

STATES OF JERSEY



Jersey

DRAFT AIR NAVIGATION (RULES OF THE AIR) (AMENDMENT No. 2) (JERSEY) REGULATIONS 202-

**Lodged au Greffe on 29th April 2020
by the Minister for External Relations**

STATES GREFFE

REPORT

Introduction

The Standardised European Rules of the Air (“SERA”), are implemented in the European Union by Commission Implementing Regulation (EU) 923/2012, as amended, and apply to every aircraft operating in EU airspace. SERA applies to every aircraft operating in EU airspace, regardless of type or state of registration.

The majority of the Island’s airspace sits within Functional Airspace Block Europe Central, and so it is important for aviation safety that a common set of rules is followed. Jersey has chosen to align with SERA and these rules are implemented through the [Air Navigation \(Rules of the Air\) \(Jersey\) Regulations 2017](#) (the “Rules of the Air Regulations”), as amended, to ensure the continued free flow of air traffic to and from the Island.

An amendment to the Rules of the Air Regulations is required to update and expand the definition of “safety-sensitive personnel” to include aerodrome operations personnel, rescue, fire-fighting and maintenance personnel, and personnel allowed unescorted access to the movement area, in addition to crew members, aircraft maintenance personnel and air traffic controllers. Safety-sensitive personnel are prohibited from undertaking a function while under the influence of any psychoactive substances, and the amendment would improve the safety of civil aviation in Jersey and bring the Rules of the Air Regulations in line with the current SERA definition.

Amendments to Jersey legislation required

In order that Jersey can make this change, the Air Navigation (Rules of the Air) (Jersey) Regulations 2017 require amending. The Legislative Drafting Office has therefore drafted the Air Navigation (Rules of the Air) (Amendment No. 2) (Jersey) Regulations 202-, which would enact the required changes.

Financial and manpower implications

There are no financial or manpower implications for the States arising from the adoption of these draft Regulations.

EXPLANATORY NOTE

These Regulations, if passed, would amend the Jersey Rules of the Air 2017 (the “Rules of the Air”) set out in the Schedule to the Air Navigation (Rules of the Air) (Jersey) Regulations 2017 to expand the definition of the term “safety-sensitive personnel” in line with current international standards so that in addition to a crew member, aircraft maintenance personnel and air traffic controller, it includes aerodrome operations personnel, rescue, fire-fighting and maintenance personnel and personnel allowed unescorted access to the movement area of an aerodrome (*Regulation 1*).

Under Rule 8 of the Rules of the Air, a person whose function is critical to the safety of aviation because that person is a safety-sensitive personnel must not undertake that function while under the influence of any psychoactive substance, by reason of which human performance is impaired. Further, safety-sensitive personnel must not engage in any kind of problematic use of substances as defined in Rule 1(1) of the Rules of the Air. The effect of the amendment is that the prohibitions in Rule 8 of the Rules of the Air would now also apply to aerodrome operations personnel, rescue, fire-fighting and maintenance personnel and personnel allowed unescorted access to the movement area of an aerodrome.

These Regulations come into force 7 days after they are made.



Jersey

DRAFT AIR NAVIGATION (RULES OF THE AIR) (AMENDMENT No. 2) (JERSEY) REGULATIONS 202-

Made [date to be inserted]
Coming into force [date to be inserted]

THE STATES make these Regulations under Article 46 of the Air Navigation (Jersey) Law 2014¹ –

1 Rule 1 (interpretation) of Jersey Rules of the Air 2017 amended

In Rule 1 of the Jersey Rules of the Air 2017 set out in the Schedule to the Air Navigation (Rules of the Air) (Jersey) Regulations 2017², for the definition “safety sensitive personnel” there is substituted –

“ “safety-sensitive personnel” means a person who might endanger aviation safety if that person performs duties and functions improperly, including a crew member, aircraft maintenance personnel, aerodrome operations personnel, rescue, fire-fighting and maintenance personnel, personnel allowed unescorted access to the movement area and air traffic controller;”.

2 Citation and commencement

These Regulations may be cited as the Air Navigation (Rules of the Air) (Amendment No. 2) (Jersey) Regulations 202- and come into force 7 days after they are made.

ENDNOTES

Table of Endnote References

<i>1</i>	<i>chapter 03.250</i>
<i>2</i>	<i>chapter 03.250.65</i>