain the aircraft.
- (2) A person who fails to comply with a direction given to that person under paragraph (1)(a) shall be guilty of an offence.
- (3) The relevant authority may enter an aerodrome or aircraft for the purposes of carrying out his or her functions under this Regulation.

10 Obstruction of relevant authority

A person who intentionally obstructs or impedes the relevant authority acting in exercise of his or her functions under Regulation 9 shall be guilty of an offence.

11 Penalties

- (1) A person guilty of an offence under Regulation 3(1), 8, 9(2) or 10 shall be liable to imprisonment for a term of 2 years and to a fine.
- (2) A person guilty of an offence under Regulation 5(2)(b) or 7(2) shall be liable to a fine of level 3 on the standard scale.
- (3) Where an offence under this Law is committed by a limited liability partnership, a separate limited partnership, any other partnership having separate legal personality or a body corporate and is proved to have been committed with the consent or connivance of –
- (a) a person who is a partner of the partnership, or a director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,
- the person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (4) Where the affairs of a body corporate are managed by its members, paragraph (3) applies in relation to acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.

12 Citation

These Regulations may be cited as the EU Legislation (Civil Aviation Insurance) (Jersey) Regulations 2015.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement
EU Legislation (Civil Aviation Insurance) (Jersey) Regulations 2015	R&O.82/2015	21 October 2015

Table of Endnote References

There are currently no endnote references