



Jersey

THE AIR NAVIGATION (JERSEY) ORDER 2008

JERSEY
REVISED EDITION OF THE LAWS
03.105

APPENDIX



Jersey

L.44/2008

THE AIR NAVIGATION (JERSEY) ORDER 2008

*Sanctioned by Order of Her Majesty in Council**9th October 2008**Registered by the Royal Court**14th November 2008**In force**1st January 2009*

HER MAJESTY, in exercise of the powers conferred on Her, is pleased, by and with the advice of Her Privy Council, to order as follows –

1 Citation and commencement

This Order may be cited as the Air Navigation (Jersey) Order 2008 and comes into force on the day on which the Civil Aviation (Jersey) Law 2008¹ comes into force in its entirety.

2 Revocation

The Air Navigation (Jersey) Order 2000, the Air Navigation (Jersey) (Amendment) Order 2000 and the Air Navigation (Jersey) (Amendment No. 2) Order 2002 are revoked but the regulations and Orders made under those Orders remain in force as if they had been made under this Order.

3 Interpretation

In this Order, “Jersey” means the Bailiwick of Jersey and its adjacent territorial sea.

4 Application of the Air Navigation Order 2005

- (1) The provisions of the Air Navigation Order 2005 listed in Part 1 of the Schedule to this Order apply, with the modifications specified in Part 2 of that Schedule, to Jersey.
- (2) Any amendments made to the Air Navigation Order 2005 after the coming into force of this Order do not apply to Jersey.

5 Application of Interpretation (Jersey) Law 1954

The Interpretation (Jersey) Law 1954² applies to this Order as if it were an enactment under Article 1(1) of that Law.

JUDITH SIMPSON

Clerk of the Privy Council

SCHEDULE

(Article 4)

PART 1

PROVISIONS APPLIED

Article 1 (Citation and commencement)

Article 3 (Aircraft to be registered)

Article 5 (Nationality and registration marks)

Article 8 (Certificate of airworthiness to be in force)

Article 19 (Equipment of aircraft)

Article 20 (Radio equipment of aircraft)

Article 25 (Composition of crew of aircraft)

Article 26 (Members of flight crew – requirement for licence)

Article 36 (Instruction in flying)

Article 46 (Public transport operations at night or in Instrument Meteorological Conditions by aeroplanes with one power unit which are registered elsewhere than in the United Kingdom)

Article 48 (Public transport aircraft registered elsewhere than in the United Kingdom – aerodrome operating minima)

Article 49 (Non-public transport aircraft – aerodrome operating minima)

Article 50 (Pilots to remain at controls)

Article 55 (Operation of radio in aircraft)

Article 60 (Area navigation and required navigation performance capabilities- aircraft registered elsewhere than in the United Kingdom)

Article 61 (Use of airborne collision avoidance system)

Article 62 (Use of flight recording systems and preservation of records)

Article 63 (Towing of gliders)

Article 64 (Operation of self-sustaining gliders)

Article 65 (Towing, picking up and raising of persons and articles)

Article 66 (Dropping of articles and animals)

Article 67 (Dropping of persons and grant of parachuting permissions)

Article 69 (Carriage of weapons and munitions of war)

Article 70 (Carriage of dangerous goods)

- Article 71 (Method of carriage of persons)
- Article 73 (Endangering safety of an aircraft)
- Article 74 (Endangering safety of any person or property)
- Article 75 (Drunkenness in aircraft)
- Article 77 (Authority of commander of an aircraft)
- Article 78 (Acting in a disruptive manner)
- Article 79 (Stowaways)
- Article 80 (Flying displays)
- Article 86 (Documents to be carried)
- Article 88 (Production of documents and records)
- Article 89 (Production of air traffic service equipment documents and records)
- Article 90 (Power to inspect and copy documents and records)
- Article 91 (Preservation of documents, etc.)
- Article 92 (Revocation, suspension and variation of certificates, licences and other documents)
- Article 93 (Revocation, suspension and variation of permissions, etc. granted under article 138 or article 140)
- Article 94 (Offences in relation to documents and records)
- Article 95 (Rules of the Air)
- Article 96 (Power to prohibit or restrict flying)
- Article 97 (Balloons, kites, airships, gliders and parascending parachutes)
- Article 98 (Regulation of small aircraft)
- Article 99 (Regulation of rockets)
- Article 100 (Requirement for an air traffic control approval)
- Article 101 (Duty of person in charge to satisfy himself as to competence of controllers)
- Article 102 (Manual of air traffic services)
- Article 103 (Provision of air traffic services)
- Article 105 (Making of a direction for airspace policy purposes)
- Article 106 (Use of radio call signs at aerodromes)
- Article 107 (Prohibition of unlicensed air traffic controllers and student air traffic controllers)
- Article 108 (Grant and renewal of air traffic controller's and student air traffic controller's licences)
- Article 109 (Privileges of an air traffic controller's licence and a student air traffic controller's licence)
- Article 110 (Maintenance of validity of ratings and endorsements)

- Article 112 (Requirement for medical certificate)
- Article 113 (Appropriate licence)
- Article 114 (Incapacity of air traffic controllers)
- Article 115 (Fatigue of air traffic controllers – air traffic controllers' responsibilities)
- Article 116 (Prohibition of acting under the influence of drink or a drug)
- Article 117 (Failing exams)
- Article 120 (Acting as an air traffic controller and a student air traffic controller)
- Article 124 (Air traffic service equipment)
- Article 125 (Air traffic service equipment records)
- Article 126 (Aerodromes – public transport of passengers and instruction in flying)
- Article 128 (Licensing of aerodromes)
- Article 129 (Charges at aerodromes licensed for public use)
- Article 130 (Use of aerodromes by aircraft of Contracting States and of the Commonwealth)
- Article 131 (Noise and vibration caused by aircraft on aerodromes)
- Article 132 (Aeronautical lights)
- Article 135 (Dangerous lights)
- Article 136 (Customs and Excise aerodromes)
- Article 137 (Aviation fuel at aerodromes)
- Article 138 (Restriction on carriage for valuable consideration in aircraft registered elsewhere than in the United Kingdom)
- Article 140 (Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the United Kingdom)
- Article 142 (Mandatory reporting of occurrences)
- Article 143 (Mandatory reporting of birdstrikes)
- Article 144 (Power to prevent aircraft flying)
- Article 145 (Right of access to aerodromes and other places)
- Article 146 (Obstruction of persons)
- Article 147 (Directions)
- Article 148 (Penalties)
- Article 149 (Extra-territorial effect of the Order)
- Article 152 (Application of Order to the Crown and visiting forces, etc)
- Article 153 (Exemption from Order)
- Article 154 (Appeal to County Court or Sheriff Court)

Article 155 (Interpretation)

Article 156 (Meaning of aerodrome traffic zone)

Article 157 (Public transport and aerial work – general rules)

Article 158 (Public transport and aerial work – exceptions – flying displays etc)

Article 159 (Public transport and aerial work – exceptions – charity flights)

Article 160 (Public transport and aerial work – exceptions – cost sharing)

Article 161 (Public transport and aerial work – exceptions – recovery of direct costs)

Article 162 (Public transport and aerial work – exceptions – jointly owned aircraft)

Article 163 (Public transport and aerial work – exceptions – parachuting)

Article 164 (Exceptions from application of provisions of the Order for certain classes of aircraft)

Article 165 (Approval of persons to furnish reports)

Article 166 (Certificates, authorisations, approvals and permissions)

Article 168 (Saving)

Schedule 2 (Classification and marking of aircraft and dealer certification)

Schedule 5 (Radio communication and radio navigation equipment to be carried in aircraft)

Schedule 11 (Air traffic controllers – licences, ratings, endorsements and maintenance of licence privileges)

Schedule 12 (Air traffic service equipment – records required and matters to which the CAA may have regard)

Schedule 13 (Aerodrome manual)

Schedule 14 (Penalties)

PART 2

MODIFICATIONS

1 In article 1, omit “and shall come into force on 20th August 2005”.

2 For article 3 substitute –

“3

(1) Subject to paragraph (2), an aircraft shall not fly in or over Jersey unless it is registered in –

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty’s Government in the United

Kingdom and the Government of that country which makes provision for the flight over Jersey of aircraft registered in that country.

(2) Paragraph (1) shall not apply to any kite or captive balloon.”.

3 In article 5 –

- (a) omit paragraphs (2) and (4);
- (b) in paragraph (3), omit “Subject to paragraph (4),”.

4 For article 8 substitute –

“8

An aircraft shall not fly unless –

- (a) there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator and any conditions subject to which the certificate was issued or rendered valid are complied with; and
- (b) the aircraft satisfies the minimum standards established under Annex 8 to the Chicago Convention.”.

5(1) Article 19 is modified as follows.

(2) In paragraph (1) –

- (a) for “regulations” substitute “Order”;
- (b) after “registered” insert “and the minimum standards established under Annex 6 to the Chicago Convention”.

(3) Omit paragraphs (2) to (10).

6 In article 20 –

- (a) in paragraph (1), for regulations substitute “Order”;
- (b) in paragraph (4), omit “registered in the United Kingdom”;
- (c) omit paragraphs (3), (5) and (6).

7 In article 25, omit paragraphs (2) to (15).

8 For article 26 substitute –

“26

- (1) A person shall not act as a member of the flight crew of an aircraft unless he is the holder of an appropriate licence granted or rendered valid by the law of the country in which the aircraft is registered or the State of the operator and satisfying the minimum standards established under Annex 1 to the Chicago Convention.
- (2) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he

- undertakes in relation to the aircraft concerned and the flight on which it is engaged.”.
- 9 In article 36 –
- (a) in paragraph (1)(a), omit “, granted or rendered valid under this Order or a JAA licence,”;
 - (b) in paragraph (2), omit “or glider”.
- 10 In the heading to article 46, omit “which are registered elsewhere than in the United Kingdom”.
- 11 In article 46, omit “is registered elsewhere than in the United Kingdom and”.
- 12 In the heading to article 48, omit “registered elsewhere than in the United Kingdom”.
- 13 In article 48 –
- (a) in paragraph (1), omit “registered elsewhere than in the United Kingdom”;
 - (b) in paragraphs (2) and (5), for “the United Kingdom” substitute “Jersey”;
 - (c) for paragraph (4) substitute –
- “(4) An aircraft to which this article applies shall not take off when the relevant runway visual range is less than 150 metres.”;
- (d) in paragraphs (6) and (7), for “paragraphs (4) and (5)” substitute “paragraph (5)”;
 - (e) for paragraph (8) substitute –
- “(8) In this article, “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2).”.
- 14 In article 49—
- (a) for paragraph (2) substitute –
- “(2) An aircraft to which this article applies shall not take off when the relevant runway visual range is less than 150 metres.”;
- (b) omit paragraphs (3), (6) and (8);
 - (c) in paragraphs (4) and (5), omit “Without prejudice to paragraph (2).”.
- 15 For article 50 and its heading substitute –

“50 Responsibilities of aircraft operator

The operator of an aircraft shall ensure that the aircraft is operated in accordance with –

- (a) the law of the country in which the aircraft is registered;
- (b) the law of the State of the operator, and

- (c) the minimum standards established under Annex 6 to the Chicago Convention.”.

16 In article 55, omit paragraph (6).

17 In the heading to article 60, omit “-aircraft registered elsewhere than in the United Kingdom”.

18(1) Article 60 is modified as follows.

(2) In paragraph (1) –

- (a) omit “registered elsewhere than in the United Kingdom”;
- (b) omit “in the United Kingdom”.

(3) In paragraph (3), omit “United Kingdom”.

19 For article 61 substitute –

“61

On any flight in which an airborne collision avoidance system is required by article 20 and Schedule 5 to be carried in an aeroplane, the system shall be operated in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.”.

20 In article 62 –

- (a) in paragraph (1), omit “by paragraph 5(4), (5), (6) or (7) of Schedule 4”;
- (b) omit paragraphs (2), (4) and (5);
- (c) in paragraph (3), omit “by paragraph 5(16) of Schedule 4”.

21 For article 63 and its heading substitute –

“63 Aircraft in flight not to tow glider

An aircraft in flight shall not tow a glider.”.

22 In article 65 –

- (a) in paragraphs (1) and (3), omit “, other than a glider,”;
- (b) in paragraph (5), for “ a congested area of a city, town or settlement” substitute “Jersey”;
- (c) in paragraph (7), omit sub-paragraphs (c) and (d).

23(1) Article 66 is modified as follows.

(2) In paragraph (2) –

- (a) omit “except under and in accordance with the terms of an aerial application certificate granted under Article 68,”;
- (b) for “the United Kingdom” substitute “Jersey”.

(3) In paragraph (3)(d), omit “or with the provisions of this Order”.

(4) In paragraph (3)(f), after “for the purposes of” insert “fire fighting”.

- (5) In paragraph (3)(f) and (3)(g), for “CAA” substitute “DCA”.
- 24(1) Article 67 is modified as follows.
- (2) In paragraph (1) –
- (a) for “the United Kingdom” substitute “Jersey”;
 - (b) for “either a police air operator’s certificate or a parachuting” substitute “a”.
- (3) In paragraphs (1) and (4)(a) and in both places in which it appears in paragraph (5), for “CAA” substitute “DCA”.
- (4) Omit paragraph (4)(b).
- 25 In article 69 –
- (a) in paragraph (1)(a) and (1)(b), for “CAA” substitute “DCA”;
 - (b) in paragraph (1)(b), omit “subject to paragraph (2),”;
 - (c) omit paragraph (2);
 - (d) in paragraphs (3) and (4), omit “Subject to paragraph (5),”;
 - (e) omit paragraph (5);
 - (f) in paragraph (6), omit “registered in a country other than the United Kingdom”.
- 26(1) Article 70 is modified as follows.
- (2) In paragraph (1) –
- (a) for “Secretary of State” substitute “Minister”;
 - (b) for “make regulations prescribing” substitute “by Order prescribe”.
- (3) In paragraph (1)(g), for “CAA” substitute “DCA”.
- (4) In paragraphs (1)(h), (2) and (3), for “regulations” substitute “Order”.
- 27 In article 71 –
- (a) in paragraph (1)(a), for “paragraphs (2) and (3)” substitute “paragraph (2)”;
 - (b) in paragraph (1)(b), omit “, other than a glider or a flying machine,”;
 - (c) omit paragraph (3).
- 28 In article 80 –
- (a) in paragraph (1), in both places in which it appears in paragraph (5) and in both places in which it appears in paragraph (6), for “CAA” substitute “DCA”;
 - (b) in paragraph (5) and in both places in which it appears in paragraph (6), for “it” substitute “the DCA”;
 - (c) omit paragraphs (8) to (11A);
 - (d) omit paragraph (13).
- 29 After article 80, insert –

“80A Air races and contests

No person may take part in any air race or contest in Jersey as the pilot of an aircraft unless –

- (a) he has the permission of the DCA; and
- (b) he acts in accordance with any conditions subject to which the permission was granted.”.

30 In article 86 –

- (a) in paragraph (1), for “the law of the country in which it is registered.” substitute:

- “(a) the law of the country in which it is registered or the State of the operator; and
- (b) Article 29 of, and the minimum standards established under Annex 6 to, the Chicago Convention.”;

- (b) Omit paragraphs (2) and (3).

31(1) Article 88 is modified as follows.

(2) In paragraph (1) –

- (a) for “within a reasonable time after” substitute “upon”;
- (b) for “cause to be produced” substitute “produce”.

(3) Omit paragraphs (2) to (4).

32 In article 90, for “regulations” substitute “Order”.

33 In article 91 –

- (a) in paragraph (1), for “paragraphs (2), (3), (4) and (5)” substitute “paragraph (2)”;
- (b) in paragraphs (1) and (2), for “personal representative” substitute “executor or administrator”;
- (c) in paragraph (2), omit the words from “preserved” to “in force or”;
- (d) omit paragraphs (3) to (5).

34(1) Article 92 is modified as follows.

(2) in paragraph (1) –

- (a) for “paragraphs (5) and (6)” substitute “paragraph (5)”;
- (b) for “it” substitute “he”.

(3) In paragraph (1) and in both places in which it appears in paragraph (3), for “CAA” substitute “DCA”.

(4) In paragraph (3), for “under this Order” substitute “by the DCA”.

(5) In paragraph (4), for “or which has effect” substitute “by the DCA”.

(6) Omit paragraph (6).

35 In the heading to article 93, omit “or article 140”.

36 In article 93 –

- (a) in paragraph (1), for “to which this article applies” substitute “granted under article 138”;
- (b) in paragraph (2), after “permit holder” insert “and the Minister”;
- (c) in paragraph (8), omit “or article 140”.

37(1) Article 94 is modified as follows.

- (2) In paragraphs (1)(a), (1)(b) and (2), omit “or by or under Part 21, 66, 145, 147 or M”.
- (3) For paragraph (5) substitute –
“(5) A person shall not purport to issue any certificate for the purposes of this Order or of any Order made thereunder unless that person is authorised to do so under this Order.”.

38 In article 95 –

- (a) in paragraph (1), for the words from “Secretary of State” to “prescribing” substitute “Minister may by Order prescribe”;
- (b) after paragraph (1), insert –
“(1A) An Order made under paragraph (1) is called in this Order “the Rules of the Air”.”;
- (c) omit paragraph (3)(c);
- (d) omit paragraph (4).

39(1) Article 96 is modified as follows.

- (2) In paragraph (1) –
 - (a) for “Secretary of State” in both places in which it appears substitute “Minister”;
 - (b) for “regulations” substitute “an Order”;
 - (c) for “aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2)” substitute “any aircraft in or over Jersey”.
- (3) Omit paragraph (2).
- (4) In paragraph (3), for “Regulations” substitute “An Order”.
- (5) In paragraph (4) and in both places in which it appears in paragraph (5), for “regulations” substitute “Order”.
- (6) In paragraph (5), for “relate” substitute “relates”.
- (7) In paragraph (6), omit “or within airspace notified as a Danger Area”.

40 In the heading to article 97, omit “, gliders”.

41(1) Article 97 is modified as follows.

- (2) Omit paragraph (1).
- (3) In paragraph (3) –
 - (a) for “CAA” substitute “DCA”;
 - (b) in sub-paragraph (a), omit “glider or”;

- (c) at the end of sub-paragraph (a), insert “or, if launched from a boat at sea, 60 metres above sea level”;
- (d) in sub-paragraphs (b) and (d), for the words from “a notified aerodrome” to “that aerodrome” substitute “Jersey Airport”;
- (e) in sub-paragraph (f), for the words from “a notified airport” to the end substitute “Jersey airport during the notified operating hours of that airport; and”
- (f) after sub-paragraph (f), insert –
 - “(g) an uncontrollable balloon in captive or released flight shall not be flown.”.
- (4) Omit paragraph (4).
- (5) For paragraph (5) substitute –
 - “(5) A controllable balloon shall not be flown in free controlled flight except during daylight hours and in visual meteorological conditions.”
- (6) Omit paragraph (6).
- (7) For paragraph (8) substitute –
 - “(8) An airship shall not be moored other than at Jersey Airport except with the permission of the DCA.”.
- (8) Omit paragraph (9).
- (9) For paragraph (11) substitute –
 - “(11) A person shall not cause or permit a group of small balloons exceeding 100 in number to be simultaneously released at a single point unless –
 - (a) he has the permission of the DCA; and
 - (b) he acts in accordance with any conditions subject to which the permission was granted.”.
- (10) Omit paragraph (12).
- 42 For article 98(2) substitute –
 - “(2) The person in charge of a small aircraft which weighs more than 7kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight must not fly the aircraft unless –
 - (a) he has the permission of the DCA; and
 - (b) he acts in accordance with any conditions subject to which the permission was granted.”.
- 43 In article 99 –
 - (a) for paragraph (1) substitute –
 - “(1) This article applies to a rocket of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds.”;
 - (b) omit paragraph (2);

(c) for paragraph (3) substitute –

“(3) No person shall launch a rocket to which this article applies unless –

(a) he has the prior permission of the DCA; and

(b) he acts in accordance with any conditions subject to which the permission was granted.”;

(d) omit paragraphs (4) to (6).

44(1) Article 100 is modified as follows.

(2) In paragraph (1) –

(a) for “United Kingdom” and, in the first place it appears, “the United Kingdom” substitute “Jersey”;

(b) for “the United Kingdom has” substitute “the States of Jersey have”.

(3) In paragraphs (1) and (2), for “CAA” substitute “DCA”.

(4) In paragraph (2) –

(a) for “it” substitute “he”;

(b) for “his” substitute “the applicant’s”.

45 For article 102 substitute –

“102

A person shall not provide an air traffic control service in Jersey unless the service is provided in accordance with the standards and procedures specified in a manual of air traffic services which has been approved by the DCA.”.

46 For article 103 substitute –

“103

(1) In the case of an aerodrome in respect of which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome shall –

(a) inform the DCA in advance of the periods during and the times at which any such equipment is to be in operation for the purposes of providing such aid as is specified by the said person; and

(b) during any period and at such times as are notified, cause an approach control service to be provided.

(2) The DCA may, in the interests of safety, direct the person in charge of an aerodrome that there shall be provided in respect of that aerodrome such air traffic control service, aerodrome flight information service or means of two-way radio communication as the DCA considers appropriate.

(3) The DCA may specify in a direction under this article the periods during which, the times at which, the manner in which and the airspace within which such service or such means shall be provided.

(4) The person who has been so directed shall cause such a service or means to be provided in accordance with the direction.”.

47(1) Article 105 is modified as follows.

(2) In paragraph (1) –

- (a) for “Secretary of State” substitute “Minister”;
- (b) for “United Kingdom airspace” substitute “Jersey airspace”;
- (c) for “outside the United Kingdom” substitute “outside Jersey”;
- (d) for “the United Kingdom has” substitute “the States of Jersey have”.

(3) In paragraphs (1), (2)(b) and (3), for “CAA” substitute “DCA”.

48(1) Article 107 is modified as follows.

(2) in paragraph (1) –

- (a) for “paragraphs (3) and (4)” substitute “paragraph (3)”;
- (b) for sub-paragraphs (a) and (b) substitute –
 - “(a) a valid student air traffic controller’s licence granted by a competent authority in a Member State of the European Union and approved under this Order by the DCA;
 - (b) an appropriate air traffic controller’s licence granted by a competent authority in a Member State of the European Union and approved under this Order by the DCA; or”;
- (c) in sub-paragraph (c), after “granted” insert “ and approved”.

(3) Omit paragraph (4).

49 For article 108 and its heading substitute –

“108 Approval of air traffic controller’s and student air traffic controller’s licences

- (1) The DCA may approve licences issued by competent authorities in Member States of the European Union, subject to any conditions he thinks fit, authorising the holder to act as an air traffic controller or a student air traffic controller.
- (2) In approving such a licence, the DCA may include, subject to such conditions as he thinks fit, any of the ratings and endorsements specified in Part B of Schedule 11, upon his being satisfied that the holder is qualified to act in the capacity to which the rating or endorsement relates, and such rating or endorsement shall be deemed to form part of the licence.”.

50 In article 109 –

- (a) for “granted” in both places in which it appears substitute “approved”;

- (b) for “paragraph 1(3)” substitute “paragraph 1”;
- (c) for “paragraph 2(3)” substitute “paragraph 2”.

51(1) Article 110 is amended as follows.

- (2) For “unit licence endorsement” in both places in which it appears substitute “unit endorsement”.
- (3) In paragraph (2), for “CAA” substitute “DCA”.
- (4) At the end insert –
 - “(3) Subject to paragraph (4), a unit endorsement is valid for an initial period of 12 months.
 - (4) The validity of a unit endorsement may be extended by the DCA or a person approved by the DCA for a further 12 months on application by the holder of the air traffic controller’s licence if the air navigation service provider for whom the licence holder provides services demonstrates that –
 - (a) the licence holder has, during the 12 months preceding the application, been exercising the privileges of the endorsement for the minimum number of hours specified in a scheme approved by the DCA detailing the method by which an air traffic control unit must maintain the competence of licence holders;
 - (b) the air navigation service provider has assessed the licence holder’s competence and is satisfied that the licence holder is competent to exercise the privileges of the endorsement; and
 - (c) the holder’s licence includes a valid medical certificate.
 - (5) When considering an application for an extension under paragraph (4) made by an on the job training instructor, the DCA or a person approved by him may reduce the minimum number of hours required to maintain the validity of the unit endorsement under paragraph (4)(a), in proportion to the time spent by the licence holder instructing trainees on the working positions to which his unit endorsement relates.
 - (6) A unit endorsement which has ceased to be valid may be revalidated provided that the condition in paragraph (7) is satisfied.
 - (7) The condition referred to in paragraph (6) is that the licence holder has completed training, to the satisfaction of the DCA or a person approved by him, under the supervision of an on the job training instructor and in accordance with a plan approved by the DCA that details the training procedures and requirements of the air traffic control unit to which the unit endorsement relates.
 - (8) The holder of a rating or rating endorsement who has not provided air traffic control services associated with that rating or rating endorsement for four years may not commence unit training in that rating or rating endorsement until –

- (a) the DCA or a person approved by him has assessed whether the holder continues to satisfy the conditions of the rating or endorsement; and
 - (b) following the assessment, the DCA or the person approved by him is satisfied –
 - (i) that the holder continues to satisfy the conditions of the rating or endorsement; and
 - (ii) that the holder has successfully completed any training requirements identified under the assessment.
- (9) The DCA or a person approved by him must grant an instructor endorsement to a holder of an air traffic controller's licence on application by the licence holder if –
- (a) the holder has provided an air traffic service for a continuous period of at least one year preceding the application (or such longer period as the DCA may specify, having regard to the ratings and endorsements for which instruction is given); and
 - (b) the holder has passed an approved on the job training instructor course as a part of which the required knowledge and skills were assessed through examinations.”.

52 For article 112 substitute –

“112

- (1) The holder of an air traffic controller's licence approved under this Order by the DCA shall not act in Jersey as an air traffic controller unless his licence includes a current medical certificate issued by the competent authority.
- (2) The holder of a student air traffic controller's licence approved under this Order by the DCA shall not act in Jersey as a student air traffic controller unless his licence includes a current medical certificate issued by the competent authority.”.

53 In article 113, omit “, at the aerodrome or place,”.

54(1) Article 114 is modified as follows.

- (2) In paragraph (1) –
 - (a) for “granted under article 108” substitute “approved under this Order by the DCA”;
 - (b) for “CAA” substitute “DCA”.
- (3) For paragraph (2) substitute –
 - “(2) The holder of an air traffic controller's licence or student air traffic controller's licence approved under this Order by the DCA must notify his employer if he –
 - (a) becomes aware of any decrease in medical fitness; or

- (b) is under the influence of any psychoactive substance or medicines which might render him unable to exercise the privileges of his licence properly.”.

55 After article 117, insert –

“117A Keeping records

An air navigation service provider must make and keep, for such period and in such form as the DCA may specify, a record of –

- (a) the hours worked; and
- (b) the sectors and working positions in which the hours were worked, in respect of each holder of a student air traffic controller’s licence or air traffic controller’s licence who provides services for the air navigation service provider and must make such records available to the DCA on request within such reasonable time as is specified in the request.

117B Approval of competence examiners and assessors

- (1) No person may examine or assess under article 110 or Schedule 11 the competence of a person to provide an air traffic control service unless he has been approved for that purpose by the DCA.
- (2) Approval by the DCA under this article is subject to revocation by the DCA, is valid for a period of 3 years and may be renewed.”.

56 After article 120, insert –

“120A Interpretation of Part 10 and Schedule 11

In this Part and in Schedule 11 –

- (a) “air navigation service provider” means any public or private entity providing air navigation services for general air traffic;
- (b) “air traffic controller” means a person who has been granted a licence under this Order to provide air traffic control services;
- (c) “general air traffic” means all movements of civil aircraft as well as all movements of State aircraft when these movements are carried out in accordance with the Chicago Convention;
- (d) “ICAO location indicator” means the four letter code group formulated in accordance with rules prescribed by the International Civil Aviation Organisation in its manual DOC 7910 and assigned to the location of an aeronautical fixed station;
- (e) “instructor endorsement” means the authorisation included in and forming part of a licence, indicating the competence of the holder to give on the job training instruction;
- (f) “language endorsement” means the authorisation included in and forming part of a licence indicating the language proficiency of the holder;

- (g) “licence” means a certificate issued and endorsed in accordance with this Order entitling the holder to provide air traffic control services in accordance with the ratings and endorsements contained in the licence;
- (h) “on the job training instructor” means a person who holds an instructor endorsement;
- (i) “rating” means the authorisation entered on and forming part of a licence under paragraph 3 of Schedule 11;
- (j) “rating endorsement” means the authorisation entered on and forming part of a licence indicating the conditions, privileges or limitations attaching to the rating under paragraph 3 of Schedule 11;
- (k) “sector” means part of a control area or part of a flight information region or upper region;
- (l) “student air traffic controller” means a person who has been granted a licence under this Order to provide air traffic control services under the supervision of an air traffic controller;
- (m) “unit endorsement” means the authorisation entered into and forming part of a licence, indicating the particular sector, group of sectors or working positions (by indicating the ICAO location indicator) in which the holder of a licence is competent to provide air traffic control services under the responsibility of an air traffic control unit.”.

57 In article 124 –

- (a) in paragraph (1), for “the United Kingdom” substitute “Jersey”;
- (b) in paragraphs (1), (2), (5) and (6), for “CAA” substitute “DCA”;
- (c) omit paragraph (8).

58 In article 125 –

- (a) in paragraphs (1), (3), (4)(d), (5), (6)(a) and (9), for “CAA” substitute “DCA”;
- (b) in paragraphs (10) and (11), for “personal representative” substitute “executor or administrator”;
- (c) omit paragraph (13).

59 For Article 126 and its heading substitute –

“126 Aerodromes

An aircraft shall not take off or land in Jersey other than at an aerodrome licensed under this Order for the take-off and landing of aircraft and in accordance with any conditions subject to which the aerodrome may have been licensed.”.

60(1) Article 128 is modified as follows.

- (2) In paragraphs (1), (1A), (2), (6) and (8)(a) and (b), for “CAA” substitute “DCA”.
- (3) In paragraph (1) –
 - (a) for “the United Kingdom” substitute “Jersey”;
 - (b) for “it” substitute “he”.
- (4) In paragraph (4), omit “in relation to an aircraft flying on a flight specified in Article 126(2)”.
- (5) In paragraph (11)(b), omit from “, or, in the case of” to the end.
- 61 In article 129, for “Secretary of State” in both places in which it appears substitute “DCA”.
- 62 For article 130 substitute –

“130

The person in charge of any aerodrome in Jersey which is open to public use by aircraft shall cause the aerodrome and all of its air navigation facilities to be available for use by all aircraft registered in any Contracting State or in any part of the Commonwealth and the same terms and conditions of use shall apply to all such aircraft.”.

63(1) Article 131 is modified as follows.

- (2) For paragraph (1) substitute –
 - “(1) The Minister may by Order prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on licensed aerodromes.”.
- (3) In paragraph (2) –
 - (a) after “1982” insert “(as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990)”;
 - (b) for “Secretary of State” substitute “Minister”.
- 64 In article 132 –
 - (a) in paragraphs (1), (2) and (3), for “CAA” substitute “DCA”;
 - (b) in paragraph (1)(a), for “within the United Kingdom” substitute “in Jersey”.
- 65 In article 135 –
 - (1) in paragraph (1), for “the United Kingdom” substitute “Jersey”;
 - (2) in paragraph (2) in both places in which it appears and in paragraph (4), for “CAA” substitute “DCA”;
 - (3) in paragraph (4), omit “general”.

66(1) Article 136 is modified as follows.

- (2) In paragraphs (1) and (2) –
 - (a) for “Secretary of State” substitute “Minister”;
 - (b) for “Commissioners of Revenue and Customs” substitute “Minister for Treasury and Resources”;

- (c) for “order” substitute “Order”.

67 In article 137 –

- (a) in paragraph (1), for “the United Kingdom” substitute “Jersey”;
(b) in paragraph (3) and in paragraph (5) in all three places in which it appears, for “CAA” substitute “DCA”.

68 At the beginning of Part 14, before article 138, insert –

“137A DCA to specify units of measurement

- (1) The DCA must specify the units of measurement to be used by any person participating in air and ground operations.
(2) But the use of a unit of measurement which is not specified by the DCA in respect of an air or ground operation is not an offence under article 148.

137B DCA to publish and take into account requirements relevant to making a determination

Where, under this Order, the DCA is required to satisfy himself of certain matters before the granting, issuing or validating of a licence, certificate, approval, authorisation or permission (in this article “making a determination”), he must, before making any determination –

- (a) publish the requirements which he considers relevant to making the determination; and
(b) take those requirements into account in making the determination.

137C DCA to ensure provision of meteorological service, aeronautical charts, search and rescue services etc.

- (1) For the purposes of compliance with Annex 3 to the Chicago Convention, the DCA is the meteorological authority for Jersey.
(2) The DCA must –
(a) ensure the provision of a meteorological service to meet the needs of international air navigation, with due regard to regional air navigation agreements and for that purpose shall designate a person whom he considers appropriate to provide such service;
(b) ensure the availability of aeronautical charts;
(c) designate search and rescue services for Jersey and for the areas of the high seas that are the responsibility of Jersey under regional air navigation agreements;
(d) provide an aeronautical information service, agree with one or more Contracting States for the provision of a joint service or delegate the provision of the service to a non-governmental agency.

- (3) The DCA must publish the details of the services provided or designated and the arrangements entered into under paragraph (2) in the Aeronautical Information Publication relating to Jersey.”.
- 69 In article 138 –
- (a) in the second place in which it appears in paragraph (1), for “the United Kingdom” substitute “Jersey”;
- (b) omit paragraph (1)(b);
- (c) after paragraph (1), insert –
- “(1A) The Secretary of State must consult the Minister before granting a permission under this article.”.
- 70 In the heading to article 140, omit “in aircraft registered elsewhere than in the United Kingdom”.
- 71 In article 140(1) –
- (a) omit “registered in a Contracting State other than the United Kingdom, or in a foreign country,”;
- (b) for “the United Kingdom” substitute “Jersey”;
- (c) for “Secretary of State” substitute “DCA”.
- 72(1) Article 142 is modified as follows.
- (2) Omit paragraph (4).
- (3) In all three places in which it appears in paragraph (5), in paragraph (6), in all three places in which it appears in paragraph (7) and in paragraphs (9), (10), (11), (14), (15), (19), (20) and (21), for “CAA” substitute “DCA”.
- (4) In paragraph (5)(a), omit “which has a certificate of airworthiness issued by the CAA”.
- (5) In paragraph (5)(b), omit “granted by the CAA”.
- (6) Omit paragraphs (5)(c), (5)(d), (5)(f), (5)(g), (12) and (13).
- (7) In paragraph (5)(e), omit “, operated under an air operator’s certificate granted by the CAA,”.
- (8) In paragraph (5)(h), omit “or as a flight information service officer”.
- (9) In paragraph (5)(i), omit the words from “or a manager” to the end.
- (10) In paragraph (5)(k), omit the words from “at an airport” to the end.
- (11) In paragraph (11), for “the other Member States and the Commission” substitute “the United Kingdom or the Republic of France”.
- (12) In paragraph (14) –
- (a) for “within the Community” substitute “in the United Kingdom and the Republic of France”;
- (b) for “(13)” substitute “(11)”.
- (13) In paragraph (15), after “Accidents” insert “for Jersey”.
- (14) In paragraph (17), omit the words from “as required” to “civil aviation,”.
- 73(1) Article 143 is modified as follows.

- (2) In paragraphs (1), (2) and (3), for “CAA” substitute “DCA”.
- (3) In paragraph (1), for “the United Kingdom” substitute “Jersey or within any airspace in which the States of Jersey have agreed to provide air traffic services under an international agreement”.

74(1) Article 144 is modified as follows.

- (2) In all four places in which it appears in paragraph (1) and in paragraph (2), for “CAA” substitute “DCA”.
- (3) In paragraph (1)(a), omit “6,”.
- (4) After paragraph (1)(a), insert –
 - “(aa) for the purpose of public transport in circumstances in which –
 - (i) the aircraft is registered in any part of the British Isles or in a British Overseas Territory; and
 - (ii) there is no air operator’s certificate in force in respect of the aircraft or the flight would breach the terms of the air operator’s certificate;”.
- (5) In paragraph (1)(b) and (c), for “regulations made thereunder or of Part 21, 145 or M” substitute “Order made thereunder”.
- (6) In all four places in which it appears in paragraph (3) and in paragraph (4), for “Secretary of State” substitute “DCA”.
- (7) In paragraph (3), for “138, 140 or 141” substitute “138 or 140”.

75 In article 145 –

- (a) in paragraph (1), for “Subject to paragraph (2), the CAA” substitute “The DCA”;
- (b) omit paragraph (2).

76 In article 147(1) and (2), for “regulations” substitute “Order”.

77(1) Article 148 is modified as follows.

- (2) In paragraphs (1), (2), (3) and (4), for “regulations made thereunder or of Part 21, 145 or M” substitute “Order made thereunder”.
- (3) In paragraphs (4) and (5), omit “on summary conviction”.
- (4) In paragraph (4), for “level 3” substitute “level 2”.
- (5) In paragraph (5), for “level 4” substitute “level 3”.
- (6) In paragraphs (6) and (7), omit “on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment”.

78 After article 148, insert –

“148A Aiders and abettors etc.

A person who aids, abets, counsels or procures the commission of an offence under this Order shall be guilty of an offence and liable to the

penalty provided for that offence in the same manner as the principal offender.”.

79 For article 149 and its heading substitute –

“149 Territorial extent

The provisions of this Order apply to all persons and aircraft within Jersey.”.

80 In article 152, omit paragraphs (3) to (6).

81 In article 153 –

- (a) for “CAA” substitute “DCA”;
- (b) omit “85, 87,” “,139” and “, 141”;
- (c) for “regulations” substitute “Order”;
- (d) for “it” substitute “he”.

82 For article 154 and its heading substitute –

“154 Appeals

- (1) An appeal lies to the Royal Court from any decision of the DCA not to approve a licence under article 108, or from any decision to enter or not to enter a unit endorsement in a licence under article 110, in respect of a person who resides or which has its registered or principal office in Jersey.
- (2) The DCA shall be a respondent to any appeal under this article.
- (3) For the purposes of any provisions relating to the time within which an appeal may be brought, the decision shall be deemed to have been taken on the date on which a statement of the reasons for the decision was furnished to the applicant.
- (4) The power to make Rules of Court under Article 13 of the Royal Court (Jersey) Law 1948³ shall be taken to include power to make Rules for the purposes of this Order.”.

83(1) Article 155(1) is modified as follows.

(2) Omit the following definitions –

- (a) “A Conditions”;
- (b) “Automated reservation system”;
- (c) “B Conditions”;
- (d) “Basic EASA Regulation”;
- (e) “Certificate of maintenance review”;
- (f) “Certificate of revalidation”;
- (g) “Certificate of release to service issued under this Order”;
- (h) “Certificate of validation”;
- (i) “Certificate of validity”;
- (j) “Certificated for single pilot operation”;

- (k) “Class rating”;
- (l) “Conditional sale agreement”;
- (m) “Crew”;
- (n) “Departure control system”;
- (o) “EASA certificate of airworthiness”;
- (p) “EASA permit to fly”;
- (q) “EASA restricted certificate of airworthiness”;
- (r) “Flight information service”;
- (s) “Flight information service unit”;
- (t) “General lighthouse authority”;
- (u) “Government aerodrome”;
- (v) “Hire-purchase agreement”;
- (w) “Hostile environment”;
- (x) “Instructor’s rating”;
- (y) “International headquarters”;
- (z) “international safety standards”;
- (aa) “JAR-FCL1”;
- (bb) “JAR-FCL2”;
- (cc) “JAR-FCL licence”;
- (dd) “JAR-OPS 1”;
- (ee) “JAR-OPS 3”;
- (ff) “Large rocket”;
- (gg) “Legal personal representative”;
- (hh) “Log book”;
- (ii) “Maximum approved passenger seating configuration”;
- (jj) “Microlight aeroplane”;
- (kk) “Military rocket”;
- (ll) “North Atlantic Minimum Navigation Performance Specification airspace”;
- (mm) “Offshore service”;
- (nn) “Part 21”;
- (oo) “Part 66”;
- (pp) “Part 145”;
- (qq) “Part 147”;
- (rr) “Part M”;
- (ss) “Performance Class 1 operations”;
- (tt) “Performance Class 2 operations”;
- (uu) “Performance Class 3 operations”;
- (vv) “Police air operator’s certificate”;

- (ww) “Police authority”;
 - (xx) “Public electronic communications network”;
 - (yy) “Record”;
 - (zz) “Reduced vertical separation minimum airspace”;
 - (aaa) “Small rocket”;
 - (bbb) “Special tasks service”;
 - (ccc) “SSEA”;
 - (ddd) “Type rating” (both in respect of aeroplanes and in respect of helicopters);
 - (eee) “United Kingdom licence”;
 - (fff) “United Kingdom licence for which there is a JAR-FCL equivalent”;
 - (ggg) “United Kingdom licence for which there is no JAR-FCL equivalent”;
 - (hhh) “United Kingdom reduced vertical separation minimum airspace”;
 - (iii) “Visiting force”;
 - (jjj) “With the surface in sight”.
- (3) In the definitions of “Aerodrome control service” and “Air traffic service equipment”, for “CAA” substitute “DCA”.
- (4) In the definition of “Authorised person” –
- (a) for “constable” substitute “police officer”;
 - (b) in sub-paragraph (b), after “Secretary of State” insert “or the DCA”;
 - (c) in sub-paragraph (c), for “CAA” substitute “DCA”;
 - (d) omit sub-paragraph (d).
- (5) For the definition of “Air traffic control service” substitute –
- ““Air traffic control service” means a service provided for the purpose of preventing collisions between aircraft and, on the manoeuvring area, between aircraft and obstructions and for the purpose of expediting and maintaining an orderly flow of air traffic;”.
- (6) In the definition of “Competent authority”, for “means, subject to article 167 in relation to the United Kingdom, the CAA” substitute “means, in relation to Jersey, the DCA,”.
- (7) After the definition of “Danger Area”, insert –
- ““DCA” means the Director of Civil Aviation appointed under Article 3 of the Civil Aviation (Jersey) Law 2008⁴;”.
- (8) In the definition of “Director”, for “section 53(1) of the Companies Act 1989” substitute “Article 1(1) of the Companies (Jersey) Law 1991⁵”.
- (9) In the following definitions, for “Rules of the Air Regulations 1996” substitute “Rules of the Air (Jersey) Order 2000⁶” –
- (a) “Instrument Flight Rules”;

- (b) “Notified aerodrome”;
 - (c) “Special VFR flight”;
 - (d) “Visual Flight Rules”.
- (10) After the definition of “Manoeuvring area”, insert –
- “ “Manual Doc 9835” means the Manual on the Implementation of the ICAO Language Proficiency Requirements published by the International Civil Aviation Organisation as Doc 9835;”.
- (11) In the definition of “Military aircraft”, omit the words from “under a contract” to the end.
- (12) After the definition of “Minimum descent height”, insert –
- ““Minister” means the Chief Minister;”.
- (13) In the definition of “Occurrence”, for “Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996” substitute “Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000”.
- (14) For the definition of “Police officer” substitute –
- “ “Police officer” means a member of the Honorary Police, the States of Jersey Police Force or the Airport Director;”.
- (15) In the definition of “Seaplane”, at the end insert “, as extended to Jersey by the Civil Aviation 1982 (Jersey) Order 1990”.
- (16) After the definition of “Special VFR flight”, insert –
- “ “Standard Scale” means the standard scale of fines for the time being set out in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993⁸;”.
- 84 After article 155(6), insert –
- “(7) The Subordinate Legislation (Jersey) Law 1960⁹ shall apply to any Order made by the Minister under this Order.”.
- 85 For article 156 substitute –

“156

The aerodrome traffic zone of an aerodrome means the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within an area bounded by a circle centred on the notified mid-point of the runway and having a radius of 2 nautical miles.”.

86(1) Article 157 is modified as follows.

- (2) In paragraph (3)(b) –
 - (a) omit “and, in the case of the CAA, the members of the CAA”;
 - (b) for “CAA” in the next place in which it appears substitute “DCA”.
- (3) In paragraph (3)(c), omit “(other than articles 19(2) and 20(2))”.
- (4) Omit paragraph (5).

- (5) In paragraph (6)(a) –
 - (a) omit “subject to sub-paragraph (b),”;
 - (b) omit “; and”.
- (6) Omit paragraph (6)(b).
- (7) In paragraph (8)(b), for “section 736 of the Companies Act 1985” substitute “Article 2 of the Companies (Jersey) Law 1991”.
- 87 In article 158(2)(b), for “CAA” substitute “DCA”.
- 88 In article 159 –
 - (a) in paragraph (1), for “CAA” substitute “DCA”;
 - (b) in paragraph (2), omit “(other than articles 19(2) and 20(2))”.
- 89 In article 160(4), omit “(other than articles 19(2) and 20(2))”.
- 90 In article 161(2), omit “(other than articles 19(2) and 20(2))”.
- 91 In article 162 –
 - (a) in paragraph (2)(a) and (b), for “5%” substitute “2%”;
 - (b) in paragraph (2)(a)(ii), for “CAA” substitute “DCA”.
- 92 In both places in which it appears in article 163, for “CAA” substitute “DCA”.
- 93 In article 164, omit “68,”.
- 94 In article 165, for “CAA” substitute “DCA”.
- 95 In all 3 places in which it appears in article 166, for “CAA” substitute “DCA”.
- 96 In article 168 –
 - (a) in paragraph (1), for “regulations” substitute “Order”;
 - (b) in paragraph (2), for “CAA” substitute “DCA”.
- 97 In Schedule 2, omit Parts B and C.
- 98(1) Schedule 5 is modified as follows.
 - (2) In the table in paragraph 2 –
 - (a) in sub-paragraphs (1), (1A), (2), (3) and (7)(c), for “the United Kingdom” substitute “Jersey”;
 - (b) omit sub-paragraphs (1)(d), (2A), (4)(d), (5), (5A) and (7)(a) and (b);
 - (c) in sub-paragraph (6), omit “registered in the United Kingdom, wherever they may be, and all aeroplanes wherever registered” and, in the second place in which it appears, for “the United Kingdom,” substitute “Jersey”.
 - (3) In paragraph 3(1), omit “(2A)” and “(5)(e) and (5A)”.
- 99 For Schedule 11 substitute –

“SCHEDULE 11

Article 108

**AIR TRAFFIC CONTROLLERS – LICENCES, RATINGS,
ENDORSEMENTS AND MAINTENANCE. OF LICENCES****PART A****AIR TRAFFIC CONTROLLER'S LICENCE****1 Air traffic controller's licence**

The privileges of an Air Traffic Controller's Licence are to –

- (a) act as an air traffic controller for any sector or operational position for which a valid rating and endorsement and current unit endorsement are included in the licence; and
- (b) exercise the privileges of a Student Air Traffic Controller's Licence.

2 Student Air Traffic Controller's Licence

The privileges of a Student Air Traffic Controller's Licence are to act as an air traffic controller under the supervision of another person who is present at the time and who –

- (a) is the holder of an air traffic controller's licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller; and
- (b) is an on the job training instructor.

PART B**RATINGS, RATING ENDORSEMENTS AND LICENCE
ENDORSEMENTS****1 Inclusion of ratings, rating endorsements and licence endorsements**

- (1) A licence approved by the DCA in accordance with article 108 may contain the ratings, rating endorsements and licence endorsements of the classes contained in paragraphs 3 and 4.
- (2) Subject to the provisions of this Order and of the licence, the inclusion of a rating, rating endorsement or licence endorsement has the meaning respectively specified.

2 Exercise of more than one function

- (1) Subject to sub-paragraphs (2) and (3), the holder of a licence which includes ratings of two or more of the classes specified in paragraph 3 shall not at any one time perform the functions specified in respect of more than one of those ratings.
- (2) The functions of the following ratings may be exercised at the same time –
 - (a) an Aerodrome Control Instrument Rating and an Approach Control Procedural Rating; and
 - (b) an Aerodrome Control Instrument Rating and an Approach Control Surveillance Rating, provided that the holder shall not exercise the functions of any Radar Endorsement, Surveillance Radar Approach Rating Endorsement or Precision Approach Radar Rating Endorsement included in the Approach Control Surveillance Rating.
- (3) When a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway is being provided under an Approach Control Surveillance Rating, no other function under the Approach Control Surveillance Rating may be exercised at the same time.

3 Ratings and Rating Endorsements

- (1) There are the following classes of aerodrome control ratings and endorsements –
 - (a) the Aerodrome Control Visual Rating (ADV) which indicates that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has no published instrument approach or departure procedures;
 - (b) the Aerodrome Control Instrument Rating (ADI) which indicates that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has published instrument approach or departure procedures and which must be accompanied by at least one of the following rating endorsements –
 - (i) the Tower Control Rating Endorsement (TWR) which indicates that the holder of the licence is competent to provide a control service where aerodrome control is provided from one working position;
 - (ii) the Ground Movement Control Endorsement (GMC) which indicates that the holder of the licence is competent to provide ground movement control;
 - (iii) the Ground Movement Surveillance Rating Endorsement (GMS) granted in addition to the Ground Movement Control Endorsement or Tower Control Endorsement, which indicates that the holder of the licence is competent to provide ground

- movement control with the help of aerodrome surface movement guidance systems;
 - (iv) the Air Control Endorsement (AIR) which indicates that the holder of the licence is competent to provide air control;
 - (v) the Aerodrome Radar Control Endorsement (RAD) granted in addition to the Air Control Endorsement or Tower Control Endorsement, which indicates that the holder of the licence is competent to provide aerodrome control with the help of surveillance radar equipment.
- (2) There shall be the following classes of approach control ratings and endorsements –
- (a) the Approach Control Procedural Rating (APP) which indicates that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft without the use of any surveillance equipment;
 - (b) the Approach Control Surveillance Rating (APS) which indicates that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft with the use of surveillance equipment and which must be accompanied by at least one of the following rating endorsements –
 - (i) the Radar Endorsement (RAD) which indicates that the holder of the licence is competent to provide an approach control service with the use of primary or secondary radar equipment;
 - (ii) the Surveillance Radar Approach Endorsement (SRA) granted in addition to the Radar Endorsement, which indicates that the holder of the licence is competent to provide ground-controlled non-precision approaches with the use of surveillance equipment to aircraft of the final approach to the runway;
 - (iii) the Precision Approach Radar Endorsement (PAR) granted in addition to the Radar Endorsement, which indicates that the holder of the licence is competent to provide ground-controlled precision approaches with the use of precision approach radar to aircraft on the final approach to the runway;
 - (iv) the Terminal Control Endorsement (TCL) granted in addition to the Radar or Automatic Dependent Surveillance Endorsements, which indicates that the holder of the licence is competent to provide an air traffic control service with the use of any surveillance equipment to aircraft operating in a specified terminal area or adjacent sectors;

- (v) the Automatic Dependent Surveillance Endorsement (ADS), which indicates that the holder of the licence is competent to provide an approach control service with the use of automatic dependent surveillance;
 - (vi) the Special Tasks Rating Endorsement which entitles the holder of a Radar Endorsement to provide a special tasks service.
- (3) There are the following classes of area control ratings and endorsements –
 - (a) the Area Control Procedural Rating (ACP) which indicates that the holder of the licence is competent to provide an air traffic control service to aircraft without the use of surveillance equipment;
 - (b) the Area Control Surveillance Rating (ACS) which indicates that the holder of the licence is competent to provide an air traffic control service to aircraft with the use of surveillance equipment and which must be accompanied by at least one of the following rating endorsements –
 - (i) the Radar Endorsement (RAD) which indicates that the holder of the licence is competent to provide an area control service with the use of surveillance radar equipment;
 - (ii) the Terminal Control Endorsement (TCL) granted in addition to the Radar or Automatic Dependent Surveillance Endorsements, which indicates that the holder of the licence is competent to provide an air traffic control service with the use of any surveillance equipment to aircraft operating in a specified terminal area or adjacent sectors;
 - (iii) the Automatic Dependent Surveillance Endorsement (ADS) which indicates that the holder of the licence is competent to provide an area control service with the use of automatic dependent surveillance;
 - (iv) an Offshore Rating Endorsement entitles the holder of a Radar Endorsement to provide an offshore service;
 - (v) the Special Tasks Rating Endorsement which entitles the holder of a Radar Endorsement to provide a special tasks service.

4 Licence Endorsements

- (1) An Examiner Licence Endorsement entitles the licence holder to sign a unit endorsement in respect of –
 - (a) the air traffic control service that his air traffic controller licence entitles him to provide; or
 - (b) such other air traffic control services as the DCA may authorise for that licence holder.

- (2) An Instructor Endorsement entitles the holder to act as an on the job training instructor and must indicate that the holder of the licence is competent to provide training and supervision at a working position for areas covered by a valid rating.
 - (3) A Unit Endorsement indicates that the licence holder is competent to provide an air traffic control service for a particular sector, group of sectors or working positions (by indicating the ICAO location indicator) under the responsibility of an air traffic control unit.
 - (4) A Language Endorsement specifies the English language proficiency of the holder as identified in Part II of Appendix A of the Manual Doc 9835.”.
- 100 In the heading to Schedule 12, in Part A(3) of Schedule 12 and in the Heading to Part C of Schedule 12, for “CAA” substitute “DCA”.
- 101 In Schedule 14 –
- (a) in part A, omit the entries relating to articles 14(1)(a), 14(1)(b), 15, 16, 17, 18(7) and (8), 21, 22, 23, 28, 30(2) and 31(1), 29 and 31(2), 30(1), 32(1), 32(4), 33(1), 38, 39, 40, 42, 44 and 45, 47, 52A, 53, 54, 54A, 56, 57, 58, 59, 62A, 68, 72, 72A, 82(3), 83(2), 84, 104, 121, 123, 133 and 134;
 - (b) After the entry relating to article 63, insert –
“64 Operation of self-sustaining gliders”;
 - (c) After the entry relating to article 80, insert –
“80A Air races and contests etc.”;
 - (d) in Part B, omit the entries relating to articles 6, 7, 8, 82(1), 82(2), 83(1), 85, 87, 141 and 144A.

2005 No. 1970^{10 11}

CIVIL AVIATION

THE AIR NAVIGATION ORDER 2005

<i>Made.....</i>	<i>19th July 2005</i>
<i>Laid before Parliament</i>	<i>29th July 2005</i>
<i>Coming into force.....</i>	<i>20th August 2005</i>

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At the Court at Buckingham Palace, the 19th day of July 2005

Present,

The Queen’s Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 2(2) of the European Communities Act 1972, sections 60 (other than sub-section (3)(r)), 61, 77, 101 and 102 and Schedule 13 to the Civil Aviation Act 1982 and section 35 of the Airports Act 1986 is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

1 Citation and Commencement

This Order may be cited as the Air Navigation Order 2005 * * *.

2 * * * * *

PART 1

REGISTRATION AND MARKING OF AIRCRAFT

3 Aircraft to be registered

[(1) Subject to paragraph (2), an aircraft shall not fly in or over Jersey unless it is registered in –

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty's Government in the United Kingdom and the Government of that country which makes provision for the flight over Jersey of aircraft registered in that country.

(2) Paragraph (1) shall not apply to any kite or captive balloon.]

4 * * * * *

5 Nationality and registration marks

(1) An aircraft (other than an aircraft permitted by or under this Order to fly without being registered) shall not fly unless it bears painted thereon or affixed thereto, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) * * * * *

(3) * * * an aircraft shall not bear any marks which purport to indicate –

- (a) that the aircraft is registered in a country in which it is not in fact registered; or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) * * * * *

PART 2

* * * * *

PART 3

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

8 Certificate of airworthiness to be in force

[An aircraft shall not fly unless –

- (a) there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator and any conditions subject to which the certificate was issued or rendered valid are complied with; and
- (b) the aircraft satisfies the minimum standards established under Annex 8 to the Chicago Convention.]

9	*	*	*	*	*	*	*
10	*	*	*	*	*	*	*
11	*	*	*	*	*	*	*
12	*	*	*	*	*	*	*
13	*	*	*	*	*	*	*
14	*	*	*	*	*	*	*
15	*	*	*	*	*	*	*
16	*	*	*	*	*	*	*
17	*	*	*	*	*	*	*
18	*	*	*	*	*	*	*

19 Equipment of aircraft

- (1) An aircraft shall not fly unless it is so equipped as to comply with the law of the country in which it is registered [and the minimum standards established under Annex 6 to the Chicago Convention], and to enable lights and markings to be displayed, and signals to be made, in accordance with this Order and any [Order] made thereunder.
- (2) * * * * *
- (3) * * * * *
- (4) * * * * *
- (5) * * * * *
- (6) * * * * *
- (7) * * * * *
- (8) * * * * *
- (9) * * * * *
- (10) * * * * *

20 Radio equipment of aircraft

- (1) An aircraft shall not fly unless it is so equipped with radio communication and radio navigation equipment as to comply with the law of the country in which the aircraft is registered or the State of the operator and to enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Order and any [Order] made thereunder.
- (2) Without prejudice to paragraph (1), the aircraft shall be equipped with radio communication and radio navigation equipment in accordance with Schedule 5.
- (3) * * * * *
- (4) Subject to such exceptions as may be prescribed, the radio communication and radio navigation equipment provided in compliance with this article in an aircraft * * * shall always be maintained in serviceable condition.
- (5) * * * * *
- (6) * * * * *

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22 * * * * *

23 * * * * *

24 * * * * *

PART 4

AIRCRAFT CREW AND LICENSING

25 Composition of crew of aircraft

(1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) * * * *

(3) * * * *

(4) * * * *

(5) * * * *

(6) * * * *

(7) * * * *

(8) * * * *

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(13) * * * *

(14) * * * *

(15) * * * *

26 Members of flight crew – requirement for licence

[(1) A person shall not act as a member of the flight crew of an aircraft unless he is the holder of an appropriate licence granted or rendered valid by the law of the country in which the aircraft is registered or the State of the operator and satisfying the minimum standards established under Annex 1 to the Chicago Convention.

(2) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.]

27 * * * * *

28	*	*	*	*	*	*	*
28A	*	*	*	*	*	*	*
29	*	*	*	*	*	*	*
30	*	*	*	*	*	*	*
31	*	*	*	*	*	*	*
32	*	*	*	*	*	*	*
32A	*	*	*	*	*	*	*
32B	*	*	*	*	*	*	*
32C	*	*	*	*	*	*	*
33	*	*	*	*	*	*	*
34	*	*	*	*	*	*	*
35	*	*	*	*	*	*	*

36 Instruction in flying

- (1) A person shall not give any instruction in flying to which this article applies unless –
 - (a) he holds a licence * * * * * entitling him to act as pilot in command of the aircraft for the purpose and in the circumstances under which the instruction is to be given; and
 - (b) his licence includes an instructor's rating entitling the holder to give the instruction.
- (2) This article applies to instruction in flying given to any person flying or about to fly a flying machine * * * * * for the purpose of becoming qualified for –
 - (a) the grant of a pilot's licence; and

- (b) the inclusion or variation of any rating or qualification in his licence.

37 * * * * *

PART 5

OPERATION OF AIRCRAFT

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46 **Public transport operations at night or in Instrument Meteorological Conditions by aeroplanes with one power unit** * * *

An aeroplane which * * * is powered by one power unit only shall not fly for the purpose of public transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any alternate aerodrome are less than 1,000 feet and 1 nautical mile respectively.

47 * * * * *

48 Public transport aircraft * * * – aerodrome operating minima

- (1) This article shall apply to public transport aircraft * * *.
- (2) An aircraft to which this article applies shall not fly in or over [Jersey] unless the operator has made available to the flight crew, aerodrome operating minima which comply with paragraph (3) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.
- (3) The aerodrome operating minima provided in accordance with paragraph (2) shall be no less restrictive than either –
 - (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima; or
 - (b) minima which comply with the law of the country in which the aircraft is registered;
 whichever are the more restrictive.
- [(4) An aircraft to which this article applies shall not take off when the relevant runway visual range is less than 150 metres.]
- (5) An aircraft to which this article applies shall not take off from or land at an aerodrome in [Jersey] in contravention of the specified aerodrome operating minima.
- (6) Without prejudice to [paragraph (5)], an aircraft to which this article applies, when making a descent to an aerodrome, shall not descend from a height of 1,000 feet or more above the aerodrome to a height of less than 1,000 feet above the aerodrome if the relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.
- (7) Without prejudice to [paragraph (5)], an aircraft to which this article applies, when making a descent to an aerodrome, shall not –
 - (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height; or
 - (b) descend below the relevant specified minimum descent height;
 unless in either case from such height the specified visual reference for landing is established and is maintained.
- [(8) In this article, “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2).]

49 Non-public transport aircraft – aerodrome operating minima

- (1) This article shall apply to any aircraft which is not a public transport aircraft.
- [(2) An aircraft to which this article applies shall not take off when the relevant runway visual range is less than 150 metres.]
- (3) * * * *
- (4) * * * an aircraft to which this article applies when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the relevant runway visual range for that runway is at the time less than the specified minimum for landing.
- (5) * * * an aircraft to which this article applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not –
- (a) continue an approach to landing on such a runway by flying below the relevant specified decision height; or
- (b) descend below the relevant specified minimum descent height;
- unless in either case from such height the specified visual reference for landing is established and is maintained.
- (6) * * * *
- (6A) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no suitable alternate aerodrome is available shall not be commenced unless –
- (a) a designated instrument approach procedure is available for the aerodrome of intended landing; and
- (b) available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from two hours before to two hours after the estimated time of arrival.
- (6B) A flight shall not be continued towards the aerodrome of intended landing unless the latest available information indicates that conditions at that aerodrome, or at least one alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.
- (7) In this article “specified” in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating aerodrome operating minima.
- (8) * * * *
- (8A) In this article ‘designated’ in relation to an instrument approach procedure means notified, prescribed or otherwise designated by the relevant competent authority.

[50 Responsibilities of aircraft operator

The operator of an aircraft shall ensure that the aircraft is operated in accordance with –

- (a) the law of the country in which the aircraft is registered;
- (b) the law of the State of the operator, and
- (c) the minimum standards established under Annex 6 to the Chicago Convention.]

51	*	*	*	*	*	*	*
52	*	*	*	*	*	*	*
52A	*	*	*	*	*	*	*
53	*	*	*	*	*	*	*
54	*	*	*	*	*	*	*
54A	*	*	*	*	*	*	*

55 Operation of radio in aircraft

- (1) A radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered or the State of the operator and by a person duly licensed or otherwise permitted to operate the radio station under that law.
- (2) Subject to paragraph (3), whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.
- (3) The radio watch –
 - (a) may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits;
 - (b) may be kept by a device installed in the aircraft if –

-
- (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection; and
 - (ii) that station is notified, or in the case of a station situated in a country other than the United Kingdom, otherwise designated as transmitting a signal suitable for that purpose.
 - (4) Whenever an aircraft is in flight in such circumstances that it is required by or under this Order to be equipped with radio communication or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.
 - (5) The radio station in an aircraft shall not be operated so as to cause interference which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows –
 - (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying;
 - (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice;
 - (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice; and
 - (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in paragraph (1).
 - (6) * * * * *
- 56** * * * * *
- 57** * * * * *
- 58** * * * * *
- 59** * * * * *
- 60** **Area navigation and required navigation performance capabilities** * *
- * * *
- (1) An aircraft * * * * * shall not fly in designated required navigation performance airspace * * * unless it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered in so far as that law requires it to be so equipped when flying within designated required navigation performance airspace.

- (2) Subject to paragraph (3), the said navigation equipment shall be capable of being operated so as to enable the aircraft to maintain the navigation performance capability notified in respect of the airspace in which the aircraft is flying, and shall be so operated.
- (3) An aircraft need not comply with the requirements of paragraph (2) where the flight has been authorised by the appropriate * * * air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

61 Use of airborne collision avoidance system

[On any flight in which an airborne collision avoidance system is required by article 20 and Schedule 5 to be carried in an aeroplane, the system shall be operated in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.]

61A * * * * *

62 Use of flight recording systems and preservation of records

- (1) On any flight on which a flight data recorder, a cockpit voice recorder or a combined cockpit voice recorder/flight data recorder is required * * * * * to be carried in an aeroplane, it shall always be in use from the beginning of the take-off run to the end of the landing run.
- (2) * * * * *
- (3) On any flight on which a cockpit voice recorder, a flight data recorder or a combined cockpit voice recorder/flight data recorder is required * * * * * to be carried in a helicopter, it shall always be in use from the time the rotors first turn for the purpose of taking off until the rotors are next stopped.
- (4) * * * * *
- (5) * * * * *

62A * * * * *

[63 Aircraft in flight not to tow glider

An aircraft in flight shall not tow a glider.]

64 Operation of self-sustaining gliders

A self-sustaining glider shall not take off under its own power.

65 Towing, picking up and raising of persons and articles

- (1) Subject to the provisions of this article, an aircraft in flight shall not, by means external to the aircraft, tow any article * * * or pick up or raise any person, animal or article, unless there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.
- (2) An aircraft shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.
- (3) An aircraft in flight shall not tow any article* * * at night or when flight visibility is less than one nautical mile.
- (4) The length of the combination of towing aircraft, tow rope, and article in tow, shall not exceed 150 metres.
- (5) A helicopter shall not fly at any height over [Jersey] at any time when any article, person or animal is suspended from the helicopter.
- (6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.
- (7) Nothing in this article shall –
 - (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Order to be towed or displayed by an aircraft in flight;
 - (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life;
 - (c) * * * *
 - (d) * * * *

66 Dropping of articles and animals

- (1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.
- (2) Subject to paragraph (3), * * * articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over [Jersey].
- (3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of, the commander of the aircraft in any of the following circumstances –

-
- (a) the dropping of articles for the purpose of saving life;
 - (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft;
 - (c) the dropping of ballast in the form of fine sand or water;
 - (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice * * *;
 - (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft;
 - (f) the dropping of articles for the purposes of [fire fighting,] public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the [DCA]; or
 - (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the [DCA].
- (4) For the purposes of this article “dropping” includes projecting and lowering.
 - (5) Nothing in this article shall prohibit the lowering of any article or animal from a helicopter to the surface, if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

67 Dropping of persons and grant of parachuting permissions

- (1) A person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over [Jersey] except under and in accordance with the terms of [a] permission granted by the [DCA] under this article.
- (2) For the purposes of this article “dropping” includes projecting and lowering.
- (3) Notwithstanding the grant of a police air operator’s certificate or a parachuting permission, a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.
- (4) An aircraft shall not be used for the purpose of dropping persons unless –
 - (a) there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the [DCA] under this article; or

- (b) * * * * *
- (5) Every applicant for and every holder of a parachuting permission shall make available to the [DCA] if requested to do so a parachuting manual and shall make such amendments or additions to such manual as the [DCA] may require.
 - (6) The holder of a parachuting permission shall make the manual available to every employee or person who is or may engage in parachuting activities conducted by him.
 - (7) The manual shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.
 - (8) Nothing in this article shall apply to the descent of persons by parachute from an aircraft in an emergency.
 - (9) Nothing in this article shall prohibit the lowering of any person in an emergency or for the purpose of saving life.
 - (10) Nothing in this article shall prohibit the lowering of any person from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

68 * * * * *

69 Carriage of weapons and of munitions of war

- (1) Subject to paragraph (6), an aircraft shall not carry any munition of war unless –
 - (a) such munition of war is carried with the permission of the [DCA]; and
 - (b) * * * * * the commander of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the [DCA].
- (2) * * * * *
- (3) * * * * * it shall be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.
- (4) * * * * * it shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless –
 - (a) the sporting weapon or munition of war –

- (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby;
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers; and
 - (iii) in the case of a firearm, is unloaded;
 - (b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences; and
 - (c) without prejudice to paragraph (1), the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.
- (5) * * * * *
- (6) Nothing in this article shall apply to any sporting weapon or munition of war taken or carried on board an aircraft * * * * * if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.
- (7) For the purposes of this article –
- (a) “munition of war” means –
 - (i) any weapon or ammunition;
 - (ii) any article containing an explosive, noxious liquid or gas; or
 - (iii) any other thing which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article;
 - (b) “sporting weapon” means –
 - (i) any weapon or ammunition;
 - (ii) any article containing an explosive, noxious liquid or gas; or
 - (iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article;
 which is not a munition of war.

70 Carriage of dangerous goods

- (1) Without prejudice to any other provisions of this Order, the [Minister] may [by Order prescribe] –
 - (a) the classification of certain articles and substances as dangerous goods;
 - (b) the categories of dangerous goods which an aircraft may not carry;
 - (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods;

- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft;
 - (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto, and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods;
 - (f) the persons to whom information about the carriage of dangerous goods must be provided;
 - (g) the documents which must be produced to the [DCA] or an authorised person on request; and
 - (h) the powers to be conferred on an authorised person relating to the enforcement of the [Order] made hereunder.
- (2) It shall be an offence to contravene or permit the contravention of or fail to comply with any [Order] made hereunder.
- (3) The provisions of this article and of any [Order] made thereunder shall be additional to and not in derogation from article 69.

71 Method of carriage of persons

- (1) A person shall not –
- (a) subject to [paragraph (2)], be in or on any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft;
 - (b) be in or on any object * * * * * towed by or attached to an aircraft in flight.
- (2) A person may have temporary access to –
- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein; and
 - (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.
- (3) * * * * *

72 * * * * *

72A * * * * *

73 Endangering safety of an aircraft

A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

74 Endangering safety of any person or property

A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

75 Drunkenness in aircraft

- (1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.
- (2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of drink or a drug to such an extent as to impair his capacity so to act.

76 * * * * *

77 Authority of commander of an aircraft

Every person in an aircraft shall obey all lawful commands which the commander of that aircraft may give for the purpose of securing the safety of the aircraft and of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

78 Acting in a disruptive manner

No person shall while in an aircraft –

- (a) use any threatening, abusive or insulting words towards a member of the crew of the aircraft;
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of the aircraft; or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties.

79 Stowaways

A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the commander or of any other person entitled to give consent to his being carried in the aircraft.

80 Flying displays

- (1) No person shall act as the organiser of a flying display (in this article referred to as “the flying display director”) unless he has obtained the permission of the [DCA] under paragraph (5) for that flying display.
- (2) The commander of an aircraft who is –

- (a) intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that –
 - (i) the flying display director has been granted an appropriate permission under paragraph (5);
 - (ii) the flight can comply with any relevant conditions subject to which that permission may have been granted; and
 - (iii) the pilot has been granted an appropriate pilot display authorisation; or
 - (b) participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.
- (3) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.
- (4) The flying display director shall not permit any person to act as pilot of an aircraft which participates in a flying display unless such person holds an appropriate pilot display authorisation.
- (5) The [DCA] –
- (a) shall grant a permission required by virtue of paragraph (1) if [the DCA] is satisfied that the applicant is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display;
 - (b) may grant such a permission subject to such conditions, which may include conditions in respect of military aircraft, as the [DCA] thinks fit.
- (6) The [DCA] shall, for the purposes of this article –
- (a) grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display upon [the DCA] being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the [DCA] may require; and
 - (b) authorise a person to conduct such examinations or tests as [the DCA] may specify.
- (7) A pilot display authorisation granted in accordance with this article shall, subject to article 92, remain in force for the period indicated in the pilot display authorisation.
- (8) * * * *
- (9) * * * *
- (10) * * * *

-
- (11) * * * * *
- (11A) * * * * *
- (12) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.
- (13) * * * * *

[80A Air races and contests

No person may take part in any air race or contest in Jersey as the pilot of an aircraft unless –

- (a) he has the permission of the DCA; and
- (b) he acts in accordance with any conditions subject to which the permission was granted.]

PART 6

* * * * *

PART 7**DOCUMENTS AND RECORDS****86 Documents to be carried**

- (1) An aircraft shall not fly unless it carries the documents which it is required to carry under [–
 - (a) the law of the country in which it is registered or the State of the operator; and
 - (b) Article 29 of, and the minimum standards established under Annex 6 to, the Chicago Convention.]
- (2) * * * * *
- (3) * * * * *

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88 Production of documents and records

- (1) The commander of an aircraft shall, [upon] being requested to do so by an authorised person, [produce] to that person –
 - (a) the certificates of registration and airworthiness in force in respect of the aircraft;
 - (b) the licences of its flight crew; and
 - (c) such other documents as the aircraft is required by article 86 to carry when in flight.
- (2) * * * *
- (3) * * * *
- (4) * * * *

89 Production of air traffic service equipment documents and records

The holder of an approval under article 124 or 125 shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person any documents and records relating to any air traffic service equipment used or intended to be used in connection with the provision of a service to an aircraft.

90 Power to inspect and copy documents and records

An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record which he has the power under this Order or any [Order] made thereunder to require to be produced to him.

91 Preservation of documents, etc.

- (1) Subject to [paragraph (2)], a person required by this Order to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his [executor or administrator].
- (2) If another person becomes the operator of the aircraft, the first-mentioned operator or his [executor or administrator] shall deliver to that person upon demand the certificates of maintenance review and release to service, the log books and the weight schedule and any record made by a flight data recorder and * * * * * required to be preserved in respect of that aircraft.
- (3) * * * *
- (4) * * * *

(5) * * * *

92 Revocation, suspension and variation of certificates, licences and other documents

- (1) Subject to [paragraph (5)], the [DCA] may, if [he] thinks fit, provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorisation or other document issued, granted or having effect under this Order, pending inquiry into or consideration of the case.
- (2) The CAA may, on sufficient ground being shown to its satisfaction after due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorisation or other document.
- (3) The holder or any person having the possession or custody of any certificate, licence, approval, permission, exemption or other document which has been revoked, suspended or varied [by the DCA] shall surrender it to the [DCA] within a reasonable time after being required to do so by the [DCA].
- (4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued [by the DCA] under this Order shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.
- (5) The provisions of article 93 shall have effect, in place of the provisions of this article, in relation to permits to which that article applies.
- (6) * * * *

93 Revocation, suspension and variation of permissions, etc. granted under article 138 * * *

- (1) Subject to the provisions of this article, the Secretary of State may revoke, suspend or vary any permit [granted under article 138].
- (2) Save as provided by paragraph (3), the Secretary of State may exercise his powers under paragraph (1) only after notifying the permit-holder [and the Minister] of his intention to do so and after due consideration of the case.
- (3) If, by reason of the urgency of the matter, it appears to the Secretary of State to be necessary for him to do so, he may provisionally suspend or vary a permit to which this article applies without complying with the requirements of paragraph (2); but he shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then, in the light of his due consideration of the case, either –
 - (a) revoke the provisional suspension or variation of the permit; or

- (b) substitute therefor a definitive revocation, suspension or variation, which, if a definitive suspension, may be for the same or a different period as the provisional suspension (if any) or, if a definitive variation, may be in the same or different terms as the provisional variation (if any).
- (4) The powers vested in the Secretary of State by paragraph (1) or paragraph (3) may be exercised by him whenever, in his judgement and whether or not by reason of anything done or omitted to be done by the permit-holder or otherwise connected with the permit-holder, it is necessary or expedient that the permit-holder should not enjoy, or should no longer enjoy, the rights conferred on him by a permit to which this article applies or should enjoy them subject to such limitations or qualifications as the Secretary of State may determine.
- (5) In particular, and without prejudice to the generality of the foregoing, the Secretary of State may exercise his said powers if it appears to him that –
 - (a) the person to whom the permit was granted has committed a breach of any condition to which it is subject;
 - (b) any agreement between Her Majesty's Government in the United Kingdom and the Government of any other country in pursuance of which or in reliance on which the permit was granted is no longer in force or that that other Government has committed a breach thereof;
 - (c) the person to whom the permit was granted, or a Government of another country which is a party to an agreement referred to in sub-paragraph (b), or the aeronautical authorities of the country concerned, have –
 - (i) acted in a manner which is inconsistent with or prejudicial to the operation in good faith, and according to its object and purpose, of any such agreement as aforesaid; or
 - (ii) have engaged in unfair, discriminatory or restrictive practices to the prejudice of the holder of an Air Transport Licence granted under section 65 of the Civil Aviation Act 1982 or the holder of a route licence granted under that section as applied by section 69A of that Act in his operation of air services to or from points in the country concerned; and
 - (d) the person to whom the permit was granted, having been granted it as a person designated by the Government of a country other than the United Kingdom for the purposes of an agreement referred to in sub-paragraph (b), is no longer so designated or that that person has so conducted himself, or that such circumstances have arisen in relation to him, as to make it necessary or expedient to disregard or qualify the consequences of his being so designated.
- (6) The permit-holder or any person having the possession or custody of any permit which has been revoked, suspended or varied under this article shall surrender it to the Secretary of State within a reasonable time of being required by him to do so.

- (7) The breach of any condition subject to which any permit to which this article applies has been granted shall render the permit invalid during the continuance of the breach.
- (8) The permits to which this article applies are permissions granted by the Secretary of State under article 138 * * * and any approvals or authorisations of, or consents to, any matter which the Secretary of State has granted, or is deemed to have granted, in pursuance of a permission which he has so granted.
- (9) References in this article to the “permit-holder” are references to the person to whom any permit to which this article applies has been granted or is deemed to have been granted.

94 Offences in relation to documents and records

- (1) A person shall not with intent to deceive –
 - (a) use any certificate, licence, approval, permission, exemption or other document issued or required by or under this Order * * * which has been forged, altered, revoked or suspended, or to which he is not entitled;
 - (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required by or under this Order * * * to, or allow it to be used by, any other person; or
 - (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such certificate, licence, approval, permission or exemption or other document;

and in this paragraph a reference to a certificate, licence, approval, permission, exemption or other document includes a copy or purported copy.

- (2) A person shall not intentionally damage, alter or render illegible any log book or other record required by or under this Order * * * to be maintained or any entry made therein, or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Order to be preserved.
- (3) All entries made in writing in any log book or record referred to in paragraph (2) shall be made in ink or indelible pencil.
- (4) A person shall not knowingly make in a load sheet any entry which is incorrect in any material particular, or any material omission from such a load sheet.
- [(5) A person shall not purport to issue any certificate for the purposes of this Order or of any Order made thereunder unless that person is authorised to do so under this Order.]

- (6) A person shall not issue any such certificate as aforesaid unless he has satisfied himself that all statements in the certificate are correct.

PART 8

MOVEMENT OF AIRCRAFT

95 Rules of the Air

- (1) Without prejudice to any other provision of this Order, the [Minister may by Order prescribe] –
- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft;
 - (b) the lights and other signals to be shown or made by aircraft or persons;
 - (c) the lighting and marking of aerodromes; and
 - (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.
- [(1A) An Order made under paragraph (1) is called in this Order “the Rules of the Air”.]
- (2) Subject to paragraph (3), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.
- (3) It shall be lawful for the Rules of the Air to be departed from to the extent necessary –
- (a) for avoiding immediate danger;
 - (b) for complying with the law of any country other than the United Kingdom within which the aircraft then is; or
 - (c) * * * * *
- (4) * * * * *
- (5) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

96 Power to prohibit or restrict flying

- (1) Where the [Minister] deems it necessary in the public interest to restrict or prohibit flying by reason of –
- (a) the intended gathering or movement of a large number of persons;
 - (b) the intended holding of an aircraft race or contest or of a flying display; or

- (c) national defence or any other reason affecting the public interest;
the [Minister] may make [an Order] prohibiting, restricting or imposing conditions on flights by [any aircraft in or over Jersey].
- (2) * * * *
- (3) [An Order] made under this article may apply either generally or in relation to any class of aircraft.
- (4) It shall be an offence to contravene or permit the contravention of or fail to comply with any [Order] made hereunder.
- (5) If the commander of an aircraft becomes aware that the aircraft is flying in contravention of any [Order] which have been made for any of the reasons referred to in paragraph (1)(c) he shall, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the [Order] [relates] by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.
- (6) The commander of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in paragraph (1)(c) * * * shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

97 Balloons, kites, airships* * and parascending parachutes

- (1) * * * *
- (2) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.
- (3) Without the permission of the [DCA] –
- (a) a * * parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level [or, if launched from a boat at sea, 60 metres above sea level];
- (b) a balloon in captive flight shall not be flown within the aerodrome traffic zone of [Jersey Airport];
- (c) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level;
- (d) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of [Jersey Airport];
- (e) a kite shall not be flown at a height of more than 60 metres above ground level; and

- (f) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of [Jersey airport during the notified operating hours of that airport; and]
- [(g) an uncontrollable balloon in captive or released flight shall not be flown.]
- (4) * * * * *
- [(5) A controllable balloon shall not be flown in free controlled flight except during daylight hours and in visual meteorological conditions.]
- (6) * * * * *
- (7) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.
- [(8) An airship shall not be moored other than at Jersey Airport except with the permission of the DCA.]
- (9) * * * * *
- (10) An airship when moored in the open shall be securely moored and shall not be left unattended.
- [(11) A person shall not cause or permit a group of small balloons exceeding 100 in number to be simultaneously released at a single point unless –
- (a) he has the permission of the DCA; and
- (b) he acts in accordance with any conditions subject to which the permission was granted.]
- (12) * * * * *

98 Regulation of small aircraft

- (1) A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small aircraft so as to endanger persons or property.
- [(2) The person in charge of a small aircraft which weighs more than 7kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight must not fly the aircraft unless –
- (a) he has the permission of the DCA; and
- (b) he acts in accordance with any conditions subject to which the permission was granted.]

99 Regulation of rockets

- [(1) This article applies to a rocket of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds.]
- (2) * * * * *

- [(3) No person shall launch a rocket to which this article applies unless –
- (a) he has the prior permission of the DCA; and
 - (b) he acts in accordance with any conditions subject to which the permission was granted.]
- (4) * * * * *
- (5) * * * * *
- (6) * * * * *

PART 9

AIR TRAFFIC SERVICES

100 Requirement for an air traffic control approval

- (1) No person in charge of the provision of an air traffic control service shall provide such a service in respect of [Jersey] airspace or airspace outside [Jersey] for which [the States of Jersey have], in pursuance of international arrangements, undertaken to provide air navigation services otherwise than under and in accordance with the terms of an air traffic control approval granted to him by the [DCA].
- (2) The [DCA] shall grant an air traffic control approval if [he] is satisfied that the applicant is competent, having regard to [the applicant's] organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

101 Duty of person in charge to satisfy himself as to competence of controllers

The holder of an approval under article 100 shall not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless –

- (a) such person holds an appropriate licence; and
- (b) the holder has satisfied himself that such person is competent to perform his duties.

102 Manual of air traffic services

[A person shall not provide an air traffic control service in Jersey unless the service is provided in accordance with the standards and procedures specified in a manual of air traffic services which has been approved by the DCA.]

103 Provision of air traffic services

- [(1) In the case of an aerodrome in respect of which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome shall –
- (a) inform the DCA in advance of the periods during and the times at which any such equipment is to be in operation for the purposes of providing such aid as is specified by the said person; and
 - (b) during any period and at such times as are notified, cause an approach control service to be provided.
- (2) The DCA may, in the interests of safety, direct the person in charge of an aerodrome that there shall be provided in respect of that aerodrome such air traffic control service, aerodrome flight information service or means of two-way radio communication as the DCA considers appropriate.
- (3) The DCA may specify in a direction under this article the periods during which, the times at which, the manner in which and the airspace within which such service or such means shall be provided.
- (4) The person who has been so directed shall cause such a service or means to be provided in accordance with the direction.]

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105 Making of a direction for airspace policy purposes

- (1) After consultation with the [Minister] the [DCA] may direct in accordance with paragraphs (2) and (3) any person in charge of the provision of air traffic services to provide air traffic services in respect of [Jersey airspace] or airspace [outside Jersey] for which [the States of Jersey have] undertaken in pursuance of international arrangements to provide air traffic services.
- (2) A direction under paragraph (1) may be made –
- (a) in the interests of ensuring the efficient use of airspace; or
 - (b) to require that air traffic services are provided to a standard considered appropriate by the [DCA] for the airspace classification.
- (3) The [DCA] may specify in a direction under paragraph (1) the air traffic services and the standard to which they are to be provided and the periods during which, the times at which, the manner in which, and the airspace within which such services shall be provided.
- (4) The person who has been directed shall cause such a service to be provided in accordance with the direction.

106 Use of radio call signs at aerodromes

The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

PART 10

LICENSING OF AIR TRAFFIC CONTROLLERS

107 Prohibition of unlicensed air traffic controllers and student air traffic controllers

- (1) Subject to [paragraph (3)], a person shall not act as an air traffic controller or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of, and complies with the privileges and conditions of –
 - [(a) a valid student air traffic controller's licence granted by a competent authority in a Member State of the European Union and approved under this Order by the DCA;
 - (b) an appropriate air traffic controller's licence granted by a competent authority in a Member State of the European Union and approved under this Order by the DCA; or]
 - (c) a valid air traffic controller's licence so granted [and approved] which is not appropriate but he is supervised as though he was the holder of a student air traffic controller's licence.
- (2) A person shall not act as an air traffic controller unless he has identified himself in such a manner as may be notified.
- (3) A licence shall not be required by any person who, acting in the course of his employment, passes on such instructions or advice as he has been instructed so to do by the holder of an air traffic controller's licence which entitles that holder to give such instructions or advice.
- (4) * * * * *

[108 Approval of air traffic controller's and student air traffic controller's licences

- (1) The DCA may approve licences issued by competent authorities in Member States of the European Union, subject to any conditions he thinks fit, authorising the holder to act as an air traffic controller or a student air traffic controller.
- (2) In approving such a licence, the DCA may include, subject to such conditions as he thinks fit, any of the ratings and endorsements specified in Part B of Schedule 11, upon his being satisfied that the holder is

qualified to act in the capacity to which the rating or endorsement relates, and such rating or endorsement shall be deemed to form part of the licence.]

109 Privileges of an air traffic controller's licence and a student air traffic controller's licence

- (1) Subject to article 110 and to any conditions of the licence [approved] under article 108 an air traffic controller's licence shall entitle the holder to –
 - (a) exercise the privileges specified in [paragraph 1] of Part A of Schedule 11; and
 - (b) exercise the privileges of any rating or endorsement included in the licence as specified in Part B of the said Schedule.
- (2) Subject to article 110 and to any conditions of the licence [approved] under article 108 a student air traffic controller's licence shall entitle the holder to exercise the privileges specified in [paragraph 2] of Part A of Schedule 11.

110 Maintenance of validity of ratings and endorsements

- (1) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating or endorsement contained in the licence unless the licence includes a current [unit endorsement] specifying that the rating or endorsement is valid for –
 - (a) the aerodrome or place at which he so acts;
 - (b) the sector on which or the operational position at which he so acts; and
 - (c) the surveillance equipment (if any) with which he so acts.
- (2) A [unit endorsement] may be entered in a licence either by the [DCA] or by the holder of an air traffic controller's licence which includes an examiner licence endorsement.
- [(3) Subject to paragraph (4), a unit endorsement is valid for an initial period of 12 months.
- (4) The validity of a unit endorsement may be extended by the DCA or a person approved by the DCA for a further 12 months on application by the holder of the air traffic controller's licence if the air navigation service provider for whom the licence holder provides services demonstrates that –
 - (a) the licence holder has, during the 12 months preceding the application, been exercising the privileges of the endorsement for the minimum number of hours specified in a scheme approved by the DCA detailing the method by which an air traffic control unit must maintain the competence of licence holders;

- (b) the air navigation service provider has assessed the licence holder's competence and is satisfied that the licence holder is competent to exercise the privileges of the endorsement; and
 - (c) the holder's licence includes a valid medical certificate.
- (5) When considering an application for an extension under paragraph (4) made by an on the job training instructor, the DCA or a person approved by him may reduce the minimum number of hours required to maintain the validity of the unit endorsement under paragraph (4)(a), in proportion to the time spent by the licence holder instructing trainees on the working positions to which his unit endorsement relates.
- (6) A unit endorsement which has ceased to be valid may be revalidated provided that the condition in paragraph (7) is satisfied.
- (7) The condition referred to in paragraph (6) is that the licence holder has completed training, to the satisfaction of the DCA or a person approved by him, under the supervision of an on the job training instructor and in accordance with a plan approved by the DCA that details the training procedures and requirements of the air traffic control unit to which the unit endorsement relates.
- (8) The holder of a rating or rating endorsement who has not provided air traffic control services associated with that rating or rating endorsement for four years may not commence unit training in that rating or rating endorsement until –
 - (a) the DCA or a person approved by him has assessed whether the holder continues to satisfy the conditions of the rating or endorsement; and
 - (b) following the assessment, the DCA or the person approved by him is satisfied –
 - (i) that the holder continues to satisfy the conditions of the rating or endorsement; and
 - (ii) that the holder has successfully completed any training requirements identified under the assessment.
- (9) The DCA or a person approved by him must grant an instructor endorsement to a holder of an air traffic controller's licence on application by the licence holder if –
 - (a) the holder has provided an air traffic service for a continuous period of at least one year preceding the application (or such longer period as the DCA may specify, having regard to the ratings and endorsements for which instruction is given); and
 - (b) the holder has passed an approved on the job training instructor course as a part of which the required knowledge and skills were assessed through examinations.]

112 Requirement for medical certificate

- [(1) The holder of an air traffic controller's licence approved under this Order by the DCA shall not act in Jersey as an air traffic controller unless his licence includes a current medical certificate issued by the competent authority.
- (2) The holder of a student air traffic controller's licence approved under this Order by the DCA shall not act in Jersey as a student air traffic controller unless his licence includes a current medical certificate issued by the competent authority.]

113 Appropriate licence

An air traffic controller's licence shall not be an appropriate licence for the purposes of this Part of the Order unless it includes valid ratings, endorsements and certificates which authorise the holder to provide * * * the type of air traffic control service for the sector on which or the operational position at which it is being provided and with the type of surveillance equipment being used (if any).

114 Incapacity of air traffic controllers

- (1) Every holder of an air traffic controller's licence [approved under this Order by the DCA] who –
 - (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days; or
 - (b) in the case of a woman, has reason to believe that she is pregnant; shall inform the [DCA] in writing of such injury, illness or pregnancy as soon as possible.
- [(2) The holder of an air traffic controller's licence or student air traffic controller's licence approved under this Order by the DCA must notify his employer if he –
 - (a) becomes aware of any decrease in medical fitness; or
 - (b) is under the influence of any psychoactive substance or medicines which might render him unable to exercise the privileges of his licence properly.]

115 Fatigue of air traffic controllers – air traffic controllers' responsibilities

A person shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

116 Prohibition of acting under the influence of drink or a drug

A person shall not act as an air traffic controller or a student air traffic controller whilst under the influence of drink or a drug to such an extent as to impair his capacity to act as such.

117 Failing exams

A person who, on the last occasion when he was examined, assessed or tested for the purposes of this Part, failed that examination, assessment or test shall not be entitled to act in the capacity for which that examination, assessment or test would have qualified him had he passed it.

[117A Keeping records

An air navigation service provider must make and keep, for such period and in such form as the DCA may specify, a record of –

- (a) the hours worked; and
- (b) the sectors and working positions in which the hours were worked,

in respect of each holder of a student air traffic controller's licence or air traffic controller's licence who provides services for the air navigation service provider and must make such records available to the DCA on request within such reasonable time as is specified in the request.

117B Approval of competence examiners and assessors

- (1) No person may examine or assess under article 110 or Schedule 11 the competence of a person to provide an air traffic control service unless he has been approved for that purpose by the DCA.
- (2) Approval by the DCA under this article is subject to revocation by the DCA, is valid for a period of 3 years and may be renewed.]

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120 Acting as an air traffic controller and a student air traffic controller

For the purposes of this Part and Schedule 11 –

- (a) “acting as an air traffic controller” shall mean either –
 - (i) giving an air traffic control service; or
 - (ii) the supervision of a student air traffic controller;
- or both; and

- (b) “acting as a student air traffic controller” shall mean giving an air traffic control service under the supervision of an air traffic controller.

[120A Interpretation of Part 10 and Schedule 11

In this Part and in Schedule 11 –

- (a) “air navigation service provider” means any public or private entity providing air navigation services for general air traffic;
- (b) “air traffic controller” means a person who has been granted a licence under this Order to provide air traffic control services;
- (c) “general air traffic” means all movements of civil aircraft as well as all movements of State aircraft when these movements are carried out in accordance with the Chicago Convention;
- (d) “ICAO location indicator” means the four letter code group formulated in accordance with rules prescribed by the International Civil Aviation Organisation in its manual DOC 7910 and assigned to the location of an aeronautical fixed station;
- (e) “instructor endorsement” means the authorisation included in and forming part of a licence, indicating the competence of the holder to give on the job training instruction;
- (f) “language endorsement” means the authorisation included in and forming part of a licence indicating the language proficiency of the holder;
- (g) “licence” means a certificate issued and endorsed in accordance with this Order entitling the holder to provide air traffic control services in accordance with the ratings and endorsements contained in the licence;
- (h) “on the job training instructor” means a person who holds an instructor endorsement;
- (i) “rating” means the authorisation entered on and forming part of a licence under paragraph 3 of Schedule 11;
- (j) “rating endorsement” means the authorisation entered on and forming part of a licence indicating the conditions, privileges or limitations attaching to the rating under paragraph 3 of Schedule 11;
- (k) “sector” means part of a control area or part of a flight information region or upper region;
- (l) “student air traffic controller” means a person who has been granted a licence under this Order to provide air traffic control services under the supervision of an air traffic controller;
- (m) “unit endorsement” means the authorisation entered into and forming part of a licence, indicating the particular sector, group of sectors or working positions (by indicating the ICAO location indicator) in which the holder of a licence is competent to provide air traffic control services under the responsibility of an air traffic control unit.]

PART 11

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PART 12

AIR TRAFFIC SERVICE EQUIPMENT

124 Air traffic service equipment

- (1) A person shall not cause or permit any air traffic service equipment to be established or used in [Jersey] otherwise than under and in accordance with an approval granted by the [DCA] to the person in charge of the equipment.
- (2) An approval shall be granted under paragraph (1) upon the [DCA] being satisfied –
 - (a) as to the intended purpose of the equipment;
 - (b) that the equipment is fit for its intended purpose; and
 - (c) that the person is competent to operate the equipment.
- (3) The person in charge of an aeronautical radio station at an aerodrome for which a licence for public use has been granted shall cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.
- (4) An approval granted under paragraph (1) may include a condition requiring a person in charge of an aeronautical radio station at any other aerodrome or place to cause the information specified in paragraph (3) to be notified.
- (5) An approval granted under paragraph (1) may in addition to any other conditions which may be imposed include a condition requiring the person in charge of the equipment to use a person approved by the [DCA] under paragraph (6) for the provision of particular services in connection with the equipment and in particular but without limitation may include a condition requiring that the equipment be flight checked by such an approved person.
- (6) The [DCA] may approve a person to provide particular services in connection with approved equipment.
- (7) For the purpose of paragraphs (1) and (6) an approval may be granted in respect of one or more than one person or generally.
- (8) * * * * *

125 Air traffic service equipment records

- (1) The person in charge of any air traffic service equipment and any associated apparatus required under paragraph (2) or (3) shall keep in respect of such equipment or apparatus records in accordance with Part A of Schedule 12, and shall preserve such records for a period of one year or such longer period as the [DCA] may in a particular case direct.
- (2) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide recording apparatus in accordance with paragraph (4).
- (3) The [DCA] may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with paragraph (4).
- (4) The person in charge of the air traffic service equipment in respect of which recording apparatus is required to be provided under paragraph (2) or (3) shall, subject to paragraph (7) –
 - (a) ensure that when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; or in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit;
 - (b) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft;
 - (c) ensure that each record made by the apparatus complies with Part B of Schedule 12;
 - (d) not cause or permit that apparatus to be used unless it is approved by the [DCA]; and
 - (e) comply with the terms of such an approval.
- (5) The [DCA] may in considering whether or not to grant an approval, without limitation, have regard to the matters specified in Part C of Schedule 12.
- (6) An approval may be granted –
 - (a) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the [DCA] may have had regard to under paragraph (5);
 - (b) in respect of one or more than one person or generally.
- (7) If any apparatus provided in compliance with paragraph (2) or (3) ceases to be capable of recording the matters required by this article to be included in the records, the person required to provide that apparatus shall ensure that, so far as practicable, a record is kept which complies with Part B of Schedule 12 and on which the particulars specified therein

are recorded together with, in the case of apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the aeronautical radio station and any aircraft.

- (8) If any apparatus provided in compliance with paragraph (2) or (3) becomes unserviceable, the person in charge of the air traffic service equipment shall ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.
- (9) The person in charge of any air traffic service equipment shall preserve any record made in compliance with paragraph (4) or (7) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the [DCA] may in a particular case direct.
- (10) Subject to paragraph (11), a person required by this article to preserve any record by reason of his being the person in charge of the air traffic service equipment shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his [executor or administrator].
- (11) If another person becomes the person in charge of the air traffic service equipment the previous person in charge or his [executor or administrator] shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with any such record delivered to him as if he were the previous person in charge.
- (12) The person in charge of any air traffic service equipment shall within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this article to that authorised person.
- (13) * * * * *

PART 13

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

[126 Aerodromes

An aircraft shall not take off or land in Jersey other than at an aerodrome licensed under this Order for the take-off and landing of aircraft and in accordance with any conditions subject to which the aerodrome may have been licensed.]

127 * * * * *

128 Licensing of aerodromes

- (1) The [DCA] shall grant a licence in respect of any aerodrome in [Jersey] if [he] is satisfied that –
 - (a) the applicant is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe for use by aircraft;
 - (b) the aerodrome is safe for use by aircraft, having regard in particular to the physical characteristics of the aerodrome and of its surroundings; and
 - (c) the aerodrome manual submitted under paragraph (6) is adequate.
- (1A) An aerodrome licence may be granted subject to such conditions as the [DCA] thinks fit and, subject to article 92, remains in force for the period specified in the licence.
- (2) If the applicant so requests or if the [DCA] considers that an aerodrome should be available for the take-off or landing of aircraft to all persons on equal terms and conditions, it may grant a licence (in this Order referred to as “a licence for public use”) which in addition to any other conditions which it may impose shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.
- (3) The holder of an aerodrome licence granted under this Order (in this article called “an aerodrome licence holder”) shall –
 - (a) furnish to any person on request information concerning the terms of the licence; and
 - (b) in the case of a licence for public use, cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the public transport of passengers or instruction in flying.
- (4) An aerodrome licence holder shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time * * * *, but the licence shall not cease to be valid by reason only of such a contravention.
- (5) An aerodrome licence holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.
- (6) Upon making an application for an aerodrome licence the applicant shall submit to the [DCA] an aerodrome manual for that aerodrome.
- (7) An aerodrome manual required under this article shall contain all such information and instructions as may be necessary to enable the aerodrome operating staff to perform their duties as such including, in particular,

information and instructions relating to the matters specified in Schedule 13.

- (8) Every aerodrome licence holder shall –
 - (a) furnish to the [DCA] any amendments or additions to the aerodrome manual before or immediately after they come into effect;
 - (b) without prejudice to sub-paragraph (a), make such amendments or additions to the aerodrome manual as the [DCA] may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation; and
 - (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.
- (9) Every aerodrome licence holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties and shall ensure that each such copy is kept up to date.
- (10) Every aerodrome licence holder shall take all reasonable steps to secure that each member of the aerodrome operating staff –
 - (a) is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such; and
 - (b) undertakes his duties as such in conformity with the relevant provisions of the manual.
- (11) For the purposes of this article –
 - (a) “aerodrome operating staff” means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron;
 - (b) “visual traffic pattern” means the aerodrome traffic zone of the aerodrome * * * *.

129 Charges at aerodromes licensed for public use

The licensee of any aerodrome in respect of which a licence for public use has been granted shall, when required by the [DCA], furnish to the [DCA] such particulars as he may require of the charges established by the licensee for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

130 Use of aerodromes by aircraft of Contracting States and of the Commonwealth

[The person in charge of any aerodrome in Jersey which is open to public use by aircraft shall cause the aerodrome and all of its air navigation facilities to be available for use by all aircraft registered in any Contracting State or in any part of the Commonwealth and the same terms and conditions of use shall apply to all such aircraft.]

131 Noise and vibration caused by aircraft on aerodromes

- (1) The Minister may by Order prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on licensed aerodromes.]
- (2) Section 77(2) of the Civil Aviation Act 1982 [(as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990)] shall apply to any aerodrome in relation to which the [Minister] has prescribed conditions in accordance with paragraph (1).

132 Aeronautical lights

- (1) Except with the permission of the [DCA] and in accordance with any conditions subject to which the permission may be granted, a person shall not establish, maintain or alter the character of –
- (a) an aeronautical beacon [in Jersey]; or
 - (b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under this Order, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.
- (2) In the case of an aeronautical beacon which is or may be visible from the waters within an area of a general lighthouse authority, the [DCA] shall not give its permission for the purpose of this article except with the consent of that authority.
- (3) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the [DCA].

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135 Dangerous lights

- (1) A person shall not exhibit in [Jersey] any light which –
- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome; or

- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft.
- (2) If any light which appears to the [DCA] to be such a light as aforesaid is exhibited the [DCA] may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.
- (3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.
- (4) In the case of a light which is or may be visible from any waters within the area of a * * lighthouse authority, the power of the [DCA] under this article shall not be exercised except with the consent of that authority.

136 Customs and Excise aerodromes

- (1) The [Minister] may, with the concurrence of the [Minister for Treasury and Resources] and subject to such conditions as they may think fit, by [Order] designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.
- (2) The [Minister] may, with the concurrence of the Commissioners of Revenue and Customs, by order revoke any designation so made.

137 Aviation fuel at aerodromes

- (1) Subject to paragraph (2), a person who has the management of any aviation fuel installation on an aerodrome in [Jersey] shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless –
 - (a) when the aviation fuel is delivered into the installation he is satisfied that –
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked; and
 - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft; and

- (b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.
- (2) Paragraph (1) shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.
- (3) A person to whom paragraph (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include –
 - (a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
 - (b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and
 - (c) particulars of the maintenance and cleaning of the installation;and he shall preserve the written record for a period of 12 months or such longer period as the [DCA] may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.
- (4) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.
- (5) If it appears to the [DCA] or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this article, the [DCA] or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the [DCA] or by an authorised person.
- (6) In this article –
 - (a) “aviation fuel” means fuel intended for use in aircraft; and
 - (b) “aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

PART 14

GENERAL

[137A DCA to specify units of measurement]

- (1) The DCA must specify the units of measurement to be used by any person participating in air and ground operations.

- (2) But the use of a unit of measurement which is not specified by the DCA in respect of an air or ground operation is not an offence under article 148.

137B DCA to publish and take into account requirements relevant to making a determination

Where, under this Order, the DCA is required to satisfy himself of certain matters before the granting, issuing or validating of a licence, certificate, approval, authorisation or permission (in this article “making a determination”), he must, before making any determination –

- (a) publish the requirements which he considers relevant to making the determination; and
- (b) take those requirements into account in making the determination.

137C DCA to ensure provision of meteorological service, aeronautical charts, search and rescue services etc.

- (1) For the purposes of compliance with Annex 3 to the Chicago Convention, the DCA is the meteorological authority for Jersey.
- (2) The DCA must –
 - (a) ensure the provision of a meteorological service to meet the needs of international air navigation, with due regard to regional air navigation agreements and for that purpose shall designate a person whom he considers appropriate to provide such service;
 - (b) ensure the availability of aeronautical charts;
 - (c) designate search and rescue services for Jersey and for the areas of the high seas that are the responsibility of Jersey under regional air navigation agreements;
 - (d) provide an aeronautical information service, agree with one or more Contracting States for the provision of a joint service or delegate the provision of the service to a non-governmental agency.
- (3) The DCA must publish the details of the services provided or designated and the arrangements entered into under paragraph (2) in the Aeronautical Information Publication relating to Jersey.]

138 Restriction on carriage for valuable consideration in aircraft registered elsewhere than in the United Kingdom

- (1) An aircraft registered in a Contracting State other than the United Kingdom, or in a foreign country, shall not take on board or discharge any passengers or cargo in [Jersey] where valuable consideration is given or promised in respect of the carriage of such persons or cargo unless –

- (a) it does so with the permission of the Secretary of State granted under this article to the operator or the charterer of the aircraft or to the Government of the country in which the aircraft is registered, and in accordance with any conditions to which such permission may be subject; or
- (b) * * * * *

[(1A) The Secretary of State must consult the Minister before granting a permission under this article.]

- (2) Without prejudice to article 93 or to paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

139 * * * * *

140 Restriction on aerial photography, aerial survey and aerial work * *

- (1) An aircraft * * * * * shall not fly over [Jersey] for the purpose of aerial photography or aerial survey (whether or not valuable consideration is given or promised in respect of the flight or the purpose of the flight) or for the purpose of any other form of aerial work except with the permission of the [DCA] granted under this article to the operator or the charterer of the aircraft and in accordance with any conditions to which such permission may be subject.
- (2) Without prejudice to article 93 or to paragraph (1), any breach by a person to whom a permission has been granted under this article of any condition to which that permission was subject shall constitute a contravention of this article.

141 * * * * *

141A * * * * *

142 Mandatory reporting of occurrences

- (1) The objective of this article is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated.
- (2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.
- (3) This article shall apply to occurrences which endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.
- (4) * * * * *

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- (5) Every person listed below shall report to the [DCA] any event which constitutes an occurrence for the purposes of paragraph (3) and which comes to his attention in the exercise of his functions –
- (a) the operator and the commander of a turbine-powered aircraft
* * * * *;
 - (b) the operator and the commander of an aircraft operated under an air operator's certificate * * *;
 - (c) * * * * *
 - (d) * * * * *
 - (e) a person who carries on the business of maintaining or modifying an aircraft * * * * *and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
 - (f) * * * * *
 - (g) * * * * *
 - (h) a person who performs a function which requires him to be authorised by the [DCA] as an air traffic controller * * *;
 - (i) a licensee and a manager of a licensed aerodrome * * *
* * *;
 - (j) a person who performs a function in respect of the installation, modification, maintenance, repair, overhaul, flight-checking or inspection of air navigation facilities which are utilized by a person who provides an air traffic control service under an approval issued by the [DCA];
 - (k) a person who performs a function in respect of the ground-handling of aircraft, including fuelling, servicing, loadsheet preparation, loading, de-icing and towing * * * * *.
- (6) Reports of occurrences shall be made within such time, by such means and containing such information as may be prescribed and shall be presented in such form as the [DCA] may in any particular case approve.
- (7) A person listed in paragraph (5) shall make a report to the [DCA] within such time, by such means, and containing such information as the [DCA] may specify in a notice in writing served upon him, being information which is in his possession or control and which relates to an occurrence which has been reported by him or another person to the [DCA] in accordance with this article.
- (8) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.
- (9) The [DCA] shall put in place a mechanism to collect, evaluate, process and store occurrences reported in accordance with paragraphs (5) to (7).
- (10) The [DCA] shall store in its databases the reports which it has collected of occurrences, accidents and serious incidents.
-

- (11) The [DCA] shall make all relevant safety-related information stored in the databases mentioned in paragraph (10) available to the competent authorities of [the United Kingdom or the Republic of France].
- (12) * * * *
- (13) * * * *
- (14) The [DCA] shall provide any entity entrusted with regulating civil aviation safety or with investigating civil aviation accidents and incidents [in the United Kingdom and the Republic of France] with access to information on occurrences collected and exchanged in accordance with paragraphs (9) to [(11)] to enable it to draw the safety lessons from the reported occurrences.
- (15) The [DCA] and the Chief Inspector of Air Accidents [for Jersey] shall use any information received in accordance with the terms of this article solely for the purposes set out in this article.
- (16) The names or addresses of individual persons shall not be recorded on the databases referred to in paragraph (10).
- (17) Without prejudice to the rules of criminal law, no proceedings shall be instituted in respect of unpremeditated or inadvertent infringements of the law which come to the attention of the relevant authorities only because they have been reported under this article * * * * except in cases of gross negligence.
- (18) The provisions in paragraphs (15) to (17) shall apply without prejudice to the right of access to information by judicial authorities.
- (19) The [DCA] shall put in place a system of voluntary reporting to collect and analyse information on observed deficiencies in aviation which are not required to be reported under the system of mandatory reporting, but which are perceived by the reporter as an actual or potential hazard.
- (20) Voluntary reports presented to the [DCA] under paragraph (19) shall be subjected to a process of disidentification by it where the person making the report requests that his identity is not recorded on the databases.
- (21) The [DCA] shall ensure that relevant safety information deriving from the analysis of reports, which have been subjected to disidentification, are stored and made available to all parties so that they can be used for improving safety in aviation.

143 Mandatory reporting of birdstrikes

- (1) Subject to the provisions of this article, the commander of an aircraft shall make a report to the [DCA] of any birdstrike occurrence which occurs whilst the aircraft is in flight within [Jersey or within any airspace in which the States of Jersey have agreed to provide air traffic services under an international agreement].
- (2) The report shall be made within such time, by such means and shall contain such information as may be prescribed and it shall be presented in such form as the [DCA] may in any particular case approve.

- (3) Nothing in this article shall require a person to report any occurrence which he has reported under article 142 or which he has reason to believe has been or will be reported by another person to the [DCA] in accordance with that article.
- (4) A person shall not make any report under this article if he knows or has reason to believe that the report is false in any particular.
- (5) In this article “birdstrike occurrence” means an incident in flight in which the commander of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

144 Power to prevent aircraft flying

- (1) If it appears to the [DCA] or an authorised person that any aircraft is intended or likely to be flown –
 - (a) in such circumstances that any provision of article 3, 5, * 8, 25, 26, 43, 62, 69, 70 or 75(2) would be contravened in relation to the flight;
 - [(aa) for the purpose of public transport in circumstances in which –
 - (i) the aircraft is registered in any part of the British Isles or in a British Overseas Territory; and
 - (ii) there is no air operator’s certificate in force in respect of the aircraft or the flight would breach the terms of the air operator’s certificate;]
 - (b) in such circumstances that the flight would be in contravention of any other provision of this Order, of any [Order made thereunder] and be a cause of danger to any person or property whether or not in the aircraft; or
 - (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Order, of any [Order made thereunder];

the [DCA] or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the [DCA] or by an authorised person, and the [DCA] or that authorised person may take such steps as are necessary to detain the aircraft.

- (2) For the purposes of paragraph (1) the [DCA] or any authorised person may enter upon and inspect any aircraft.
- (3) If it appears to the [DCA] or an authorised person that any aircraft is intended or likely to be flown in such circumstances that any provision of article [138 or 140] would be contravened in relation to the flight, the [DCA] or that authorised person may direct the operator or the commander of the aircraft that he is not to permit the aircraft to make a particular flight or any other flight of such description as may be specified in the direction until the direction has been revoked by the

[DCA] or by an authorised person, and the [DCA] or any authorised person may take such steps as are necessary to detain the aircraft.

- (4) For the purposes of paragraph (3) the [DCA] or any authorised person may enter upon any aerodrome and may enter upon and inspect any aircraft.

144A * * * * *

144B * * * * *

144C * * * * *

145 Right of access to aerodromes and other places

- (1) [The DCA] and any authorised person shall have the right of access at all reasonable times –
- (a) to any aerodrome for the purpose of inspecting the aerodrome;
 - (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which it or he has power to demand under this Order, or for the purpose of detaining any aircraft under the provisions of this Order;
 - (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which it or he has power to demand under this Order and for the purpose of detaining the aircraft under the provisions of this Order; and
 - (d) to any building or place from which an air traffic control service is being provided or where any air traffic service equipment requiring approval under article 124 is situated for the purpose of inspecting –
 - (i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground; or
 - (ii) any document or record which it or he has power to demand under this Order.

(2) * * * * *

146 Obstruction of persons

A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Order.

147 Directions

- (1) Where any provision of this Order or any [Order] made thereunder gives to a person the power to direct, the person to whom such a power is given shall also have the power to revoke or vary any such direction.
- (2) Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Order or any [Order] made thereunder shall be deemed for the purposes of this Order to have contravened that provision.

148 Penalties

- (1) If any provision of this Order, or any [Order made thereunder] is contravened in relation to an aircraft, the operator of that aircraft and the commander and, in the case of a contravention of article 138, the charterer of that aircraft, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this article to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.
- (2) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of this Order, or any [Order made thereunder] was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.
- (3) Where a person is charged with contravening a provision of this Order or any [Order made thereunder] by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of public transport or aerial work the flight shall be treated (without prejudice to the liability of any other person under this Order) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.
- (4) If any person contravenes any provision of this Order, or any [Order made thereunder] not being a provision referred to in paragraph (5), (6) or (7), he shall be guilty of an offence and liable * * * to a fine not exceeding [level 2] on the standard scale.
- (5) If any person contravenes any provision specified in Part A of Schedule 14 he shall be guilty of an offence and liable * * * to a fine not exceeding [level 3] on the standard scale.
- (6) If any person contravenes any provision specified in Part B of the said Schedule he shall be guilty of an offence and liable * * * * * to a fine or imprisonment for a term not exceeding two years or both.

- (7) If any person contravenes any provision specified in Part C of the said Schedule he shall be guilty of an offence and liable * * *
* * * to a fine or imprisonment for a term not exceeding five years or both.

[148A Aiders and abettors etc.

A person who aids, abets, counsels or procures the commission of an offence under this Order shall be guilty of an offence and liable to the penalty provided for that offence in the same manner as the principal offender.]

[149 Territorial extent

The provisions of this Order apply to all persons and aircraft within Jersey.]

150 * * * * *

151 * * * * *

152 Application of Order to the Crown and visiting forces, etc.

- (1) Subject to the provisions of this article, the provisions of this Order shall apply to or in relation to aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.
- (2) For the purposes of such application, the Department or other authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.
- (3) * * * * *
- (4) * * * * *
- (5) * * * * *
- (6) * * * * *

153 Exemption from Order

The [DCA] may exempt from any of the provisions of this Order (other than article * * * 93, 138, * * * 140 * * * or 154) or any [Order] made thereunder, any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as [he] thinks fit.

[154 Appeals]

- (1) An appeal lies to the Royal Court from any decision of the DCA not to approve a licence under article 108, or from any decision to enter or not to enter a unit endorsement in a licence under article 110, in respect of a person who resides or which has its registered or principal office in Jersey.
- (2) The DCA shall be a respondent to any appeal under this article.
- (3) For the purposes of any provisions relating to the time within which an appeal may be brought, the decision shall be deemed to have been taken on the date on which a statement of the reasons for the decision was furnished to the applicant.
- (4) The power to make Rules of Court under Article 13 of the Royal Court (Jersey) Law 1948 shall be taken to include power to make Rules for the purposes of this Order.]

155 Interpretation

- (1) In this Order –

* * * * *

‘Accident prevention and flight safety programme’ means a programme designed to detect and eliminate or avoid hazards in order to improve the safety of flight operations;

‘Aerial work’ has the meaning assigned to it by article 157;

‘Aerial work aircraft’ means an aircraft (other than a public transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

‘Aerial work undertaking’ means an undertaking whose business includes the performance of aerial work;

‘Aerobatic manoeuvres’ includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre;

‘Aerodrome’ means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed;

‘Aerodrome control service’ means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual

reference to the surface or any aircraft transferred from approach control in accordance with procedures approved by the [DCA];

‘Aerodrome operating minima’ in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome;

‘Aerodrome traffic zone’ has the meaning assigned to it by article 156;

‘Aeronautical beacon’ means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth;

‘Aeronautical ground light’ means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft;

‘Aeronautical radio station’ means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

‘Air control’ means an aerodrome control service excluding that part of the aerodrome control service provided by ground movement control;

‘Air/ground communications service’ means a service provided from an aerodrome to give information to pilots of aircraft flying in the vicinity of the aerodrome by means of radio signals and ‘air/ground communications service unit’ shall be construed accordingly;

[‘Air traffic control service’ means a service provided for the purpose of preventing collisions between aircraft and, on the manoeuvring area, between aircraft and obstructions and for the purpose of expediting and maintaining an orderly flow of air traffic;]

‘Air traffic control unit’ means a person appointed by a person maintaining an aerodrome or place to provide an air traffic control service;

‘Air traffic service equipment’ means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under this Order but excluding –

- (a) any public electronic communications network; and
- (b) any equipment in respect of which the [DCA] has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of articles 124 and 125;

‘Air transport undertaking’ means an undertaking whose business includes the undertaking of flights for the purpose of the public transport of passengers or cargo;

‘Alternate aerodrome’ means an aerodrome to which an aircraft may proceed when it becomes either impossible or inadvisable to proceed to or to land at the aerodrome of intended landing;

‘Altitude hold and heading mode’ mean aircraft autopilot functions which enable the aircraft to maintain an accurate height and an accurate heading;

‘Annual costs’ in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit;

‘Annual flying hours’ means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight;

‘Approach control service’ means an air traffic control service for any aircraft which is not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface;

‘Approach to landing’ means that portion of the flight of the aircraft, when approaching to land, in which it is descending below a height of 1,000 feet above the relevant specified decision height or minimum descent height;

‘Appropriate aeronautical radio station’ means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being;

‘Appropriate air traffic control unit’ means in relation to an aircraft either the air traffic control unit serving the area in which the aircraft is for the time being or the air traffic control unit serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the context requires;

‘Apron’ means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking;

‘Area control centre’ means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service;

‘Area control service’ means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone;

‘Area navigation equipment’ means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two;

‘Authorised person’ means –

- (a) any [police officer];
- (b) in article 144(3) and (4) any person authorised by the Secretary of State [or the DCA] (whether by name, or by class or description) either generally or in relation to a particular case or class of cases; and
- (c) in article 144(1) and (2) and in any article other than article 144, any person authorised by the [DCA] (whether by name or by class or description) either generally or in relation to a particular case or class of cases;

(d)	*	*	*	*	*
	*	*	*	*	*
	*	*	*	*	*
	*	*	*	*	*

‘Beneficial interest’ includes interests arising under contract and other equitable interests;

‘Cabin crew’ in relation to an aircraft means those persons on a flight for the purpose of public transport carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the commander of the aircraft but who shall not act as a member of the flight crew;

‘British protected person’ has the same meaning as in section 50 of the British Nationality Act 1981;

‘Captive balloon’ means a balloon which when in flight is attached by a restraining device to the surface;

‘Captive flight’ means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device;

‘Cargo’ includes mail and (for the avoidance of doubt) animals;

‘Certificate of airworthiness’ includes in the case of a national certificate of airworthiness any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

*	*	*	*	*
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‘Certificate of release to service issued under Part 145’ means a certificate of release to service issued in accordance with Part 145;

*	*	*	*	*
*	*	*	*	*
*	*	*	*	*
*	*	*	*	*
*	*	*	*	*

‘Class A airspace’, ‘Class B airspace’, ‘Class C airspace’, ‘Class D airspace’ and ‘Class E airspace’ mean airspace respectively notified as such;

* * * *

‘Cloud ceiling’ in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible;

‘Commander’ in relation to an aircraft means the member of the flight crew designated as commander of that aircraft by the operator, or, failing such a person, the person who is for the time being the pilot in command of the aircraft;

‘the Commonwealth’ means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction and ‘Commonwealth citizen’ shall be construed accordingly;

‘Competent authority’ [means, in relation to Jersey, the DCA,] and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

* * * *

‘Congested area’ in relation to a city, town or settlement, means any area which is substantially used for residential, industrial, commercial or recreational purposes;

‘Contracting State’ means any State (including the United Kingdom) which is party to the Chicago Convention;

‘Controllable balloon’ means a balloon, not being a small balloon, which is capable of free controlled flight;

‘Controlled airspace’ means airspace which has been notified as Class A, Class B, Class C, Class D or Class E airspace;

‘Control area’ means controlled airspace which has been further notified as a control area and which extends upwards from a notified altitude or flight level;

‘Control zone’ means controlled airspace which has been further notified as a control zone and which extends upwards from the surface;

‘Co-pilot’ in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft;

‘Country’ includes a territory;

* * * *

‘Critical power unit’ means the power unit whose failure would most adversely affect the performance or handling qualities of an aircraft;

‘Danger Area’ means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified;

[‘DCA’ means the Director of Civil Aviation appointed under Article 3 of the Civil Aviation (Jersey) Law 2008;]

‘Decision height’ in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established;

‘Declared distances’ has the meaning which has been notified;

* * * * *

‘Designated required navigation performance airspace’ means airspace which has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it;

‘Direct costs’ means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;

‘Director’ has the same meaning as in [Article 1(1) of the Companies (Jersey) Law 1991];

‘Disidentification’ means removing from reports submitted all personal details pertaining to the reporter and technical details which might lead to the identity of the reporter, or of third parties, being inferred from the information;

‘EASA’ means the European Aviation Safety Agency;

‘EASA aircraft’ means an aircraft which is required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly;

* * * * *

* * * * *

* * * * *

‘European Aviation Safety Agency’ means the Agency established under the Basic EASA Regulation;

‘Flight’ and ‘to fly’ have the meanings respectively assigned to them by paragraph (2);

‘Flight check’ means a check carried out by an aircraft in flight of the accuracy and reliability of signals transmitted by an aeronautical radio station;

‘Flight crew’ in relation to an aircraft means those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft;

‘Flight data monitoring programme’ means a programme of analysing recorded flight data in order to improve the safety of flight operations;

*	*	*	*	*
*	*	*	*	*

‘Flight level’ means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals;

‘Flight manual’ means a document provided for an aircraft stating the limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft;

‘Flight recording system’ means a system comprising either a flight data recorder or a cockpit voice recorder or both;

‘Flight simulator’ means apparatus by means of which flight conditions in an aircraft are simulated on the ground;

‘Flight visibility’ means the visibility forward from the flight deck of an aircraft in flight;

‘Flying display’ means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public;

‘Flying machine’ means an aeroplane, a powered lift tilt rotor aircraft, a self-launching motor glider, a helicopter or a gyroplane;

‘Free balloon’ means a balloon which when in flight is not attached by any form of restraining device to the surface;

‘Free controlled flight’ means flight during which a balloon is not attached to the surface by any form of restraining device (other than a tether not exceeding 5 metres in length which may be used as part of the take-off procedure) and during which the height of the balloon is controllable by means of a device attached to the balloon and operated by the commander of the balloon or by remote control;

*	*	*	*	*
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‘Glider’ means –

(a) a non-power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

(b) a self-sustaining glider; and

(c) a self-propelled hang-glider;

and a reference in this Order to a glider shall include a reference to a self-sustaining glider and a self-propelled hang-glider;

* * * *

‘Ground movement control’ means that part of an aerodrome control service provided to an aircraft while it is on the manoeuvring area or apron of an aerodrome;

* * * *

‘Holding’ means, in respect of an aircraft approaching an aerodrome to land, a manoeuvre in the air which keeps that aircraft within a specified volume of airspace;

* * * *

* * * *

‘Instrument approach procedure’ means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply;

‘Instrument Flight Rules’ means Instrument Flight Rules prescribed by Section VI of the [Rules of the Air (Jersey) Order 2000];

‘Instrument Landing System’ means a ground-based radio system designed to transmit radio signals at very high frequency and ultra high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position relative to a defined approach path whilst carrying out an approach to land;

‘Instrument Meteorological Conditions’ means weather precluding flight in compliance with the Visual Flight Rules;

* * * *

* * * *

‘JAA’ means the Joint Aviation Authorities, an associated body of the European Civil Aviation Conference;

‘JAA Full Member State’ means a State which is a full member of the JAA;

‘JAA licence’ means a flight crew licence granted under JAR-FCL 1 or 2 by the competent authority of a JAA Full Member State in accordance with a procedure which has been assessed as satisfactory following an inspection by a licensing and a medical standardisation team of the JAA;

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‘Kg’ means kilogramme or kilogrammes as the context requires;

‘Km’ means kilometre or kilometres as the context requires;

‘To land’ in relation to aircraft includes alighting on the water;

‘Landing Decision Point’ means the latest point in the course of a landing at which, following recognition of a power unit failure, the helicopter will be able to safely abort the landing and perform a go-around;

* * * * *

* * * * *

‘Let down’ means, in respect of an aircraft approaching an aerodrome to land a defined procedure designed to enable an aircraft safely to descend to a point at which it can continue the approach visually;

‘Licence’ in relation to a flight crew licence includes any certificate of competency or certificate of validity or revalidation issued with the licence or required to be held in connection with the licence by the law of the country in which the licence is granted;

‘Licence for public use’ has the meaning assigned to it by article 128(2);

‘Licensed aerodrome’ means an aerodrome licensed under this Order;

‘Lifejacket’ includes any device designed to support a person individually in or on the water;

* * * * *

‘Maintenance’ means in relation to an aircraft any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection;

‘Manoeuvring area’ means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface, excluding the apron and any part of the aerodrome provided for the maintenance of aircraft;

[‘Manual Doc 9835’ means the Manual on the Implementation of the ICAO Language Proficiency Requirements published by the International Civil Aviation Organisation as Doc 9835;]

* * * * *

‘Maximum total weight authorised’ in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft;

‘Medical attendant’ means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such a person;

‘Medium intensity steady red light’ means a red light which complies with the characteristics described for a medium intensity Type C light as specified in Volume 1 (Aerodrome Design and Operations) of Annex 14 (Fourth Edition July 2004) to the Chicago Convention;

* * * * *

‘Microwave Landing System’ means a ground-based radio system designed to transmit radio signals at super high frequency that allow the pilot of an aircraft to accurately determine the aircraft’s position within a defined volume of airspace whilst carrying out an approach to land;

‘Military aircraft’ means the naval, military or air force aircraft of any country and any aircraft being constructed for the naval, military or air force of any country * * * * *;

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‘Minimum descent height’ in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference;

[‘Minister’ means the Chief Minister;]

‘Multi-crew co-operation’ means the functioning of the flight crew as a team of co-operating members led by the pilot in command;

‘National certificate of airworthiness’ means a certificate of airworthiness issued under and in accordance with Part 3 of this Order and which is not an EASA certificate of airworthiness;

‘National permit to fly’ means a permit to fly issued under and in accordance with Part 3 of this Order and which is not an EASA permit to fly;

‘Nautical mile’ means the International Nautical Mile, that is to say, a distance of 1,852 metres;

‘Night’ means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level;

Non-EASA aircraft’ means an aircraft which is not required by virtue of the Basic EASA Regulation and any implementing rules adopted by the Commission in accordance with that Regulation to hold an EASA certificate of airworthiness, an EASA restricted certificate of airworthiness or an EASA permit to fly; and a non-EASA balloon, a non-EASA glider and a non-EASA kite shall be construed accordingly;

‘Non-precision approach’ means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

Non-revenue flight’ means –

- (a) in the case of a flight by an aeroplane, any flight which the holder of a United Kingdom Private Pilot’s Licence (Aeroplanes) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8;

- (b) in the case of a flight by a helicopter, any flight which the holder of a United Kingdom Private Pilot's Licence (Helicopters) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8; and
- (c) in the case of a flight by a gyroplane, any flight which the holder of a United Kingdom Private Pilot's Licence (Gyroplanes) may undertake under paragraph (2)(a) and (b) of the privileges of that licence set out in Section 1 of Part A of Schedule 8;

* * * * *

'Notified' means set out with the authority of the CAA in a document published by or under an arrangement entered into with the CAA and entitled 'United Kingdom Notam' or 'Air Pilot' and for the time being in force;

'Notified aerodrome' means an aerodrome which is notified for the purposes of rule 39 of the [Rules of the Air (Jersey) Order 2000];

'Obstacle limitation surfaces' has the same meaning as in the document entitled 'CAP 168 Licensing of aerodromes' published by the CAA in May 2004;

'Occurrence' means an operational interruption, defect, fault or other irregular circumstance that has or may have influenced flight safety and that has not resulted in an accident or serious incident as those terms are defined in regulation 2 of the [Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000];

* * * * *

'Operating staff' means the servants and agents employed by an operator an aircraft, whether or not as members of the crew, to ensure that flights of the aircraft are conducted in a safe manner, and includes an operator who himself performs those functions;

'Operational position' means a position provided and equipped for the purpose of providing a particular type of air traffic control service;

'Operator' has the meaning assigned to it by paragraph (3);

'Parascending parachute' means a parachute which is towed by cable in such a manner as to cause it to ascend;

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'Passenger' means a person other than a member of the crew;

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‘Period of duty’ means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called upon to perform, any of the functions specified in respect of a rating included in his licence;

‘Pilot in command’ in relation to an aircraft means a person who for the time being is in charge of the piloting of the aircraft without being under the direction of any other pilot in the aircraft;

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[‘Police officer’ means a member of the Honorary Police, the States of Jersey Police Force or the Airport Director;]

‘Pre-flight inspection’ means the inspection carried out before flight to ensure that the aircraft is fit for the intended flight;

‘Precision approach’ means an instrument approach using an Instrument Landing System, Microwave Landing System or precision approach radar for guidance in both azimuth and elevation;

‘Precision approach radar’ means radar equipment designed to enable an air traffic controller to determine accurately an aircraft’s position whilst it is carrying out an approach to land so that the air traffic controller can provide instructions and guidance to the pilot to enable him to manoeuvre the aircraft relative to a defined approach path;

‘Pressurised aircraft’ means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

‘Private aircraft’ means an aircraft which is neither an aerial work nor a public transport aircraft;

‘Private flight’ means a flight which is neither for the purpose of aerial work nor public transport;

‘Proficiency check’ has the meaning specified in paragraph 1.001 of Section 1 of JAR- FCL 1 in respect of aeroplanes and paragraph 2.001 of Section 1 of JAR-FCL 2 in respect of helicopters;

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‘Public transport’ has the meaning assigned to it by article 157;

‘Public transport aircraft’ means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of public transport;

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*	*	*	*	*

‘Released flight’ means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

‘Relevant overseas territory’ means any colony and any country or place outside Her Majesty’s dominions in which for the time being Her Majesty has jurisdiction;

‘Replacement’ in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it, but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded;

‘Rocket’ means a device which is propelled by ejecting expanding gasses generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation;

‘Runway visual range’ in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in –

- (a) the vicinity of the touchdown zone; or
- (b) where this is not reasonably practicable, in the vicinity of the midpoint of the runway;

and the distance, if any, communicated to the commander of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being;

‘Scheduled journey’ means one of a series of journeys which are undertaken between the same two places and which together amount to a systematic service;

‘Seaplane’ has the same meaning as in section 97 of the Civil Aviation Act 1982[, as extended to Jersey by the Civil Aviation 1982 (Jersey) Order 1990];

‘Sector’ means part of the airspace controlled from an area control centre or other place;

‘Self-launching motor glider’ means an aircraft with the characteristics of a non-power-driven glider, which is fitted with one or more power units and which is designed or intended to take off under its own power;

‘Self-propelled hang-glider’ means an aircraft comprising an aerofoil wing and a mechanical propulsion device which –

- (a) is foot launched;
- (b) has a stall speed or minimum steady flight speed in the landing configuration not exceeding 35 knots calibrated airspeed;
- (c) carries a maximum of two persons;
- (d) has a maximum fuel capacity of 10 litres; and

- (e) has a maximum unladen weight, including full fuel, of 60 kg for single place aircraft and 70 kg for two place aircraft;

‘Self-sustaining glider’ means an aircraft with the characteristics of a non-power-driven glider which is fitted with one or more power units capable of sustaining the aircraft in flight but which is not designed or intended to take off under its own power;

‘Simple single engine aeroplane’ means for the purposes of the National Private Pilot’s Licence a single engine piston aeroplane with a maximum take off weight authorised not exceeding 2,000 kg and which is not a microlight aeroplane or a self-launching motor glider;

‘Skill test’ has the meaning specified in paragraph 1.001 of Section 1 of JAR-FCL 1 in respect of aeroplanes and paragraph 2.001 of Section 1 of JAR-FCL 2 in respect of helicopters;

‘SLMG’ means a self-launching motor glider;

‘Small aircraft’ means any unmanned aircraft, other than a balloon or a kite, weighing not more than 20 kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

‘Small balloon’ means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

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‘Special VFR flight’ means a flight which is a special VFR flight for the purposes of the [Rules of the Air (Jersey) Order 2000];

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[‘Standard Scale’ means the standard scale of fines for the time being set out in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993;]

‘State aircraft’ means an aircraft engaged in military, customs, police or similar services;

‘State of design’ means the State having jurisdiction over the organisation responsible for the type design of an aircraft;

‘State of the operator’ means the State in which the operator of an aircraft has his principal place of business or, if he has no such place of business, his permanent residence, in circumstances where –

- (a) that aircraft is registered in another Contracting State;
- (b) the operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement;
- (c) the State in which that aircraft is registered has, by agreement with the State in which the operator of the aircraft has his principal place of business or, if he has no such place of business, his permanent residence, agreed to transfer to it its functions and

duties as State of registry in respect of that aircraft in relation to, in the case of article 8(1), airworthiness, in the case of article 20(1), aircraft radio equipment, in the case of article 26(3), flight crew licensing or, in the case of article 55(1), radio licensing; and

- (d) the agreement has been registered with the Council of the International Civil Aviation Organisation or the existence and scope of the agreement have been directly communicated to the CAA;

‘Take-off decision point’ means the latest point in the take-off at which, following recognition of a power unit failure, the helicopter will be able to carry out a rejected take-off;

‘Technical log’ means a record containing the information specified in paragraph 1.915 of Section 2 of JAR-OPS 1;

‘Terminal control service’ means an air traffic control service for any aircraft flying in, departing or intending to fly within a terminal control area while it is in the terminal control area or any sector adjacent thereto and is specified for this purpose in the manual of air traffic services;

‘Tethered flight’ means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device which attaches the balloon to the surface;

‘Third-country aircraft’ means any aircraft, other than a State aircraft, which is not used or operated under the control of the competent authority of a member State;

‘Touring motor glider’ has the meaning specified in paragraph 1.001 of Section 1 of JAR-FCL 1;

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‘Uncontrollable balloon’ means a balloon, not being a small balloon, which is not capable of free controlled flight;

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*	*	*	*	*
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‘Valuable consideration’ means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;

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‘Visual Flight Rules’ means Visual Flight Rules prescribed by Section V of the [Rules of the Air (Jersey) Order 2000];

‘Visual Meteorological Conditions’ means weather permitting flight in accordance with the Visual Flight Rules;

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- (2) An aircraft shall be deemed to be in flight –
- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power until the moment when it next comes to rest after landing;
 - (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing;
 - (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon;
 - (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon; and
 - (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon;
- and the expressions ‘a flight’ and ‘to fly’ shall be construed accordingly.
- (3) Subject to paragraph (4), references in this Order to the operator of an aircraft are, for the purposes of the application of any provision of this Order in relation to any particular aircraft, references to the person who at the relevant time has the management of that aircraft.
- (4) For the purposes of the application of any provision in Part 3 of this Order, when by virtue of any charter or other agreement for the hire or loan of an aircraft a person other than an air transport undertaking or an aerial work undertaking has the management of that aircraft for a period not exceeding 14 days, paragraph (3) shall have effect as if that agreement had not been entered into.
- (5) References in this Order to –
- (a) a certificate of airworthiness include both a national certificate of airworthiness and an EASA certificate of airworthiness unless otherwise stated;
 - (b) an aircraft, aeroplane, powered lift tilt rotor aircraft, self-launching motor glider, helicopter, gyroplane, airship, balloon or kite include both EASA and non-EASA examples unless otherwise stated.
- (6) The expressions appearing in the ‘Classification of Aircraft’ in Part A of Schedule 2 shall have the meanings thereby assigned to them.
- [(7) The Subordinate Legislation (Jersey) Law 1960 shall apply to any Order made by the Minister under this Order.]

156 Meaning of aerodrome traffic zone

[The aerodrome traffic zone of an aerodrome means the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within an area bounded by a circle centred on the notified mid-point of the runway and having a radius of 2 nautical miles.]

157 Public transport and aerial work – general rules

- (1) Subject to the provisions of this article and articles 158 to 163, aerial work means any purpose (other than public transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight.
- (2) If the only such valuable consideration consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Part 3 of this Order.
- (3) Subject to the provisions of this article and articles 158 to 163, an aircraft in flight shall for the purposes of this Order be deemed to fly for the purpose of public transport –
 - (a) if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight;
 - (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, not being persons in the employment of the undertaking (including, in the case of a body corporate, its directors * * * * *), persons with the authority of the [DCA] either making any inspection or witnessing any training, practice or test for the purposes of this Order, or cargo intended to be used by any such passengers as aforesaid, or by the undertaking; or
 - (c) for the purposes of Part 3 of this Order* * * *, if valuable consideration is given or promised for the primary purpose of conferring on a particular person the right to fly the aircraft on that flight (not being a single-seat aircraft of which the maximum total weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.
- (4) Notwithstanding that an aircraft may be flying for the purpose of public transport by reason of paragraph (3)(c), it shall not be deemed to be flying for the purpose of the public transport of passengers unless valuable consideration is given or promised for the carriage of those passengers.
- (5) * * * * *
- (6) Notwithstanding the giving or promising of valuable consideration specified in paragraph (3)(c) in respect of the flight or the purpose of the flight it shall –
 - (a) * * * for all purposes other than Part 3 of this Order * *

(b) * * * *

be deemed to be a private flight.

- (7) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in, or is given the right to fly, an aircraft in such circumstances that valuable consideration would be given or promised if the transaction were effected otherwise than aforesaid, valuable consideration shall, for the purposes of this Order, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.
- (8) For the purposes of –
- (a) paragraph (3)(a), there shall be disregarded any valuable consideration given or promised in respect of a flight or the purpose of a flight by one company to another company which is –
 - (i) its holding company;
 - (ii) its subsidiary; or
 - (iii) another subsidiary of the same holding company;
 - (b) this article “holding company” and “subsidiary” have the meanings respectively specified in [Article 2 of the Companies (Jersey) Law 1991].

158 Public transport and aerial work – exceptions – flying displays, etc.

- (1) A flight shall, for the purposes of Part 4 of this Order, be deemed to be a private flight if –
- (a) the flight is –
 - (i) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display;
 - (ii) for the purpose of positioning the aircraft for such a flight as is specified in sub-paragraph (i) and is made with the intention of carrying out such a flight; or
 - (iii) for the purpose of returning after such a flight as is specified in sub-paragraph (i) to a place at which the aircraft is usually based; and
 - (b) the only valuable consideration in respect of the flight or the purpose of the flight other than –
 - (i) valuable consideration specified in article 157(3)(c); or
 - (ii) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);falls within paragraph (2)(a) or (2)(b) or both.
- (2) Valuable consideration falls within this paragraph if it either is –
- (a) that given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display and such

valuable consideration does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft; or

- (b) one or more prizes awarded to the pilot in command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission of the [DCA] granted to the organiser of the race or contest; or falls within both sub-paragraphs (a) and (b).
- (3) Any prize falling within paragraph (2)(b) shall be deemed for the purposes of this Order not to constitute remuneration for services as a pilot.

159 Public transport and aerial work – exceptions – charity flights

- (1) Subject to paragraph (2), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than –
 - (a) valuable consideration specified in article 157(3)(c); or
 - (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);
 is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission of the [DCA] and in accordance with any conditions therein specified.
- (2) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order
 - * * * be deemed to be for the purpose of public transport.

160 Public transport and aerial work – exceptions – cost sharing

- (1) Subject to paragraph (4), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (2) and the criteria in paragraph (3) are satisfied.
- (2) Valuable consideration falls within this paragraph if it is –
 - (a) valuable consideration specified in article 157(3)(c);
 - (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3); or
 - (c) is a contribution to the direct costs of the flight otherwise payable by the pilot in command;
 or falls within any two or all three sub-paragraphs.
- (3) The criteria in this paragraph are satisfied if –
 - (a) no more than 4 persons (including the pilot) are carried;

- (b) the proportion which the contribution referred to in paragraph (2)(c) bears to the direct costs shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried (including the pilot);
 - (c) no information shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club; and
 - (d) no person acting as a pilot 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 which is being flown.
- (4) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order
* * * be deemed to be for the purpose of public transport.

161 Public transport and aerial work – exceptions – recovery of direct costs

- (1) Subject to paragraph (2), a flight shall be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or the purpose of the flight other than –
- (a) valuable consideration specified in article 157(3)(c); or
 - (b) in the case of an aircraft owned in accordance with article 162(2), valuable consideration which falls within article 162(3);
- is the payment of the whole or part of the direct costs otherwise payable by the pilot in command by or on behalf of the employer of the pilot in command, or by or on behalf of a body corporate of which the pilot in command is a director, provided that neither the pilot in command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried.
- (2) If valuable consideration specified in article 157(3)(c) is given or promised the flight shall for the purposes of Part 3 of this Order
* * * be deemed to be for the purpose of public transport.

162 Public transport and aerial work – exceptions – jointly owned aircraft

- (1) A flight shall be deemed to be a private flight if the aircraft falls within paragraph (2) and the only valuable consideration given or promised in respect of the flight or the purpose of the flight falls within paragraph (3).
- (2) An aircraft falls within this paragraph if it is owned –
- (a) jointly by persons (each of whom is a natural person) who each hold not less than a [2%] 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 [DCA] of the names of all the persons beneficially entitled to a share in the aircraft; or
 - (b) 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 [2%] of the shares in that company.
- (3) Valuable consideration falls within this paragraph if it is either –
 - (a) in respect of and is no greater than the direct costs of the flight and is given or promised by one or more of the joint owners of the aircraft or registered shareholders of the company which owns the aircraft; or
 - (b) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid);
 or falls within both sub-paragraphs (a) and (b).

163 Public transport and aerial work – exceptions – parachuting

A flight shall be deemed to be for the purpose of aerial work if it is a flight in respect of which valuable consideration has been given or promised for the carriage of passengers and which is for the purpose of –

- (a) the dropping of persons by parachute and which is made under and in accordance with the terms of a parachuting permission granted by the [DCA] under article 67;
- (b) positioning the aircraft for such a flight as is specified in sub-paragraph (a) and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a parachuting permission granted by the [DCA] under article 67; or
- (c) returning after such a flight as is specified in sub-paragraph (a) to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in sub-paragraph (a).

164 Exceptions from application of provisions of the Order for certain classes of aircraft

The provisions of this Order other than articles * 74, 96(1), 97, 98, 144(1)(b) and (c), 155(1) and (2) shall not apply to or in relation to –

- (a) any small balloon;
- (b) any kite weighing not more than 2 kg;
- (c) any small aircraft; or

- (d) any parachute including a parascending parachute.

165 Approval of persons to furnish reports

In relation to any of its functions under any of the provisions of this Order the [DCA] may approve a person as qualified to furnish reports to it and may accept such reports.

166 Certificates, authorisations, approvals and permissions

Wherever in this Order there is provision for the issue or grant of a certificate, authorisation, approval or permission by the [DCA], unless otherwise provided, such a certificate, authorisation, approval or permission –

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the [DCA] thinks fit; and
- (c) may be issued or granted, subject to article 92, for such periods as the [DCA] thinks fit.

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168 Saving

- (1) Subject to articles 128 and 130, nothing in this Order or any [Order] made thereunder shall confer any right to land in any place as against the owner of the land or other persons interested therein.
- (2) Nothing in this Order shall oblige the [DCA] to accept an application from the holder of any current certificate, licence, approval, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

A.K. GALLOWAY

Clerk of the Privy Council

SCHEDULE 1

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SCHEDULE 2

**CLASSIFICATION AND MARKING OF AIRCRAFT AND DEALER
CERTIFICATION**

Articles 4(6) and 155(6)

PART A

CLASSIFICATION OF AIRCRAFT

<i>Col. 1</i>	<i>Col. 2</i>	<i>Col. 3</i>	<i>Col. 4</i>
Aircraft	Lighter than air aircraft	Non-power driven	{ Free Balloon Captive Balloon
		Power driven	Airship Glider
	Heavier than air aircraft	Non-power driven	Kite
		Power driven (flying machines)	{ Aeroplane (Landplane) Aeroplane (Seaplane) Aeroplane (Amphibian) Aeroplane (Self-launching) Motor Glider) Powered Lift (Tilt Rotor)
			Rotorcraft { Helicopter Gyroplane

PART B

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PART C

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SCHEDULE 3

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SCHEDULE 4

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SCHEDULE 5

Article 20(2)

**RADIO COMMUNICATION AND RADIO NAVIGATION EQUIPMENT TO
BE CARRIED IN AIRCRAFT**

1. Subject to paragraph 3, every aircraft shall be provided, when flying in the circumstances specified in the first column of the Table in paragraph 2 of this Schedule, with the scales of equipment respectively indicated in the second column of that Table; provided that, if the aircraft is flying in a combination of such circumstances the scales of equipment shall not on that account be required to be duplicated.

2. Table

<i>Aircraft and Circumstances of Flight</i>					<i>Scale of Equipment Required</i>									
					A	B	C	D	E	F	G	H	I	J
(1)	All aircraft (other than gliders) within [Jersey] –													
	(a)	when flying under Instrument Flight Rules within controlled airspace		A					E2	F				
	(b)	when flying within controlled airspace		A										
	(c)	when making an approach to landing at an aerodrome notified for the purpose of this sub-paragraph									G			
	(d)	*	*	*	*	*	*	*	*	*	*	*	*	*
(1A)	All aircraft (except gliders and balloons) within [Jersey] when flying for the purpose of public transport								E2					
(2)	All aircraft within [Jersey] –													
	(a)	when flying at or above flight level 195		A										
	(b)	when flying within airspace notified for the purposes of this sub-paragraph		A										
(2A)	*	*	*	*	*	*	*	*	*	*	*	*	*	*
(3)	All aircraft (other than gliders) within [Jersey] –													
	(a)	when flying at or above							E2	F				

	flight level 245										
	(b)	when flying within airspace notified for the purposes of this sub-paragraph								E2	
	(c)	when flying at or above flight level 100								E2	
(4)	When flying under Instrument Flight Rules within airspace notified for the purposes of this paragraph –										
	(a)	all aeroplanes having a maximum take-off weight authorised not exceeding 5,700 kg and a maximum cruising true airspeed capability not exceeding 250 knots								E2	
	(b)	all rotorcraft								E2	
	(c)	all aeroplanes having either a maximum take-off weight authorised of more than 5,700 kg or a maximum cruising true airspeed capability of more than 250 knots								E3	
	(d)	* * * * *									
(4A)					All aircraft required to carry Scale E2 or E3					EE	
(5)	*	*	*	*	*	*	*	*	*	*	*
(5A)	*	*	*	*	*	*	*	*	*	*	*
(6)	All aeroplanes * * * when flying in [Jersey], powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight exceeding 15,000 kg or with a maximum approved passenger seating configuration of more than 30										J
(7)	All aeroplanes powered by one or more turbine jets or turbine propeller engines and either having a maximum take-off weight exceeding										

5,700 kg or a maximum approved passenger seating configuration of more than 19; and –

(a)	*	*	*	*	*	*	*	*	*	*
(b)	*	*	*	*	*	*	*	*	*	*
(c)	flying in [Jersey]									J

- 3–(1) In the case of sub-paragraphs (1), (1A), (2), * (3), (4), * * of paragraph 2, the specified equipment need not be carried if the appropriate air traffic control unit otherwise permits in relation to the particular flight and the aircraft complies with any instructions which the air traffic control unit may give in the particular case.
- (2) An aircraft which is not a public transport aircraft and which is flying in Class D or Class E airspace shall not be required to be provided with distance measuring equipment in accordance with paragraph (b) of Scale F when flying in the circumstances specified in sub-paragraph (1)(a) of paragraph 2.
4. The scales of radio communication and radio navigation equipment indicated in the foregoing Table shall be as follows –

Scale A

Radiocommunications equipment capable of maintaining direct two-way communication with the appropriate air traffic control units on the intended route using the frequencies notified or otherwise designated by the competent authority for that purpose.

Scale B

Radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including such equipment as may be prescribed.

Scale C

Radio communication equipment capable of receiving from the appropriate aeronautical radio stations meteorological broadcasts relevant to the intended flight.

Scale D

Radio navigation equipment capable of receiving signals from one or more aeronautical radio stations on the surface to enable the aircraft to be guided to a point from which a visual landing can be made at the aerodrome at which the aircraft is to land.

Scale E1

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E2

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Elementary Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale E3

Secondary surveillance radar equipment which includes a pressure altitude reporting transponder capable of operating in Mode A and Mode C and has the capability and functionality prescribed for Mode S Enhanced Surveillance and is capable of being operated in accordance with such instructions as may be given to the aircraft by the air traffic control unit.

Scale EE

The aircraft shall, in the circumstances specified in paragraph 2.1.5.3 of Volume IV (Third Edition July 2002) of Annex 10 to the Chicago Convention, comply with the requirements for antenna diversity set out in that paragraph.

Scale F

Radio communication and radio navigation equipment capable of enabling the aircraft to be navigated along the intended route including –

- (a) automatic direction finding equipment;
- (b) distance measuring equipment; and
- (c) VHF omni-range equipment.

Scale G

Radio navigation equipment capable of enabling the aircraft to make an approach to landing using the Instrument Landing System.

Scale H

- (1) Subject to paragraphs (2) and (3), radio navigation equipment capable of enabling the aircraft to be navigated on the intended route including –
 - (a) automatic direction finding equipment;

- (b) distance measuring equipment;
 - (c) duplicated VHF omni-range equipment; and
 - (d) a 75 MHz marker beacon receiver.
- (2) An aircraft may fly notwithstanding that it does not carry the equipment specified in this Scale if it carries alternative radio navigation equipment or navigational equipment approved in accordance with article 19(9).
- (3) Where not more than one item of equipment specified in this Scale is unserviceable when the aircraft is about to begin a flight, the aircraft may nevertheless take off on that flight if –
 - (a) it is not reasonably practicable for the repair or replacement of that item to be carried out before the beginning of the flight;
 - (b) the aircraft has not made more than one flight since the item was last serviceable; and
 - (c) the commander of the aircraft has satisfied himself that, taking into account the latest information available as to the route and aerodrome to be used (including any planned diversion) and the weather conditions likely to be encountered, the flight can be made safely and in accordance with any relevant requirements of the appropriate air traffic control unit.

Scale J

An airborne collision avoidance system.

5. In this Schedule –
 - (1) ‘Airborne collision avoidance system’ means an aeroplane system which conforms to requirements prescribed for the purpose; is based on secondary surveillance radar transponder signals; operates independently of ground based equipment and which is designed to provide advice and appropriate avoidance manoeuvres to the pilot in relation to other aeroplanes which are equipped with secondary surveillance radar and are in undue proximity;
 - (2) ‘Automatic direction finding equipment’ means radio navigation equipment which automatically indicates the bearing of any radio station transmitting the signals received by such equipment;
 - (3) ‘Distance measuring equipment’ means radio equipment capable of providing a continuous indication of the aircraft’s distance from the appropriate aeronautical radio stations;
 - (4) ‘Mode A’ means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for identity and surveillance with identity provided in the form of a 4 digit identity code;
 - (5) ‘Mode C’ means replying to an interrogation from secondary surveillance radar units on the surface to elicit transponder replies for automatic pressure-altitude transmission and surveillance;

- (6) 'Secondary surveillance radar equipment' means such type of radio equipment as may be notified as being capable of –
- (a) replying to an interrogation from secondary surveillance radar units on the surface; and
 - (b) being operated in accordance with such instructions as may be given to the aircraft by the appropriate air traffic control unit;
- (7) 'VHF omni-range equipment' means radio navigation equipment capable of giving visual indications of bearings of the aircraft by means of signals received from very high frequency omni-directional radio ranges.

SCHEDULE 6

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SCHEDULE 7

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SCHEDULE 8

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SCHEDULE 9

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SCHEDULE 10

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[SCHEDULE 11

Article 108

**AIR TRAFFIC CONTROLLERS – LICENCES, RATINGS, ENDORSEMENTS
AND MAINTENANCE OF LICENCES**

PART A

AIR TRAFFIC CONTROLLER'S LICENCE

1 Air Traffic Controller's Licence

The privileges of an Air Traffic Controller's Licence are to –

- (a) act as an air traffic controller for any sector or operational position for which a valid rating and endorsement and current unit endorsement are included in the licence; and
- (b) exercise the privileges of a Student Air Traffic Controller's Licence.

2 Student Air Traffic Controller's Licence

The privileges of a Student Air Traffic Controller's Licence are to act as an air traffic controller under the supervision of another person who is present at the time and who –

- (a) is the holder of an air traffic controller's licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller; and
- (b) is an on the job training instructor.

PART B

RATINGS, RATING ENDORSEMENTS AND LICENCE ENDORSEMENTS

1 Inclusion of ratings, rating endorsements and licence endorsements

- (1) A licence approved by the DCA in accordance with article 108 may contain the ratings, rating endorsements and licence endorsements of the classes contained in paragraphs 3 and 4.
- (2) Subject to the provisions of this Order and of the licence, the inclusion of a rating, rating endorsement or licence endorsement has the meaning respectively specified.

2 Exercise of more than one function

- (1) Subject to sub-paragraphs (2) and (3), the holder of a licence which includes ratings of two or more of the classes specified in paragraph 3 shall not at any one time perform the functions specified in respect of more than one of those ratings.
- (2) The functions of the following ratings may be exercised at the same time –
 - (a) an Aerodrome Control Instrument Rating and an Approach Control Procedural Rating; and
 - (b) an Aerodrome Control Instrument Rating and an Approach Control Surveillance Rating, provided that the holder shall not exercise the functions of any Radar Endorsement, Surveillance Radar Approach Rating Endorsement or Precision Approach Radar Rating Endorsement included in the Approach Control Surveillance Rating.
- (3) When a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway is being provided under an Approach Control Surveillance Rating, no other function under the Approach Control Surveillance Rating may be exercised at the same time.

3 Ratings and Rating Endorsements

- (1) There are the following classes of aerodrome control ratings and endorsements –
 - (a) the Aerodrome Control Visual Rating (ADV) which indicates that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has no published instrument approach or departure procedures;
 - (b) the Aerodrome Control Instrument Rating (ADI) which indicates that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has published instrument approach or departure procedures and which must be accompanied by at least one of the following rating endorsements –
 - (i) the Tower Control Rating Endorsement (TWR) which indicates that the holder of the licence is competent to provide a control service where aerodrome control is provided from one working position;
 - (ii) the Ground Movement Control Endorsement (GMC) which indicates that the holder of the licence is competent to provide ground movement control;
 - (iii) the Ground Movement Surveillance Rating Endorsement (GMS) granted in addition to the Ground Movement Control Endorsement or Tower Control Endorsement, which indicates that the holder of the licence is competent to

- provide ground movement control with the help of aerodrome surface movement guidance systems;
- (iv) the Air Control Endorsement (AIR) which indicates that the holder of the licence is competent to provide air control;
 - (v) the Aerodrome Radar Control Endorsement (RAD) granted in addition to the Air Control Endorsement or Tower Control Endorsement, which indicates that the holder of the licence is competent to provide aerodrome control with the help of surveillance radar equipment.
- (2) There shall be the following classes of approach control ratings and endorsements –
- (a) the Approach Control Procedural Rating (APP) which indicates that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft without the use of any surveillance equipment;
 - (b) the Approach Control Surveillance Rating (APS) which indicates that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft with the use of surveillance equipment and which must be accompanied by at least one of the following rating endorsements –
 - (i) the Radar Endorsement (RAD) which indicates that the holder of the licence is competent to provide an approach control service with the use of primary or secondary radar equipment;
 - (ii) the Surveillance Radar Approach Endorsement (SRA) granted in addition to the Radar Endorsement, which indicates that the holder of the licence is competent to provide ground-controlled non-precision approaches with the use of surveillance equipment to aircraft of the final approach to the runway;
 - (iii) the Precision Approach Radar Endorsement (PAR) granted in addition to the Radar Endorsement, which indicates that the holder of the licence is competent to provide ground-controlled precision approaches with the use of precision approach radar to aircraft on the final approach to the runway;
 - (iv) the Terminal Control Endorsement (TCL) granted in addition to the Radar or Automatic Dependent Surveillance Endorsements, which indicates that the holder of the licence is competent to provide an air traffic control service with the use of any surveillance equipment to aircraft operating in a specified terminal area or adjacent sectors;
 - (v) the Automatic Dependent Surveillance Endorsement (ADS), which indicates that the holder of the licence is competent to provide an approach control service with the use of automatic dependent surveillance;

- (vi) the Special Tasks Rating Endorsement which entitles the holder of a Radar Endorsement to provide a special tasks service.
- (3) There are the following classes of area control ratings and endorsements –
 - (a) the Area Control Procedural Rating (ACP) which indicates that the holder of the licence is competent to provide an air traffic control service to aircraft without the use of surveillance equipment;
 - (b) the Area Control Surveillance Rating (ACS) which indicates that the holder of the licence is competent to provide an air traffic control service to aircraft with the use of surveillance equipment and which must be accompanied by at least one of the following rating endorsements –
 - (i) the Radar Endorsement (RAD) which indicates that the holder of the licence is competent to provide an area control service with the use of surveillance radar equipment;
 - (ii) the Terminal Control Endorsement (TCL) granted in addition to the Radar or Automatic Dependent Surveillance Endorsements, which indicates that the holder of the licence is competent to provide an air traffic control service with the use of any surveillance equipment to aircraft operating in a specified terminal area or adjacent sectors;
 - (iii) the Automatic Dependent Surveillance Endorsement (ADS) which indicates that the holder of the licence is competent to provide an area control service with the use of automatic dependent surveillance;
 - (iv) an Offshore Rating Endorsement entitles the holder of a Radar Endorsement to provide an offshore service;
 - (v) the Special Tasks Rating Endorsement which entitles the holder of a Radar Endorsement to provide a special tasks service.

4 Licence Endorsements

- (1) An Examiner Licence Endorsement entitles the licence holder to sign a unit endorsement in respect of –
 - (a) the air traffic control service that his air traffic controller licence entitles him to provide; or
 - (b) such other air traffic control services as the DCA may authorise for that licence holder.
- (2) An Instructor Endorsement entitles the holder to act as an on the job training instructor and must indicate that the holder of the licence is competent to provide training and supervision at a working position for areas covered by a valid rating.
- (3) A Unit Endorsement indicates that the licence holder is competent to provide an air traffic control service for a particular sector, group of

sectors or working positions (by indicating the ICAO location indicator) under the responsibility of an air traffic control unit.

- (4) A Language Endorsement specifies the English language proficiency of the holder as identified in Part II of Appendix A of the Manual Doc 9835.

SCHEDULE 12

Article 125

AIR TRAFFIC SERVICE EQUIPMENT – RECORDS REQUIRED AND MATTERS TO WHICH THE [DCA] MAY HAVE REGARD

PART A

RECORDS TO BE KEPT IN ACCORDANCE WITH ARTICLE 125(1)

- (1) A record of any functional tests, flight checks and particulars of any maintenance, repair, overhaul, replacement or modification.
- (2) Subject to paragraph (3), the record shall be kept in a legible or a non-legible form so long as the record is capable of being reproduced by the person required to keep the record in a legible form and it shall be so reproduced by that person if requested by an authorised person.
- (3) In any particular case the [DCA] may direct that the record is kept or be capable of being reproduced in such a form as it may specify.

PART B

RECORDS REQUIRED IN ACCORDANCE WITH ARTICLE 125(4)(c)

Each record made by the apparatus provided in compliance with article 125(2) or (3) shall be adequately identified and in particular shall include –

- (a) the identification of the aeronautical radio station;
- (b) the date or dates on which the record was made;
- (c) a means of determining the time at which each message or signal was transmitted or received;
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

PART C

MATTERS TO WHICH THE [DCA] MAY HAVE REGARD IN GRANTING AN APPROVAL OF APPARATUS IN ACCORDANCE WITH ARTICLE 125(5)

- (1) The purpose for which the apparatus is to be used.
- (2) The manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used.
- (3) The adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any).
- (4) The manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled.
- (5) The manner in which the apparatus has been or will be inspected.

SCHEDULE 13

Article 128(7)

AERODROME MANUAL

Information and instructions relating to the following matters shall be included in the aerodrome manual referred to in article 128 –

- (a) the name and status of the official in charge of day to day operation of the aerodrome together with the names and status of other senior aerodrome operating staff and instructions as to the order and circumstances in which they may be required to act as the official in charge;
- (b) the system of aeronautical information service available;
- (c) procedures for promulgating information concerning the aerodrome's state;
- (d) procedures for the control of access, vehicles and work in relation to the aerodrome manoeuvring area and apron;
- (e) procedures for complying with article 142 and for the removal of disabled aircraft;
- (f) in the case of an aerodrome which has facilities for fuel storage, procedures for complying with article 137;
- (g) plans to a scale of 1:2500 depicting the layout of runways, taxiways and aprons, aerodrome markings, aerodrome lighting if such lighting is provided, and the siting of any navigational aids within the runway strip;

provided that in the case of copies or extracts of the manual provided or made available to a member of the aerodrome operating staff, the plans shall be of a scale reasonably appropriate for the purposes of article 128(9);

- (h) in respect of an aerodrome in relation to which there is a notified instrument approach procedure, survey information sufficient to provide data for the production of aeronautical charts relating to that aerodrome;
- (i) description, height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit;
- (j) data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance;
- (k) method of calculating reduced declared distances and the procedure for their promulgation;
- (l) details of surfaces and bearing strengths of runways, taxiways and aprons;
- (m) the system of the management of air traffic in the airspace associated with the aerodrome, including procedures for the co-ordination of traffic with adjacent aerodromes, except any such information or procedures already published in any manual of air traffic services;
- (n) operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons;
- (o) if operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods;
- (p) procedures for the safe integration of all aviation activities undertaken at the aerodrome;
- (q) procedures for the control of bird hazards;
- (r) procedures for the use and inspection of the aerodrome lighting system, if such a system is provided; and
- (s) the scale of rescue, first aid and fire service facilities, the aerodrome emergency procedures and procedures to be adopted in the event of temporary depletion of the rescue and fire service facilities.

SCHEDULE 14

Article 148

PENALTIES

PART A

PROVISIONS REFERRED TO IN ARTICLE 148(5)

<i>Article of Order</i>	<i>Subject Matter</i>							
3	Aircraft flying unregistered							
5	Aircraft flying with false or incorrect markings							
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
19	Flight without required equipment							
20	Flight without required radio communication or radio navigation equipment							
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
25	Crew requirement							
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
36	Instruction in flying without appropriate licence and rating							

*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
43		Requirements for loading aircraft						
*	*	*	*	*	*	*	*	*
46		Prohibition on public transport flights at night or in Instrument Meteorological Conditions by non-United Kingdom registered single engined aeroplanes						
*	*	*	*	*	*	*	*	*
48		Aerodrome operating minima – public transport aircraft registered elsewhere than in the United Kingdom						
49		Aerodrome operating minima – non-public transport aircraft						
50		Requirement for pilot to remain at controls						
52		Pre-flight action by commander of aircraft						
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
55		Requirement for radio station in aircraft to be licensed and for operation of same						
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
60		Requirement for area navigation equipment and required navigation performance – aircraft registered elsewhere than in the United Kingdom						
61		Requirement for an airborne collision avoidance system						
62		Use of flight recording systems and preservation of records						
*	*	*	*	*	*	*	*	*
63		Towing of gliders						

[64		Operation of self-sustaining gliders]						
65		Towing, picking up and raising of persons and articles by aircraft						
66		Dropping of articles and animals from aircraft						
67		Dropping of persons and requirement for parachuting permission						
*	*	*	*	*	*	*	*	*
71		Carriage of persons in or on any part of an aircraft not designed for that purpose						
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
76		Prohibition of smoking in aircraft						
77		Requirement to obey lawful commands of aircraft commander						
78(a) and (b)		Acting in a disruptive manner						
79		Prohibition of stowaways						
80		Flying displays						
[80A		Air races and contests, etc.]						
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
95		Breach of the Rules of the Air						
96		Flight in contravention of restriction of flying regulations						
97		Flight by balloons, kites, airships, gliders and parascending parachutes						
98		Flight by small aircraft						
99		Launching of rockets						
101		Requirement for an approved provider of air traffic services to be satisfied as to competence of air traffic controllers						
103		Provision of air traffic services						
*	*	*	*	*	*	*	*	*
105		Requirement to comply with an airspace policy direction						
106		Use of radio call signs at aerodromes						
107		Requirement for licensing of air traffic controllers						
*	*	*	*	*	*	*	*	*

*	*	*	*	*	*	*	*	*
124								
125								
126								
128(4)								
132								
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
135(1)								
135(2)								
137(1) and (3)								
141A								
146								

PART B**PROVISIONS REFERRED TO IN ARTICLE 148(6)**

<i>Article of Order</i>	<i>Subject Matter</i>							
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
26								
69								
70(2)								
74								
75								
78(c)								
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*

*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*
94 (except (3))	Use of false or unauthorised documents and records							
100	Provision of an air traffic control service without an approval							
115	Controller's obligation not to act in a dangerous state of fatigue							
116	Prohibition of acting under the influence of drink or a drug							
137(4)	Use of aviation fuel which is unfit for use in aircraft							
138	Restriction of carriage for valuable consideration by aircraft registered elsewhere than in the United Kingdom							
140	Restriction of flights for aerial photography, aerial survey and aerial work by aircraft registered elsewhere than in the United Kingdom							
*	*	*	*	*	*	*	*	*
142(5), (6) and (7)	Failure to report an occurrence							
142(8)	Making a false occurrence report							
144	Flight in contravention of direction not to fly							
*	*	*	*	*	*	*	*	*

PART C

PROVISIONS REFERRED TO IN ARTICLE 148(7)

<i>Article of Order</i>	<i>Subject Matter</i>
73	Endangering safety of aircraft

SCHEDULE 15

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- ¹ Chapter 03.530, in force 1 January 2009
- ² chapter 15.360
- ³ chapter 07.770
- ⁴ L.35/2008
- ⁵ chapter 13.125
- ⁶ chapter 03.105.60
- ⁷ chapter 03.525
- ⁸ chapter 08.360
- ⁹ chapter 15.720
- ¹⁰ S.I. 2005/1970, as amended by S.I. 2006/1384, S.I. 2006/2316, S.I. 2007/274, S.I. 2007/3467 and S.I.2008/1782
- ¹¹ Deletions and words in square brackets indicate adaptations and modifications made by *The Air Navigation (Jersey) Order 2008 – S.I.2008/2562*