

STATES OF JERSEY



DRAFT AIR NAVIGATION (JERSEY) LAW 201-

Lodged au Greffe on 29th April 2014
by the Minister for External Relations

STATES GREFFE



Jersey

DRAFT AIR NAVIGATION (JERSEY) LAW 201-

European Convention on Human Rights

In accordance with the provisions of Article 16 of the Human Rights (Jersey) Law 2000, the Minister for External Relations has made the following statement –

In the view of the Minister for External Relations, the provisions of the Draft Air Navigation (Jersey) Law 201- are compatible with the Convention Rights.

Signed: **Senator Sir P.M. Bailhache**

Minister for External Relations

Dated: 28th April 2014

REPORT

The existing Air Navigation (Jersey) Order 2008 is an Order in Council which applies in Jersey, with modifications, most of the provisions of the UK Air Navigation Order 2005, as amended. In the UK, the 2005 Order has now been replaced with a 2009 Air Navigation Order which has subsequently been amended.

The Draft Air Navigation (Jersey) Law 201- (“the draft Law”) is intended to introduce many of the additional international requirements relating to the safety of air navigation arising from the creation of an aircraft registry in Jersey, including airworthiness, personnel licensing and operations provisions, in compliance with the obligations of a state of registry under the Convention on International Civil Aviation (Chicago, 1944).

The draft Law will also replace the 2008 Order in Jersey with updated provisions which reflect the most recent standards for international civil aviation.

Other new provisions in the Law include –

- revised definitions, for example a new concept of ‘small unmanned aircraft’;
- new offences, for example relating to the malicious use of lasers against aircraft in flight;
- provisions relating to aerial work for commercial aviation activities other than public transport;
- the issue of permits for foreign aircraft to operate in Jersey.

It is intended that the draft Law shall come into force on a date to be appointed by the States, which shall be the same date on which the Privy Council shall be requested to revoke the existing Air Navigation Order 2008.

The main sections of the draft Law relate to –

Part 1 – Interpretation

Part 2 – Registration and marking of aircraft

Part 3 – Airworthiness and equipment of aircraft

Part 4 – Aircraft crew and licensing

Part 5 – Protection of crew

Part 6 – Aircraft in flight

Part 7 – Operation of aircraft

Part 8 – Height keeping and navigation

Part 9 – Air operator obligations

Part 10 – Commercial air transport operations

Part 11 – Carriage of weapons and munitions of war

Part 12 – Carriage of dangerous goods

Part 13 – Aerial work and specialized operations

Part 14 – General aviation

Part 15 – Foreign aircraft operations

Part 16 – Air Traffic Services

Part 17 – Licensing of Air Traffic Controllers

Part 18 – Aeronautical telecommunications service
Part 19 – Aerodromes, aeronautical lights and dangerous lights
Part 20 – Documents and records
Part 21 – Occurrence reporting
Part 22 – Prohibited behaviour, offences and penalties
Part 23 – Interpretation of commercial air transport and aerial work
Part 24 – General provisions
Schedule 1 – Classification of aircraft
Schedule 2 – Licences – minimum ages, period of validity privileges
Schedule 3 – Penalties.

A detailed outline of the provisions of the draft Law is included in the Explanatory Note.

Financial and manpower implications

The Draft Air Navigation (Jersey) Law 201- is part of the aviation legislative bundle for the establishment and delivery of the Jersey Aircraft Registry. Accordingly, the resource implications of this draft Law are included within those identified in relation to the Draft Aircraft Registration (Jersey) Law 201-, lodged on the same date as this Projet (*see P.62/2014*).

The additional functions of the Director of Civil Aviation in carrying out the regulatory oversight of the functions of the Aircraft Registry will be included in the existing role of the DCA at no additional cost.

Human Rights

The notes on the human rights aspects of the draft Law in the Appendix have been prepared by the Law Officers' Department and are included for the information of States Members. They are not, and should not be taken as, legal advice.

APPENDIX TO REPORT

Human Rights Notes on the Draft Air Navigation (Jersey) Law 201-

These Notes have been prepared in respect of the Draft Air Navigation (Jersey) Law 201- (the “**draft Law**”) by the Law Officers’ Department. They summarise the principal human rights issues arising from the contents of the draft Law and explain why, in the Law Officers’ opinion, the draft Law is compatible with the European Convention on Human Rights (“**ECHR**”).

These notes are included for the information of States Members. They are not, and should not be taken as, legal advice.

The draft Law concerns the operation of aircraft, aerodromes and air traffic control services in Jersey, and will repeal and replace the existing Air Navigation (Jersey) Order 2008 (“**ANJO08**”). The vast majority of the provisions of the draft Law concern operational or safety requirements; the remainder deal with administrative provisions to implement those requirements. From a human rights perspective, there is little that engages the ECHR squarely. Where the ECHR is engaged, the issues are relatively low-level and can be readily justified with regard to public safety and effective regulation.

Article 6(1) ECHR – The right to a fair trial

Article 6(1) ECHR is engaged by Article 177 of the draft Law, which provides for a statutory right of appeal against a decision of the Director of Civil Aviation (the “**Director**”). Article 6(1) ECHR requires that those who face a determination of their ‘civil rights and obligations’ must be entitled to a ‘fair and public hearing ... by an independent and impartial tribunal’.

The draft Law contains numerous provisions enabling the Director to make administrative decisions as to the licensing, approval and exemption of individuals concerning the performance of certain functions. For example, Article 14 provides for the granting of licences to maintenance engineers; Article 30 provides for a similar power to grant licences to flight crew members; and Article 168 provides that the Director may revoke, suspend or vary licences, permits etc. for a number of reasons, e.g. as a result of an inquiry.

The Director’s determination of matters such as these will amount to a determination of ‘civil rights and obligations’. The right to engage in a business is a civil right, so a power to grant a licence to perform a function or withdraw or otherwise prevent an individual or a company from performing a service will attract Article 6(1) ECHR protection. Aspects of the Director’s regulatory oversight in these decisions will also require a judgement as to whether a person is fit or competent to perform a certain function; for example, Article 26 (Flight crew licence requirements – exception for solo flying training) and Article 104 (Grant and conditions of approval). Again, such decisions will be determinative of a ‘civil right’ under Article 6(1) ECHR.

Furthermore, the exercise of certain of the Director’s powers under the draft Law will amount to an administrative decision affecting property rights or interests, and Article 6(1) ECHR will be applicable in these cases. For example, under Articles 47 and 48, the Director may restrict flying and flying displays; and under Article 94(1)(c) the Director may order to retention of goods for so long as considered necessary. In these cases, it is possible that property rights and interests will be engaged (e.g. property rights in pursuing a commercial enterprise and property rights in the goods seized) and Article 6(1) ECHR guarantees will apply.

Article 6(1) ECHR requires that the various instances of civil rights being determined by the Director under the draft Law must be so determined by an ‘independent and impartial tribunal’. It is permissible under Article 6(1) ECHR for the Director to make an administrative decision that affects a civil right if that decision is subject to subsequent control by a judicial body that has full jurisdiction and provides the guarantees of Article 6(1) ECHR. The body in question here is the Royal Court, and the question is whether the Royal Court’s hearing of an appeal under Article 177 is sufficient to make the determination of civil rights under the draft Law compatible, as a whole.

Typically, that assessment requires consideration of the following: the subject-matter of the decision under review, the manner in which the original decision was arrived at, and the nature of the dispute, including the grounds on which the decision would be contested. Article 177 of the draft Law does not specify the grounds on which an appeal may be brought, and the flexibility accommodated by the draft Law as to the Court’s review scope means that Article 177 can be assumed to be compatible with Article 6(1) ECHR in principle at least. In practice, much will depend on the nature and circumstances of each appeal that is brought and it will be for the Court to review such cases in a manner that is compatible with Article 6(1) ECHR, including a judgement as to whether any particular ground of review is sufficient to determine civil rights in a compatible way.

Article 177 goes on to provide that an appeal should be brought within 28 days of the original decision or within such further time as the Royal Court allows. Limiting the period within which a complaint can be brought in this manner is, in principle, compatible; however, any time limitation must pursue a legitimate aim and meet the test of proportionality. The rationale for time limits in the current context, like many others, is to ensure that complaints are introduced within a reasonable time and to protect against long periods of uncertainty, which should be considered justifiable from an ECHR perspective.

Article 8 – The right to respect for private life

Article 8 ECHR is engaged by numerous provisions in the draft Law: the power for the Director of Civil Aviation to direct that flight crew licence holders and air traffic controller licence holders undergo medical examinations (Articles 33(2), 34(4) and (5) and 114(6)); the power for an authorised person to open or require to be opened any baggage or package which is reasonably suspected to contain dangerous goods (Article 94(1)(b)); the requirement to produce certain documents and records when requested (Article 138) and inspection powers (Articles 20, 140, 167); and the power for authorised persons to enter and inspect aerodromes (Article 167).

Power to require documents (Article 138)/Powers to inspect (Articles 20, 140, 167)

Personal data is protected under Article 8(1) ECHR as part of the subject’s private life. To the extent that documents and records covered by the draft Law involve personal data, the requirement in Article 138 to produce such items and the inspection powers in Articles 20, 140 and 167 of the draft Law have the potential to engage the right to privacy.

Article 138 imposes an obligation to provide, amongst other things, medical certificates, and information contained within such records, depending on its nature and sensitivity, will be protected by Article 8(1) ECHR. Article 140 is expressed to apply with respect to “any certificate, licence, log book, document or record that under this Law is required to be produced”. The Article 167 inspection power encapsulates ‘any document or record which may be demanded under this Law’. Article 20 is less specific in its terms but would, presumably, extend to documents and records. The

comprehensive nature of the draft Law and the range of documents and records that can therefore be inspected under these inspection powers make it inevitable that there will be some inspection of personal data, such as names and addresses, and possibly correspondence, thereby engaging Article 8(1) ECHR.

Any interference with the Article 8(1) ECHR right must be justified under Article 8(2) ECHR, meaning it must be: (a) in accordance with the law; (b) in pursuit of one of the legitimate aims set out in Article 8(2) ECHR; and (c) necessary in a democratic society. ‘Necessity’ requires the identification of a pressing social need and the existence of “relevant and sufficient” reasons to justify the interference at issue. A measure will only be proportionate to the legitimate aim if supported by sufficiently persuasive reasons.

The nature of interference constituted by the inspection powers would be deemed to be ‘in accordance with the law’; those provisions will have a basis in domestic law and can be viewed as sufficiently precise and accessible, therefore being foreseeable. The rationale for that interference is, clearly, to ensure that the authorities are able to properly oversee and police the various features of aviation regulation to be governed by the draft Law. Such powers easily correspond to a number of the identifiable legitimate aims in Article 8(2) ECHR, i.e. national security, public safety and the prevention of crime.

‘Necessary in a democratic society’ requires there to be a pressing social need for the interference in question. In the present case, it is fair to conclude generally that powers to requisition and inspect documents and records are ‘necessary’ for ensuring compliance with the draft Law and, in turn, for ensuring proper regulation of aviation and associated matters. The importance of such regulation is without doubt, it is a ‘pressing social need’. Given the legitimate aims concerned and the necessity for regulation, the interference with the Article 8(1) ECHR right is proportionate, in principle. There will be an obvious practical obligation on authorised persons to exercise the requisition and inspection powers in a proportionate manner.

An important aspect in determining what is ‘necessary in a democratic society’ is the identification of procedural safeguards which mitigate the exercise of powers interfering with private life and ensure that a state remains within its margin of appreciation in fixing the applicable regulatory framework. Article 138 of the draft Law includes safeguards in the obligation to provide documents within a ‘reasonable’ time; the operator of an aircraft will be required under Article 138(2) to produce only those documents ‘required by, or under this Law, to be in force or carried, preserved or made available’ and that sub-paragraph goes onto detail the relevant documents. There is, of course, an overriding requirement on public authorities to act in a manner compatible with the ECHR, which should serve as a check on any arbitrary exercise of inspection powers generally.

Power to open packages (Article 94(1)(b))

Powers of inspection will invariably engage the Article 8 ECHR right to privacy and Article 94(1)(b) of the draft Law, which permits an authorised person to ‘open or require to be opened any baggage or package’, constitutes an interference with that right. The need for such a power is obvious; it is aimed at ensuring that a ‘dangerous goods incident’ resulting in serious injury to persons or damage to property does not occur. That rationale is logical and would fall squarely within the ‘public safety’ legitimate aim identified in Article 8(2) ECHR. In practice, the power should be used in a proportionate manner so as to avoid offending Article 8 ECHR.

Where consent to an inspection is obtained, there should be no issue with compatibility; however, searches without consent and in private present a greater

potential for infringement, and so must be conducted sensitively. Article 94(2) and (3), which provide for the return of seized items to their owners and the destruction of unclaimed seized items, provide safeguards against any ongoing infringement with the Article 8(1) ECHR right that could be caused by unwarranted retention of personal property.

Medical examinations (Articles 33(2), 34(4) and (5) and 114(6))

Articles 33(2), 34(4) and (5) and 114(6) provide that the Director may require licence holders, whether flight crew or air traffic controllers (including students), to submit to medical examinations by a person approved by the Director. The rationale for that power is so that the Director can determine if the person is a fit to hold the relevant licence, and in the case of injury, illness or pregnancy, will determine if the person is fit to resume their functions. Generally speaking, medical examinations of the person engage the Article 8(1) ECHR right to privacy but, of course, the draft Law does not seek here to impose a regime of compulsory tests. Nonetheless, there are clear sensitivities that go with directing people to submit to examinations (which will in some cases engage Article 8(1) ECHR protected rights of privacy and dignity). Directing that people undergo examinations is an essential element of ensuring they are fit to perform their functions as flight crew or controllers, and will be justifiable; the Director should, however, be mindful of exercising the power and the handling of personal information resulting from an examination in a proportionate manner.

Entry into aerodromes (Article 167)

Article 167 grants the Director and any authorised person a right of access to any aerodrome or building or place in order to perform inspections. The Article 8(1) ECHR right to home life has been held to extend to business premises in certain circumstances; and in some cases a company may rely on Article 8(1) ECHR to establish a right of respect for its business premises. It is conceivable that aerodromes and similar facilities at Jersey airport could qualify as ‘business premises’ (e.g. Aviation Beauport) and, accordingly, exercising entry powers on these premises could potentially engage Article 8 ECHR. The power to enter and inspect aerodromes has a clear rationale that would come within the legitimate aims expressed in Article 8(2) ECHR; for example, it is aimed at inspecting equipment used in the provision of a service to an aircraft which fulfils the ‘public safety’ objective. Although the access power is wide – it encapsulates any part of an aerodrome, and the inspection powers associated with it are not limited in Article 167 – that power must be exercised at ‘reasonable’ times and the grounds for entry and inspection are clearly specified. On balance, the Article 167 power would be compatible with the ECHR and it is another feature of the draft Law that must be exercised in a proportionate manner.

Article 1 of the First Protocol of the ECHR (“A1P1”) – Right to Property

There are a number of provisions and features of the draft Law that engage A1P1: the various provisions that provide a framework for the licensing, permitting or other approval of certain functions and activities being performed; and the power for authorised persons to seize, detain or retain goods (Article 94(1)).

Licensing, permits, etc.

The draft Law provides for a comprehensive regulatory framework with regard to various aspects of, amongst other things, air transport, navigation, air traffic control and maintenance. Under the draft Law, the Director is responsible for the issue and revocation of a range of licences, approvals and permits. For example, there are numerous provisions in Part 3 of the draft Law for the certification or licencing of aircraft, flight crew and those involved in the maintenance of aircraft; Part 17 concerns

the licensing of air traffic controllers; Article 142 provides that the Director may impose conditions on certificates, licences, etc., issued under the draft Law, and Articles 168 and 169 permit the Director to suspend, vary or revoke such authorisations.

Many of the licensed services covered by the draft Law will be pursued as some form of employment or economic activity. In the context of the ECHR, the economic benefit deriving from a licence to carry on a particular economic activity constitutes a 'possession' for the purposes of A1P1. So, to the extent that an economic benefit derives from the types of licences and permits issued and controlled under the draft Law, there is potential for A1P1 to be engaged.

A licensing regime will amount to a 'control of use' of such possessions, in terms of the categorisation of interferences encapsulated by A1P1. For a measure constituting a control of use to be justified, it must be in accordance with law and for 'the general interest'. The measure must also be proportionate to the aim pursued.

In the context of A1P1, a general interest has been found in measures taken for public safety and legality, such that compliance by an entity with certain Laws has been held to constitute a legitimate general interest objective. Broadly speaking, the licensing and approval schemes regulated by the draft Law are imposed to meet these general interests. Licensing is required to ensure the conduct of safe air navigation services and to comply with industry standards. It should be appreciated that, where property rights are concerned, states have a considerable margin of appreciation in determining the existence of a general public concern and in implementing measures designed to meet it, so in imposing a regulatory system that interferes with certain property rights but is required for an identifiable public interest, the States would be afforded a substantial degree of deference.

A further strand of justification for a 'control of use' under A1P1 is the need for measures to be in 'accordance with the law'. This requires the law to be sufficiently precise and foreseeable, and it is fair to conclude that the draft Law would satisfy this requirement.

In terms of proportionality, the implementation of a licensing system for certain service providers at the airport is entirely proportionate to the general interest of maintaining public safety and complying with industry standards. Moreover, to a large extent the draft Law restates the system of licensing and regulation that has been in existence under the ANJO08. The draft Law does not propose anything radically different in terms of regulation, and accordingly, the continuation of that regulation in these circumstances should cause no novel issues from an ECHR perspective. Even if there were a challenge, it would be difficult to maintain that any aspect of the licensing regime is 'excessive' or without due cause.

Seizure, retention and detention of goods (Article 94(1))

Article 94(1) of the draft Law permits authorised persons to seize any goods which are reasonably suspected to be dangerous goods and to retain or detain those goods for as long as the Director considers necessary. In A1P1 terms, the seizure of property ancillary to the enforcement of domestic legislation, such as the draft Law, has generally been treated as a control of use of property rather than as a deprivation.

The general interest in pursuing such seizures under Article 94(1) would be the prevention of crime and public safety, and the power to seize goods is, in principle, proportionate to these legitimate objectives. Moreover, Article 94(1)(c) provides that the goods are to be retained or detained only for so long as the Director deems necessary for use as evidence at a trial, which should prevent against any unreasonable periods of detention. Article 94(2) is also important in that it provides a means for

challenging the retention of goods, by application to the Director. Overall, the seizure powers in the draft Law are justifiable in principle; however, these are powers that must be exercised in a proportionate manner in practice, based on the nature of the goods involved and the specific public interest engaged in that seizure or retention. It will be important for authorised persons to consider the fault or care of the person whose goods are seized, as it is a relevant factor when judging the proportionality of the interference with the A1P1 right.

Explanatory Note

The object of this Law is to provide for the regulation of air navigation. The Law will replace the Air Navigation (Jersey) Order 2008 which is being replaced with updated provisions which comply with the Annexes to the Convention on Civil Aviation signed at Chicago on 7th December 1944 (“the Chicago Convention”). The Air Navigation (Overseas Territories) Order 2013 on which the Law is based is considered a very suitable model for Jersey as it has the most up to date set of provisions using a set of requirements which do not reference European Union law.

Part 1 of the Law comprises *Article 1* which sets out the definitions of the terms used in the Law.

Part 2 of the Law comprises *Articles 2* and *3* which provide for the registration and marking of aircraft.

Article 2(1) prohibits an aircraft from flying over Jersey unless it is registered in a Commonwealth Country, a contracting State or any other country in 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 flight over Jersey of aircraft registered in that country. Under *Article 2(2)*, an aircraft may fly unregistered over Jersey if the flight begins and ends in Jersey without passing over any other country and is in accordance with a permit to fly issued by the Director. The prohibition does not apply to a kite or captive balloon.

Article 3 prohibits an aircraft from flying unless it has its nationality mark and registration mark painted on it.

Part 3 of the Law comprises *Articles 4* to *20* which make provision for the airworthiness of aircraft and equipment.

Article 4 imposes a requirement for a Type Acceptance Certificate issued by the Director for an aircraft registered in Jersey in order for a certificate of airworthiness to be issued.

Article 5 prohibits an aircraft from flying unless there is in force a certificate of airworthiness issued or rendered valid under the laws of the country in which the aircraft is registered.

Article 6 provides for the issue, re-issue or variation of a certificate of airworthiness.

Article 7 provides for the continued airworthiness of an aircraft registered in Jersey so that such an aircraft is prohibited from flying unless the aircraft is maintained in a maintenance programme approved by the Director for that aircraft.

Article 8 provides for a certificate of airworthiness to cease to be in force where the aircraft is being or has been repaired, replaced, modified or maintained. *Article 8* also provides for a certificate of airworthiness that has ceased to be in force to become valid again on the issue of a certificate of release to service.

Article 9 empowers the Director to issue, re-issue or vary a permit to fly.

Article 10 provides for a permit to fly to cease to be in force if the conditions of the permit to fly are not complied with or until the completion of any inspection, modification or maintenance of an aircraft or any of its equipment required for ascertaining whether the aircraft remains airworthy.

Article 11 imposes a requirement for records to be kept for an aircraft registered in Jersey, including an aircraft log book, a separate log book for each engine fitted in the

aircraft; and a separate log book for each variable pitch propeller fitted to the aircraft. *Article 11* also requires a technical log (or a record in the form acceptable to the Director for an aircraft with a maximum certified take-off mass of 2,700 kilograms) to be kept for an aircraft registered in Jersey.

Article 12 provides for the completion and retention of records in a technical log by the pilot-in-command of an aircraft registered in Jersey at the end of every flight. The information to be entered in the technical log includes the times when the aircraft took off and landed and the particulars of any defect known to the pilot-in-command which affects the airworthiness or safe operation of the aircraft.

Article 13 introduces a requirement for a certificate of release for an aircraft registered in Jersey for which a certificate of airworthiness has been or is to be issued. Where the aircraft or part of an the aircraft or such of its equipment as is necessary for airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained or inspected, the aircraft is prohibited from flying unless a certificate of release to service is in force for the aircraft.

Article 14 provides for the licensing and authorizing of maintenance engineers.

Article 15 imposes a requirement for maintenance approval issued by the Director where a person intends to engage in any stage of maintenance of an aircraft, aircraft components or aircraft materials, the manufacturing of parts for the purpose of maintenance or associated training activities.

Article 16 prohibits an aircraft from flying unless it is equipped so as to comply with the law of the country in which it is a registered or of the State of the operator to enable lights and markings to be displayed and to enable signals to be made.

Article 17 prohibits an aircraft from flying unless it is equipped with radio and radio navigation equipment.

Article 18 sets out the minimum equipment requirements for an aircraft or class of aircraft registered in Jersey.

Article 19 provides for an aircraft for which a certificate of airworthiness or a permit to fly is issued to be weighed and to have a weight schedule.

Article 20 empowers the Director to require such inspections, investigations, tests, experiments and flight trials to be made as the Director deems necessary.

Part 4 of the Law comprises *Articles 21* to *39* which make provision for aircraft crew and licensing.

Article 21 prohibits an aircraft from flying unless it carries a flight crew of the number and description required by the law of a country in which it is registered. In the case of aircraft registered in Jersey the flight crew must be adequate in number to ensure the safety of the aircraft. If the aircraft has a flight manual it must carry a crew of at least the number and description specified in the flight manual and if it does not have a flight manual it must carry a crew of at least the number and description specified by the Director in the certificate of airworthiness or the permit to fly. A requirement is also imposed that an aircraft registered in Jersey and required to be equipped with radio communication equipment must carry a flight radiotelephony operator as a member of the flight crew.

Article 22 empowers the Director to direct additional flight and cabin crew to be carried on aircraft registered in Jersey.

Article 23 imposes a requirement for the flight crew of an aircraft registered in Jersey to have an appropriate licence granted or rendered valid which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the

particular flight. *Article 23* also imposes a requirement for permission to be given by the competent authority of a Contracting State or the Director in the case of a member of a flight crew who holds a licence which is endorsed to the effect that the holder does not satisfy the relevant international standard granted or rendered valid under the Law.

Article 24 imposes a requirement for an appropriate licence for a person who is a member of a flight crew in an aircraft registered in a country other than Jersey. In the case of an aircraft flying for the purpose of commercial air transport or aerial work the person must hold a licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator. In the case of an aircraft on a private flight, the person must hold a licence granted or rendered under the law of the country in which the aircraft is registered or under this Law and no direction must have been given by the Director to the contrary.

Article 25 provides an exception to the flight crew licence requirement in respect of a person acting as a flight radiotelephony operator within Jersey if the person is being trained in an aircraft registered in Jersey to perform duties as a member of a flight crew of the aircraft and is authorized to operate a radio telephony station by the holder of the licence granted for that station under any enactment.

Article 26 provides an exception to the flight crew licence requirement in respect of a person acting as a pilot-in-command of an aircraft in the case of solo-flight training for the purpose of becoming qualified for the grant or renewal of a pilot licence or the inclusion or variation of any rating in a pilot's licence.

Article 27 provides an exception to the flight crew licence requirement in respect of a person acting as a pilot of an aircraft in the case of dual flight training for the purpose of becoming qualified for the grant or renewal of a pilot licence or the inclusion or variation of any rating in a pilot's licence.

Article 28 provides for an exception to the flight crew licence requirement in respect of a person acting as a member of a flight crew (otherwise than as a pilot) of an aircraft registered in Jersey for the purposes of undergoing supervised training or tests for the grant or renewal of a flight engineer's licence.

Article 29 provides for an exception to the flight crew licence requirement in respect of a person acting as a member of a flight crew of an aircraft registered in Jersey if in doing so the person is acting in the course of his or her duty as a member of Her Majesty's naval, military or air forces.

Article 30 provides for the grant, renewal and effect of flight crew licences and provides for the Director to grant a licence of any class specified in Schedule 2 to the Law which deals with the classification of licences.

Article 31 provides for the maintenance of privileges of aircraft ratings and prohibits the holder of a pilot's licence or a flight engineer's licence from exercising the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or valid certificate of experience in respect of the rating. *Article 31* also provides that the holder of a Private Pilot's Licence (Balloons and Airships) is entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear such a certificate. However, the holder of a Private Pilot's Licence is not entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required is included in the personal flying log book.

Article 32 provides for the maintenance of privileges of other ratings in licences so that a person is not entitled to perform the functions to which an instrument rating

(aeroplanes), an instrument rating (helicopters), or a flying instructor's rating relates unless the person's licence bears a valid certificate of test in accordance with the specified requirements (i.e. requirements contained in the Jersey Aviation Requirements published under *Article 164* and other requirements and instructions published by the Director under *Article 153(1)(c)* or *165*.

Article 33 requires the holder of a flight crew licence granted under *Article 30*, other than a flight radiotelephony operator's licence, to have an appropriate valid medical certificate in order to perform any of the functions to which the licence relates.

Article 34 prohibits a holder of a licence from acting as a member of a flight crew if that person knows or suspects that his or her physical or mental condition renders him or her temporarily or permanently unfit to perform such functions or to act in such capacity. A holder of a medical certificate issued under *Article 33(3)* who suffers any personal injury involving any incapacity to undertake the holder's functions as a member of the flight crew, suffers any illness involving any incapacity to undertake those functions throughout a period of 21 days or more or has reason to believe that she is pregnant is required to inform the Director in writing of such injury, illness or pregnancy as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness. The medical certificate is deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy. In the case of injury or illness the suspension ceases upon the holder being medically examined under arrangements made by the Director and pronounced fit to resume functions as a member of the flight crew or upon the Director exempting the holder from the requirement of a medical examination. In the case of pregnancy, the suspension may be lifted by the Director upon the holder being medically examined under arrangements made by the Director after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

Article 35 contains miscellaneous licensing provisions and prohibits flying in the relevant capacity where the holder of a licence fails a test which would have qualified the holder had it been passed.

Article 36 gives the Director the discretion to issue a certificate of validation rendering valid for the purposes of this Law any flight crew licence granted under the law of any country other than Jersey.

Article 37 imposes a requirement on a member of the flight crew of an aircraft registered in Jersey, and a person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under the Law to keep a personal flying log book in which the name and address of the holder of the log book, particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft and the name and address of the employer (if any) are to be recorded.

Under *Article 37* particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under the Law must be recorded in the log book at the end of each flight or as soon as reasonably practicable after the end of each flight. The particulars required are the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when the holder was acting in either capacity; the type and registration marks of the aircraft; the capacity in which the holder acted in flight; particulars of any special conditions under which the flight was conducted, including night flying and instrument flying and particulars of any test or examination undertaken whilst in flight. Particulars of any test or examination undertaken whilst in a synthetic training

device must also be recorded in the log book, including the date of the test or examination; the type of synthetic training device; the capacity in which the holder acted; and the nature of the test or examination.

Article 38 applies to instruction in flying given to any person flying or about to fly an aircraft for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion or variation of any rating in a licence. The holder of a licence is prohibited from giving any instruction in flying to which *Article 38* applies unless the licence granted or rendered valid under the Law entitles the holder 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 the licence includes an instructor's rating entitling the holder to give the instruction.

Article 39 prohibits a person under the age of 16 years from acting as pilot-in-command of a glider.

Part 5 of the Law comprises *Articles 40 to 45* which provide for the protection of the crew of aircraft.

Article 40 provides for *Articles 41* and *42* to apply to certain classes of aircraft registered in Jersey and not to apply to aircraft in flight made only for the purpose of instruction. *Article 40* also provides a definition of "flight time".

Article 41 provides for the responsibilities of the operator of an aircraft with respect to fatigue of the crew and imposes an obligation on the operator to establish a fatigue management scheme for the regulation of flight times, flight duty periods, duty periods and rest period limitations.

Article 42 provides for the responsibilities of the crew of an aircraft with respect to fatigue of the crew and imposes an obligation on a person not to act as a member of the crew of an aircraft if they know or suspect that they are suffering from or are likely to suffer from such fatigue as may endanger the safety of an aircraft and its occupants. Under *Article 42*, a person is prohibited from acting as a member of crew of an aircraft without first ensuring that the operator of the aircraft is aware of that person's flight times during the period of 28 days preceding the flight.

Article 43 provides for responsibilities of the flight crew with regard to flight times so that a person is prohibited from acting as a member of the flight crew of certain aircraft registered in Jersey if the person's previous flight times exceed 100 hours during the period of 28 consecutive days expiring at the end of the day on which the flight begins or 900 hours during the period of 12 months expiring at the end of the previous month.

Article 44 makes provision for the protection of the crew of an aircraft from cosmic radiation.

Article 45 provides for the keeping and production of records of exposure of air crew to cosmic radiation.

Part 6 of the Law comprises *Articles 46 to 52* which provide for the regulation of aircraft in flight.

Article 46 empowers the States to make Regulations to establish Rules of the Air regarding air traffic services and procedures in air navigation that are compatible with the Chicago Convention and the Standard European Rules of Air. Departure from the Rules of the Air are permitted to the extent necessary for avoiding immediate danger or for complying with the law of any country other than Jersey within which the aircraft then is. The Rules of the Air may also be departed from in relation to an aircraft of which the pilot-in-command is acting in the course of his or her duty as a member of any of Her Majesty's naval, military or air forces. However, nothing in the

Rules of the Air exonerates 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.

Article 47 empowers the director to issue directions to restrict or prohibit flying where it is necessary in the public interest by reason of intended gathering or movement of a large number of persons, the intended holding of an aircraft race or contest or of a flying display, or national defence or any other reason affecting the public interest.

Article 48 requires a person acting as an organizer of a flying display to first obtain the permission of the Director for that flying display authorization and comply with any conditions subject to which an authorization may be given. *Article 48* also imposes certain conditions on an organizer of a flying display and on a pilot-in-command of an aircraft who is intending to participate and participating in an aircraft display. Provision is made in *Article 48* for a person acting as a pilot of an aircraft participating in a flying display to hold and comply with an appropriate pilot display authorization.

Article 49 prohibits a balloon in captive or tethered flight from being flown over Jersey without the permission in writing of the Director. Permission of the Director in writing is also required for an uncontrollable balloon in released flight to be flown in airspace notified for those purposes.

Article 50 imposes the requirement for permission of the Director to be obtained for the launching of a glider or parascending parachute or for a kite to be flown above certain at heights above ground.

Article 51 imposes the requirement for permission of the Director to be obtained in writing for the mooring of airships other than at an aerodrome.

Article 52 provides for the regulation of small unmanned aircraft so that a person is prohibited from causing or permitting any animal or article to be dropped from a small unmanned aircraft so as to endanger persons or property. A person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made and is required to comply with other conditions specified in *Article 52*.

Part 7 of the Law comprises *Article 53* to *67* which deal with the operation of aircraft.

Article 53 prohibits a person from operating, in or over Jersey, an aircraft registered in Jersey, or an aircraft registered elsewhere than in Jersey, unless that person complies with the operating limitations specified in the aircraft flight manual or equivalent document, the Rules of the Air and any instruction given or published by the Director for the operation of safety aircraft and the safety of persons and property carried in the aircraft. *Article 53* also prohibits an aircraft from taking off and landing at any place unless the aerodrome and operating site are satisfactory and provides that, for operations at an aerodrome at the expected time of use, the aerodrome will be available and equipped with the necessary ancillary services.

Article 54 applies aerodrome operating minima to an aircraft that is not operating for the purposes of commercial air transport relating to the category of operation, visual range for take-off and landing, minimum heights, designated instrument procedure and meteorological conditions.

Article 55 imposes an obligation on the pilot-in-command of a flying machine registered in Jersey to ensure that one pilot remains at the controls at all times while it is in flight. If the aircraft is required to carry 2 pilots, the pilot-in-command shall ensure that both pilots remain at the controls during take-off and landing. An operator must not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled under *Article 23* to act as pilot-in-command of the helicopter. Each pilot at the controls must be secured in his or her

seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness, except that during take-off and landing a safety harness shall be worn if it is required by *Article 16* to be provided.

Article 56 requires that a member of the crew of an aircraft registered in Jersey shall wear a survival suit if the specified requirements demand that such a suit is to be worn by that member of the crew.

Article 57 imposes pre-flight action to be taken by the pilot-in-command of an aircraft so that, before the aircraft takes-off, he or she is familiar with all available information appropriate to the intended operation. The pilot-in-command of an aircraft is required to take all reasonable steps so as to be satisfied, before the aircraft takes off, that the flight can safely be made, after careful study of and taking into account various matters, including the latest information available as to the route and aerodrome to be used and the weather reports and forecasts available and that the aircraft is in every way fit for the intended flight.

Article 58 imposes a duty on the pilot-in-command of an aircraft registered in Jersey to take all reasonable steps to ensure, before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts, safety harnesses and oxygen equipment, lifejackets and the floor path lighting system and all other devices required under this Law and intended for use by passengers individually in the case of an emergency occurring to the aircraft and that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

Article 59 applies to any aircraft registered in Jersey and provides for the pilot-in-command of an aircraft to be satisfied on reasonable grounds before take-off that the aircraft carries such additional equipment as the pilot-in-command reasonably considers necessary for the purpose of facilitating the survival of the persons carried in the aircraft. The pilot-in-command in complying with this requirement must have regard to the circumstances of the intended flight, including, in particular, the likelihood of ditching and the availability of search and rescue facilities.

Article 60 provides for the use of oxygen on any aircraft registered in Jersey.

Article 61 provides for the operation of radio in an aircraft and prohibits the operation of a radio station in an aircraft, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued for that radio 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.

Article 62 provides for the use of an airborne collision avoidance system on an aircraft in accordance with procedures contained in the operations manual for the aircraft or other relevant procedures depending on whether the aircraft is registered in Jersey or in another country.

Article 63 provides for the use of flight recording systems and preservation of records on flights.

Article 64 requires the pilot-in-command of an aircraft that is either registered in Jersey or, if not so registered, is flying within Jersey airspace to cooperate in fulfilling the instructions of the Director in relation to the provision of assistance to aircraft in distress or in relation to search and rescue.

Article 65 provides for the method of carriage of persons so that a person is prohibited from being 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, or be in or on any object, other than a glider or flying machine, towed by or attached to an aircraft in flight. However, a person may have temporary access to 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 in it and 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 to that part while the aircraft is in flight.

Article 66 provides for the use and markings of exits on an aeroplane or helicopter registered in Jersey.

Article 67 imposes a duty on an operator to ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on an aircraft registered in Jersey, such areas are marked upon the exterior surface of the fuselage with markings to show the areas which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

Part 8 of the Law comprises *Articles 68 to 72* which provide for height keeping and navigation.

Article 68 prohibits an aircraft registered in Jersey from flying in areas with specified performance based navigation unless it is equipped with navigation equipment that complies with requirements and instructions published by the Director or where it is authorized by the appropriate air traffic control unit and the air traffic control unit is made aware of the lack of compliance with the requirements and the aircraft complies with any instructions given by the air traffic control unit in the particular case.

Article 69 prohibits an aircraft registered elsewhere than in Jersey from flying in areas with specified performance based navigation in Jersey unless it is equipped with navigation equipment so as to comply with the law of the country in which the aircraft is registered and the equipment is capable of being operated so as to enable the aircraft to meet the required performance in terms of navigation functionality, accuracy, integrity, availability and continuity, and it is so operated. The aircraft may fly without meeting those requirements where the flight has been authorized 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.

Article 70 prohibits an aircraft an aircraft registered in Jersey from flying in minimum navigation performance specifications airspace unless it is equipped with navigation equipment that complies with such requirements and instructions published by the Director, the operator has been approved by the Director and it is operated in accordance with operating procedures approved by the Director.

Article 71 prohibits an aircraft registered in Jersey from flying in reduced vertical separation minimum airspace unless the aircraft has been approved by the Director for operations in such airspace, the operator has been approved by the Director and while the aircraft is flying in the airspace, it is operated in accordance with operating procedures approved by the Director. An aircraft need not comply with these requirements where the flight has been authorized 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.

Article 72 prohibits an aircraft registered elsewhere than in Jersey from flying in notified reduced vertical separation minimum airspace in Jersey unless it is equipped with height keeping systems so as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying in any specified areas; and the equipment is capable of being operated so as to enable the

aircraft to maintain the height keeping performance prescribed (i.e. prescribed by an Order made by the Minister) in respect of the airspace in which the aircraft is flying, and it is so operated. An aircraft need not comply with these requirements where the flight has been authorized 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.

Part 9 of the Law comprises *Articles 73* and *74* which make provision for air operator obligations.

Article 73 imposes a requirement for an operations manual for aircraft registered in Jersey except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are flights solely for training persons to perform duties in an aircraft.

Article 74 makes provision for flight data monitoring.

Part 10 of the Law comprises *Articles 75* and *76* which impose certain conditions on an aircraft carrying on commercial air transport.

Article 75 prohibits a single-engine aeroplane, or a two-engine aeroplane that is unable to maintain a positive climb gradient in the event of an engine failure on take-off, from being flown for the purpose of commercial air transport at night or in instrument meteorological conditions unless it is flying on a special VFR flight in a control zone.

Article 76 imposes aerodrome-operating minima for commercial air transport aircraft not registered in Jersey.

Part 11 of the Law comprises *Articles 77* to *79* which provide for carriage of weapons and munitions of war.

Article 77 contains the definitions for *Part 11*.

Article 78 prohibits the carriage of weapons and of munitions of war unless the munitions of war are carried with the permission of the Director and the pilot-in-command 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 munitions of war on board or suspended beneath the aircraft and of any conditions of the permission of the Director. *Article 78* also imposes certain conditions for the carriage of any sporting weapon or munitions of war.

Article 79 provides exceptions concerning carriage of weapons and munitions of war so that nothing in *Article 78* applies to any sporting weapon or munitions of war taken or carried on board an aircraft registered in a country other than Jersey if, under the law of the country in which the aircraft is registered, the sporting weapon or munitions of war may be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

Part 12 of the Law comprises *Articles 80* to *95* which provide for the carriage of dangerous goods.

Article 80 contains the definitions for *Part 12*.

Article 81 prohibits the carrying or loading of dangerous goods unless the operator is approved by the director or has permission for the purposes of agriculture.

Article 82 prohibits the carriage of dangerous goods which may pose a risk to health, safety, property or the environment when carried by air except in accordance with the specified requirements or the Director's instructions and unless the packaging of those goods is in a fit condition for carriage by air.

Article 83 requires the operator of an aircraft that is either an air transport undertaking, or an organisation to which *Article 103* applies, to ensure that all appropriate manuals,

including operations manuals, contain information and instructions about dangerous goods so as to enable the ground staff and crew members to carry out their responsibilities regarding the carriage of dangerous goods. If applicable, such information and instructions must be provided to the operator's handling agent. Before the flight begins, the pilot-in-command must be given written information about the dangerous goods and information required for use in responding to an in-flight emergency. If an aircraft carrying any dangerous goods is involved in an accident or serious incident, notification of any dangerous goods carried as cargo on the aircraft must be given immediately to the Director and a police officer for the area where the accident or serious incident occurred.

Article 84 imposes an obligation on the operator of an aircraft in which dangerous goods are to be carried to ensure that no package or freight containing dangerous goods is accepted for carriage until it has been inspected to determine that it complies with the specified requirements. *Article 84* also imposes a requirement on the operator of the aircraft to ensure that the goods are not forbidden for carriage by air in any circumstances and that any package or freight container is accompanied by a dangerous goods transport document.

Article 85 provides for the operator of an aircraft in which dangerous goods are to be carried to ensure that such goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the specified requirements.

Article 86 provides for the operator of an aircraft in which dangerous goods are to be carried to ensure that packages and freight containers which contain such goods are inspected for evidence of damage or leakage before being loaded on an aircraft, in accordance with the specified requirements.

Article 87 provides for the shipper of any goods for carriage by air, before consigning, to ensure that the goods are not forbidden for carriage by air and that any required approvals have been obtained and that any classification, marking and packing and other conditions are met.

Article 88 imposes a duty on the pilot-in-command of an aircraft carrying dangerous goods as cargo, in the event of an in-flight emergency and as soon as the situation permits, to inform the appropriate air traffic services unit of such goods in detail or as a summary or by reference to the location from where the detailed information can be obtained.

Article 89 requires operators, handling agents and shippers of dangerous goods by air and any agent of the shipper, to establish and undertake training programmes for those of their employees and staff who are involved in the carriage of goods or passengers by air. In the case of an operator or its agents, the training programme must be approved by, or acceptable, to the Director. In the case of a shipper or its agent, the training programme must meet the specified requirements.

Article 90 requires any airport operator in Jersey or the operator of an aircraft flying for the purpose of commercial air transport of passengers or its agent and any person who in Jersey makes available flight accommodation to ensure that persons who are or may become passengers on an aircraft flying for such purposes are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them in accordance with the specified requirements.

Article 91 requires the operator of an aircraft in which cargo is to be carried and any agent of the operator to ensure that notices giving information about the carriage of dangerous goods are displayed in accordance with the specified requirements.

Article 92 provides for the keeping of documents and records so that the operator of an aircraft carrying dangerous goods as cargo must ensure that a copy of the dangerous goods transport document required by *Article 87(f)* and the written information to the pilot-in-command required by *Article 83(c)* are retained at a readily accessible location until after completion of the flight on which the goods are carried and to produce them upon request.

Article 93 provides for the preservation of documents and records so that the operator of an aircraft on which dangerous goods are carried must preserve in a legible form for not less than 3 months any dangerous goods transport document or other document specified in the specified requirements.

Article 94 provides an authorized person with enforcement powers including powers to examine, take samples of and seize any goods which the authorized person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of *Part 12* have not been complied with.

Article 95 provides that any dangerous goods accident, incident or finding of undeclared or misdeclared dangerous goods in cargo or passengers' baggage must be reported to the Director in accordance with the specified requirements by an operator of an aircraft registered in Jersey, wherever it occurs or an operator of an aircraft that is not registered in Jersey, if it occurs in Jersey.

Part 13 of the Law comprises *Articles 96* to *101* which deal with aerial work and specialized operations.

Article 96 defines aerial work to mean any purpose (other than commercial air 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. If the valuable consideration consists only of remuneration for the services of the pilot, the flight is deemed to be a private flight for the purposes of *Part 3*.

Article 97 prohibits the use of an aircraft for the purpose of aerial work otherwise than in accordance with the Director's instructions and with the specified requirements. *Article 97* also requires that before commencing any aerial work operation, the operator of the aircraft must carry out a risk assessment and develop appropriate standard operating procedures to provide guidance to operating staff to ensure a safe means of carrying out the aerial task.

Article 98 prohibits the use of an aircraft for the dropping of articles or animals for the purposes of agriculture, horticulture, forestry or conservation or for training for the dropping of articles for any of such purposes, otherwise than in accordance with the terms of a permission granted by the Director.

Article 99 prohibits an aircraft in flight from towing any article or picking up, raising or lowering any person, animal or article by means external to the aircraft 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, and if it is a helicopter, otherwise than in accordance with the terms of a permission granted by the Director. *Article 99* also imposes conditions in relation to the towing articles and picking up and raising of persons and animals.

Article 100 prohibits the dropping of articles and animals from an aircraft in flight so as to endanger persons or property. *Article 100* also prohibits the dropping of articles and animals (whether or not attached to a parachute) to the surface from an aircraft flying over Jersey except in accordance with the terms of an aerial application permission granted under *Article 98*. The requirement for an aerial application

permission does not apply to the dropping of articles by, or with the authority of, the pilot-in-command of the aircraft where it is for the dropping of articles for the purpose of saving life; the jettisoning, in case of emergency, of fuel or other articles in the aircraft; the dropping of ballast in the form of fine sand or water; the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of the Law; the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft; the dropping of articles for the purposes of 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 Director; or 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 Director.

Article 101 prohibits the dropping of persons to the surface or persons jumping from an aircraft flying over Jersey except in accordance with the terms of a parachuting permission granted by the Director. *Article 101* also prohibits a person from dropping, being dropped or being permitted to drop from an aircraft in flight so as to endanger persons or property.

Part 14 of the Law comprises *Articles 102 to 104* which deal with general aviation matters.

Article 102 provides for the application of, and contains definitions for, *Part 14*.

Article 103 requires the approval of the Director for the operation of certain aircraft registered in Jersey for the purposes of a general aviation operation.

Article 104 provides for the grant and conditions of the approval required under *Article 103*.

Part 15 of the Law provides comprises *Articles 105 to 107* which make provision for foreign aircraft operations.

Article 105 imposes a requirement for the permission of the Secretary of State for the carriage of passengers or cargo for valuable consideration in Jersey in aircraft registered outside of Jersey. *Article 105(3)* gives the Secretary of State the power to delegate the Secretary of State's powers under *Article 105(1)* to the Director.

Article 106 makes provision for the filing and approval of tariffs and gives the Secretary of State the discretion, in any particular case or class of cases, to delegate to the Director the exercise of the power to approve or disapprove the tariff which the operator or charterer of the aircraft concerned proposes to apply on flights to which a permission granted under *Article 105* relates.

Article 107 prohibits aerial photography, aerial survey and aerial work over Jersey in aircraft registered in any other country other than United Kingdom, the British Overseas Territories or Crown Dependencies except with the permission of the Director under the delegated authority of the Secretary of State in writing 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.

Part 16 of the Law comprises *Articles 108 to 112* which make provision relating to air traffic services.

Article 108 prohibits a person in charge of the provision of an air traffic control service from providing such a service in Jersey except in accordance with the terms of an air traffic control approval granted by the Director. The Director must grant an air traffic control approval upon being satisfied that the applicant meets the specified requirements and is competent to provide a service which is safe for use by aircraft.

Under *Article 109*, a person in charge of the provision of an air traffic control service who has received the approval of the Director under *Article 108* must be satisfied as to competence of controllers.

Article 110 prohibits a person providing an air traffic control service at any place unless the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place.

Article 111 imposes conditions in relation to the provision of air traffic services.

Article 112 prohibits a person in charge of an aerodrome provided with means of two-way radio communication from causing or permitting any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

Part 17 of the Law comprises *Articles 113* to *122* which provide for the licensing of air traffic controllers.

Article 113 prohibits a person from acting as an air traffic controller or a student air traffic controller without an appropriate licence.

Article 114 provides for the licensing of air traffic controllers and student air traffic controllers.

Article 115 gives the Director the discretion to approve any course of training or instruction, authorize a person to conduct such examinations or tests or approve a person to provide any course of training or instruction.

Article 116 introduces a requirement for a medical certificate on the basis of a medical examination. The Director or any person approved by the Director as competent to do so may issue a medical certificate to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates.

Article 117 provides for air traffic controllers who suffer personal injury, illness or pregnancy involving incapacity to notify the Director of such injury, illness and incapacity.

Article 118 prohibits a person from acting 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 or her capacity to act as such.

Article 119 prohibits a person from acting as an air traffic controller if he or she knows or suspects that he or she is suffering from such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Article 120 prohibits a person from giving a flight information service without a licence and without being identified as such in such a manner as may be notified (i.e. shown in official publication issued and in force in Jersey for the purpose of enabling any provisions of the law to be complied with).

Article 121 provides for the licensing of flight information service officers.

Article 122 imposes a requirement for a flight information service manual in order for a flight information service to be provided at any aerodrome.

Part 18 of the Law comprises *Articles 123* and *124* which make provision regarding aeronautical telecommunications services.

Article 123 prohibits a person from causing or permitting any aeronautical telecommunication service to be established in Jersey otherwise than in accordance with an approval granted by the Director to the person in charge of that aeronautical telecommunication service.

Article 124 requires the person in charge of an aeronautical telecommunications service to provide recording equipment or apparatus.

Part 19 of the Law comprises *Articles 125 to 135* which provide for aerodromes, aeronautical lights and dangerous lights.

Article 125 provides for the certification of aerodromes by the Director.

Article 126 prohibits an aircraft from taking off or landing at a place in Jersey other than an aerodrome certificated under *Article 125* for the take-off and landing of such aircraft and in accordance with any conditions subject to which the aerodrome may have been certificated or notified, or subject to which such permission may have been given.

Article 127 prohibits a person from establishing an instrument flight procedure at an aerodrome in Jersey except in accordance with an approval granted by the Director to the holder of an aerodrome certificate or to the person having the management of the aerodrome.

Article 128 empowers the Minister to make an Order to specify charges for the use of aerodromes certificated or licensed for public use.

Article 129 provides for a person in charge of any aerodrome in Jersey which is open to public use by aircraft registered in Jersey to cause the aerodrome, and all air navigation facilities provided at it, to be available for use by aircraft registered in a Contracting State (i.e. any State that is a party to the Chicago Convention) on the same terms and conditions as for use by aircraft registered in Jersey.

Article 130 provides for the Minister to prescribe by Order conditions or circumstances under which noise and vibration may be caused by aircraft (including military aircraft) on certificated aerodromes, notified aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is being carried out.

Article 131 gives the Minister the power by Order to 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. Under the Interpretation (Jersey) Law 1954 the expression “enactment” means any Law passed by the States and confirmed by Her Majesty in Council and any provision of any regulations, Order, rules, bye-laws, scheme or other instrument passed or made in Jersey under the authority of an Order in Council or under any such law.

Article 132 imposes conditions for the delivery, installation and dispensation of aviation fuel at aerodromes.

Article 133 prohibits a person, except with the permission of the Director and in accordance with any conditions subject to which the permission may be granted, from establishing, maintaining or altering the character of an aeronautical beacon within Jersey or any aeronautical ground light (other than an aeronautical beacon) at an aerodrome certificated under *Article 125*, or which forms part of the lighting system for use by aircraft taking off from or landing at an aerodrome.

Article 134 provides for the lighting of en-route obstacles.

Article 135 prohibits a person from exhibiting in Jersey any light which by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome, by reason of its liability to be mistaken for an aeronautical ground light such that it is liable to endanger aircraft, or that is directed or shone at any aircraft in flight so as to dazzle or distract the pilot of the aircraft or that it is directed or shone at the location of the air traffic control unit so as to dazzle or distract the air traffic control operator.

Part 20 of the Law comprises *Article 136 to 143* which make provision in relation to documents and records.

Article 136 requires a journey log to be kept by the operator of an aircraft used for the purposes of international air navigation.

Article 137 prohibits an aircraft from flying unless it carries the documents that it is required to carry under the law of the country in which it is registered. An aircraft registered in Jersey is required, when in flight, to carry the documents specified in instructions given by the Director or identified in the specified requirements.

Article 138 provides for the production of documents and records by the pilot-in-command of an aircraft, the operator, holders of a licence granted or rendered valid under the Law including the certificate of airworthiness, licences of flight crew, aircraft log book, weight schedule, medical records and the record made by the flight data recorder.

Article 139 requires the holder of an approval under *Article 123*, within a reasonable time after being requested to do so by an authorized person, to cause to be produced to that person any documents and records relating to any aeronautical telecommunication service used or intended to be used in connection with the provision of a service to an aircraft.

Article 140 gives an authorized person the power to inspect and copy any certificate, licence, log book, document or record that is required to be produced to that person under the Law.

Article 141 provides for the preservation of documents or records held by the operator of an aircraft.

Article 142 makes provision for validity of certificates, licences, authorizations, approvals and permissions.

Article 143 makes provision for offences in relation to documents and records.

Part 21 of the Law comprises *Articles 144* and *145* which provide for occurrence reporting.

Article 144 imposes mandatory occurrence reporting requirements aimed at improving air safety by ensuring that the relevant information on safety is reported, collected, stored, protected and disseminated to prevent accidents and incidents rather than to attribute blame.

Article 145 imposes mandatory reporting of bird strike occurrences.

Part 22 of the Law comprises *Articles 146* to *155* which prohibit certain behaviour and provide for offences and penalties.

Article 146 provides that a person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person in the aircraft.

Article 147 provides that a person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Article 148 prohibits a person from entering any aircraft when drunk or being drunk in any aircraft. *Article 148* also prohibits a person, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, from being under the influence of alcohol, any drug or any psychoactive substance so as to render that person's capacity so to act or so as to create a risk to that person or any other person.

Article 149 prohibits smoking by a person in any compartment of an aircraft registered in Jersey at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the pilot-in-command of the aircraft.

Article 150 gives the pilot-in-command of an aircraft the final authority as to the disposition of the aircraft while in command. *Article 150* requires a person to obey all lawful commands which the pilot-in-command or a member of the crew of that aircraft may give for the purpose of securing the safety of the aircraft and of the persons or property carried on board, or the safety, efficiency or regularity of air navigation. *Article 150* also prohibits the operation of a mobile or cell phone, computer or other electronic device that is designed to transmit or is capable of transmitting electromagnetic energy on an aircraft otherwise than in accordance with the permission of the pilot-in-command of that aircraft and except in the case of hearing aids, heart pacemakers, portable voice recorders, electric shavers, electronic watches or any other portable electronic device if the operator or pilot-in-command of the aircraft has determined that the portable electronic device to be used will not cause interference with any aircraft system or equipment of the aircraft on which it is used.

Article 151 prohibits threatening, abusive and insulting words and acts towards a member of the crew of the aircraft.

Article 152 prohibits obstruction of persons whilst acting in the exercise of powers or the performance of duties under the Law.

Article 153 deems any person who without reasonable excuse fails to comply with any direction or instructions given under any provision of the Law to have contravened that provision.

Article 154 prevents a person from secreting himself or herself for the purpose of being carried in an aircraft without the consent of either the operator or the pilot-in-command or of any other person entitled to give consent to being carried in the aircraft.

Article 155 creates offences and imposes criminal liability on the pilot-in-command and, in certain circumstances, the charterer of an aircraft in the case of a contravention of a provision of the Law or an instruction or direction. The offences are specified in *Schedule 3* to the Law. The penalty for an offence specified in *Part A* of *Schedule 3* is a fine of level 3 on the standard scale. The penalty for an offence specified in *Part B* of *Schedule 3* is a fine and imprisonment for a term of 2 years. The penalty for an offence specified in *Part B* of *Schedule 3* is a fine and imprisonment for a term of 5 years.

Part 23 of the Law comprises *Articles 156* to *163* which define commercial air transport.

Article 156 provides general rules and exceptions relating to the interpretation of commercial air transport which depend on whether valuable consideration is given and the circumstances if any in which it is given. In certain circumstances a flight is deemed to be a private flight.

Article 157 provides for flying displays to be deemed to be a private flight.

Article 158 provides for a charity flight to be deemed to be a private flight.

Article 159 provides for a cost sharing flight to be deemed to be a private flight.

Article 160 provides for a flight which allows for recovery of direct costs to be deemed to be a private flight.

Article 161 provides for a flight on jointly owned aircraft by joint owners to be deemed to be a private flight if the only valuable consideration given or promised in respect of the flight or if the purpose of the flight is 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 in respect of the annual costs given by one or more of such joint owners or shareholders.

Article 162 defines an aerial work flight as a flight in respect of which valuable consideration has been given or promised for the conduct of an aerial work operation during which, excluding crew members, no more than 6 persons indispensable to that aerial work operation are carried in the aircraft. Flights immediately before and after an aerial work operation in respect of which valuable consideration has been given or promised are also aerial work flights provided that such flights are connected with that aerial work operation and the persons carried are as specified for the aerial work operation.

Article 163 defines a flight as an aerial work flight if it is a flight in respect of which valuable consideration has been given or promised for the dropping of persons by parachute and which is made in accordance with the terms of a parachuting permission granted by the Director. Associated positioning and return flights are also aerial work flights if they are flights in respect of which valuable consideration has been given or promised for the dropping of persons by parachute and they are flights on which the persons carried are those who may be carried on such a flight in accordance with the terms of a parachuting permission granted by the Director.

Part 24 of the Law comprises *Articles 164 to 183* which are general provisions.

Article 164 imposes a requirement on the Director to publish the requirements which the Director considers relevant to determining his or her satisfaction in respect of a licence, certificate, approval, authorization, permission or exemption or other document in the publication issued in Jersey as the Jersey Aviation Requirements and to take such publications into account in determining a licence, certificate, approval, authorization, permission or exemption or other document.

Article 165 requires the Director to issue such instructions or publish such requirements or make such arrangements as are necessary, requisite or expedient for carrying out the Chicago Convention and implementing any Annex and any amendment to the Chicago Convention, or any such Annex made in accordance with the Chicago Convention, or generally for regulating and securing the safety of international air navigation in accordance with the Civil Aviation (Jersey) Law 2008.

Article 166 gives the Director the power to prevent flying in cases of contravention of specified provisions of the Law or in the circumstances where the flight would be in contravention of any other provision of this Law, and would be a cause of danger to any person or property whether or not in the aircraft or where conditions are unfit for the flight.

Article 167 provides the Director and any authorized person with the right of access to aerodromes and other relevant places.

Article 168 makes provision for the revocation, suspension and variation of certificates, licences and other documents.

Article 169 makes provision for the revocation, suspension and variation of permissions, etc. granted under *Article 105* or *107*.

Article 170 imposes conditions in relation to flights over any foreign country of an aircraft registered in Jersey.

Article 171 provides for the extra-territorial effect of the Law with regard to aircraft registered in Jersey, wherever they may be.

Article 172 makes provision for the application of the Law to an aircraft not registered in Jersey but which is for the time being under the management of a person who (or of

persons each of whom) is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Jersey.

Article 173 provides for the application of the Law to the Crown and visiting forces.

Article 174 provides exceptions to certain provisions of the Law for any small balloon, kite weighing not more than 2 kilograms, small unmanned aircraft or any parachute.

Article 175 empowers the Director to approve a person as qualified to provide reports, and to accept such reports, in relation to any of the Director's functions.

Article 176 empowers the Director to exempt any aircraft, person or classes of aircraft or persons from certain provisions of the Law either absolutely or subject to such conditions as the Director thinks fit.

Article 177 gives a person aggrieved by a decision of the Director under this Law the right to appeal to the Royal Court against that decision within 28 days of that decision or within such further time as the Royal Court allows.

Article 178 limits the liability of the Minister, the Director, an authorized person or any person who is, or is acting as, an officer, servant or agent in an administration of the States for which the Minister is assigned responsibility.

Article 179 provides for the criminal liability of partners, directors and other officers of bodies corporate and other legal persons.

Article 180 gives the States the power to make Regulations for the purposes of carrying the Law into effect; to provide for the investigation of accidents and incidents on Jersey registered aircraft; to amend Part 1 and the Schedules; to create offences, and specify penalties for such offences not exceeding imprisonment for 2 years and a fine for contravention of the Regulations; and to make such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient for the purposes of the Regulations.

Article 181 empowers the Minister to make Orders.

Article 182 contains savings provisions.

Article 183 provides for the citation and commencement of the Law.

Schedule 1 contains the classification of aircraft.

Schedule 2 contains the minimum age, period of validity and privileges of licences for aeroplane pilots, glider pilots and other flight crew.

Schedule 3 specifies relevant Article numbers and describes the offences which are provided for under *Article 155*. The offences are placed in *Part A* or *Part B* of *Schedule 3* depending on the penalty to be imposed.

Under the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, level 1 is £50, level 2 is £500, level 3 is £2,000 and level 4 is £5,000.



Jersey

DRAFT AIR NAVIGATION (JERSEY) LAW 201-

Arrangement

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Jersey

DRAFT AIR NAVIGATION (JERSEY) LAW 201-

A LAW to provide for the regulation of air navigation and for connected purposes.

Adopted by the States [date to be inserted]

Sanctioned by Order of Her Majesty in Council [date to be inserted]

Registered by the Royal Court [date to be inserted]

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

PART 1

INTERPRETATION

1 Interpretation

(1) In this Law –

“aerial work” has the meaning assigned to it by Article 96;

“aerial work aircraft” means an aircraft (other than a commercial air transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work;

“aerial work operation” means an aircraft operation for the purposes of aerial work;

“aerial work undertaking” means an undertaking whose business includes the performance of aerial work;

“aerobatic manoeuvres” includes manoeuvres intentionally performed by an aircraft involving an abrupt change in its altitude, an abnormal altitude, or an abnormal variation in its speed such as loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre not necessary for normal flight or for instruction for licences or ratings other than aerobatic ratings;

“aerodrome” means –

- (a) an area of land, or water, that is designed, set apart or commonly used for aircraft to land or depart; or
- (b) an area of space (whether on the ground, the roof of a building or elsewhere) that is designed, equipped or set apart for aircraft that can descend or climb vertically to land or depart;

“aerodrome certificate” means a certificate issued under Article 125;

“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 Director;

“aerodrome flight information service” means –

- (a) the giving of information by means of radio signals to aircraft flying in or intending to fly within an aerodrome traffic zone of that aerodrome; or
- (b) the granting or refusing of air traffic control clearance under the Rules of the Air before an aircraft takes off;

“aerodrome flight information services unit” means a person appointed by the Director or by any other person in charge of an aerodrome to give aerodrome flight information service;

“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” means the airspace specified in paragraphs (a) and (b), being airspace in the vicinity of an aerodrome which is notified for that purpose under the Rules of the Air –

- (a) in relation to such an aerodrome at which the length of the longest runway is notified as 1, 850 metres or less –
 - (i) subject to sub-paragraph (ii), the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles, and
 - (ii) where such an aerodrome traffic zone would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this sub-paragraph is notified as being applicable, paragraph (b) applies as though the length of the longest runway is notified as greater than 1,850 metres;
- (b) in relation to such an aerodrome at which the length of the longest runway is notified as greater than 1,850 metres, the airspace extending from the surface to a height of 2,000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2½ nautical miles,

except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified as being the controlling aerodrome;

“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 Information Publication” means a publication issued by or with the authority of a State and containing aeronautical information of a lasting character essential to air navigation;

“aeronautical radio station” means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft;

“aeronautical telecommunications service” means a telecommunication service provided for any aeronautical purpose;

“aeroplane” means a 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;

“airborne collision avoidance system” means an aircraft system based on secondary surveillance radar transponder signals which operates independently of ground-based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with secondary surveillance radar transponders;

“aircraft” means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth’s surface;

“aircraft operation” means the airborne movement of an aircraft;

“air traffic advisory service” means a service provided within advisory airspace to ensure separation, in so far as practical, between aircraft which are operating on IFR flight plan;

“air traffic control clearance” means authorization for an aircraft to proceed under conditions specified by an air traffic control unit;

“air traffic control service” means a service provided for the purpose of –

- (a) preventing collisions –
 - (i) between aircraft, and
 - (ii) on the manoeuvring area between aircraft and obstructions;
and
- (b) 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 air traffic control service;

“air traffic service” includes a flight information service, air traffic advisory service and air traffic control service;

“air traffic services unit” means an air traffic control unit, aerodrome flight information service unit or flight information centre;

“air transport undertaking” means an undertaking whose business includes the provision of flights for the purposes of commercial air transport;

“alerting service” means a service provided to notify the appropriate authorities regarding an aircraft in need of search and rescue aid and to assist such authorities as appropriate;

“alternate aerodrome” means an aerodrome to which an aircraft may proceed when it becomes impossible or inadvisable to proceed or to land at the aerodrome of intended landing;

“altitude” means the vertical distance of a level, a point or an object considered as a point, measured from mean sea level;

“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 control unit” means a unit established to provide air traffic control services to controlled flights arriving at, or departing from, one or more aerodromes;

“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 decision height or minimum descent height specified in the specified requirements;

“apron” means a defined area, intended to accommodate aircraft for purposes of loading or unloading passengers, mail or cargo, fuelling parking or maintenance;

“appropriate aeronautical authorities” includes any person, whether a member of a country’s military or civil authorities, authorized under the law of the country to issue directions to aircraft flying over that country;

“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 notified as serving the area in which the aircraft

is for the time being, or the air traffic control unit notified as 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 case may be;

“approved record” means a record in the form approved by the Director referred to in Article 11(3);

“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 is not receiving an aerodrome control service or an approach control service;

“area control service” means air traffic control service for controlled flights in control areas;

“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;

“areas with specified performance based navigation” means airspace, routes or procedures which have been notified, specified or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying there;

“authorized person” means any person authorized in writing by the Director, in accordance with the specified requirements, and references to a person so authorized include references to the Director or any police officer acting in the course of his or her duty;

“beneficial interest” includes interests arising under contract and other equitable interests;

“British protected person” has the same meaning as in section 50 of the British Nationality Act 1981 (c. 61) of the United Kingdom;

“cabin crew” in relation to an aircraft means those persons on a flight carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the pilot-in-command of the aircraft but who do not act as a member of the flight crew;

“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 animals;

“Category 1 operation” means a precision approach and landing with a decision height not lower than 200 feet and with either a visibility not less than 800 metres or a runway visual range not less than 550 metres;

“Category 2 operation” means a precision approach and landing using an instrument landing system or microwave landing system with –

- (a) a decision height below 200 feet but not lower than 100 feet; and
- (b) a runway visual range of not less than 300 metres;

“certificated aerodrome” means an aerodrome certificated under Article 125;

“certificate of airworthiness” means a certificate measuring the airworthiness of an aircraft and includes any validation of a certificate of airworthiness and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness;

“certificate of release to service” means a certificate of release to service referred to in Article 13;

“certificated for single pilot operation” means an aircraft that is not required to carry more than one pilot by virtue of any one or more of the following –

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the related flight manual;
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force for the aircraft or the related flight manual;
- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force for such an identical aircraft or the related flight manual; or
- (d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the Director, that permit to fly;

“Chicago Convention” means the Convention on International Civil Aviation which was signed on behalf of the Jersey at the International Civil Aviation Conference held at Chicago on 7th December 1944 and which came into force on 4th April 1947;

“circling approach” means an extension of an instrument approach procedure which provides for visual circling of the aerodrome prior to landing;

“Class A airspace”, “Class B airspace”, “Class C airspace”, “Class D airspace” and “Class E airspace” mean airspace respectively notified as such;

“cloud ceiling” means the height above the ground or water of the base of the lower layer of cloud below 6,000 metres (20,000 feet) covering more than half the sky 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;

“commercial air transport” shall be construed in accordance with Articles 156, 157, 158, 159, 160 and 161;

“commercial air transport aircraft” means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of commercial air transport;

“commercial air transport operation” means an aircraft operation for the purposes of commercial air transport;

“Commonwealth” means the United Kingdom, the Channel Islands, the Isle of Man, the countries mentioned in Schedule 3 to the British Nationality Act 1981 (c. 61) of the United Kingdom and all other territories forming part of Her Majesty’s dominions or in which Her Majesty has jurisdiction;

“competent authority” means in relation to Jersey, the Director, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation;

“conditional sale agreement” has the meaning given to it in Article 1 of the Supply of Goods and Services (Jersey) Law 2009¹;

“congested area” in relation to a city, town or settlement, means any area that is substantially used for residential, industrial, commercial or recreational purposes;

“Contracting State” means any State (including the United Kingdom and its Territories and Dependencies) that is a party to the Chicago Convention;

“controllable balloon” means a balloon which is not a small balloon and which is capable of free controlled flight;

“controlled airspace” means airspace that has been notified as Class A, Class B, Class C, Class D or Class E airspace;

“controlled flight” means any flight which is subject to an air traffic control clearance;

“control area” means controlled airspace that 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;

“crew” means any person carried in an aircraft who is –

- (a) a member of the flight crew;
- (b) a member of the cabin crew; or
- (c) a task specialist who is assigned by the operator to perform specialized tasks on board or from the 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;

“day” means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time; or for the purpose of Articles 48, the time

from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level;

“decision height” in relation to the operation of an aircraft at an aerodrome means the height in a precision approach or approach with vertical guidance at which a missed approach shall be initiated if the required visual reference to continue that approach has not been established;

“declared distances” has the meaning which has been notified;

“direct costs” means the costs actually and necessarily incurred in connection with a flight without a view to profit but excluding any remuneration payable to the pilot for his services as such;

“Director” means the Director of Civil Aviation appointed under Article 2 of the Civil Aviation (Jersey) Law 2008²;

“estimated time of arrival” means –

- (a) for IFR flights, the time at which it is estimated that the aircraft will arrive over that designated point, defined by reference to navigation aids, from which it is intended that an instrument approach procedure will be commenced, or, if no navigation aid is associated with the aerodrome, the time at which the aircraft will arrive over the aerodrome; or
- (b) for VFR flights, the time at which it is estimated that the aircraft will arrive over the aerodrome;

“flight checking service” is a service performed for the purpose of verifying or validating the suitability of an instrument flight procedure or the performance of the navigation aids or systems that support such a procedure and the integrity of the data derived from the air navigation aids and systems;

“flight crew” means, in relation to an aircraft, those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radio telephony 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 information centre” means a unit established to provide flight information service and alerting service;

“flight information region” means an airspace of defined dimensions within which flight information services and alerting services are provided;

“flight information service” means –

- (a) an aerodrome flight information service; or
- (b) in the case of a person appointed in respect of an area control centre, the giving of information by means of radio signals to aircraft;

“flight information service unit” means a person appointed by the Director or by any other person in charge of an aerodrome or area control centre to give –

- (a) in the case of a person appointed in respect of an aerodrome, aerodrome flight information service; or
- (b) in the case of a person appointed in respect of an area control centre, to give information by means of radio signals to aircraft;

“flight level” means a surface of constant atmospheric pressure which is related to a specific pressure datum, 1013.2 hectopascals and is separated from other such surfaces by specific pressure intervals;

“flight plan” means information provided to air traffic services units, relative to an intended flight or portion of a flight of an aircraft;

“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 recorder” means any type of recorder installed in the aircraft for the purpose of complementing accident or incident investigations or for use in a flight data monitoring programme including any flight data recorder and cockpit voice recorder system;

“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 helicopter or a gyroplane;

“forecast” means a statement of expected meteorological conditions for a specified time or period, and for a specified area or portion of airspace;

“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 pilot-in-command of the balloon or by remote control;

“glider” means a non-power-driven heavier-than-air aircraft which derives its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

“helicopter” means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

“hire-purchase agreement” has the meaning given to it in Article 1 of the Supply of Goods and Services (Jersey) Law 2009³;

“holding procedure” means a predetermined manoeuvre which keeps an aircraft within a specified airspace while awaiting further clearance;

“ICAO” the International Civil Aviation Organization established under the Chicago Convention;

“IFR” means the Instrument Flight Rules;

“instructor’s rating” means a flying instructor’s rating, an assistant flying instructor’s rating, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter);

“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 procedure” means –

- (a) a standard instrument arrival;
- (b) an instrument approach procedure;
- (c) a standard instrument departure; or
- (d) an omnidirectional departure;

“Instrument Flight Rules” means Instrument Flight Rules specified in the Rules of the Air;

“instrument landing system” means a precision runway approach aid providing guidance to an aircraft approaching and landing on a runway, using a combination of radio signals and high-intensity lighting arrays to enable a safe landing during instrument meteorological conditions;

“instrument meteorological conditions” means weather that precludes flight in compliance with the Visual Flight Rules;

“JARs” means Jersey Aviation Requirements published under Article 164 and other requirements and instructions published by the Director under Article 53(1)(c) or 165;

“to land” in relation to aircraft includes alighting on the water;

“landing area” means that part of a movement area intended for the landing or take-off of aircraft;

“legal personal representative” means the person so constituted as the executor, administrator or other representative of a deceased person;

“let-down” means, in the case of an aircraft approaching an aerodrome to land, a defined procedure designed to enable an aircraft to descend safely to a point at which it can continue the approach visually;

“licence” includes any certificate of competency or certificate of validity 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;

“lifejacket” means a jacket or waistcoat, incorporating inflatable buoyancy chambers, which is designed to support a person in the water;

“local lighthouse authority” has the same meaning assigned to it under paragraph 4 of Schedule 10 to the Shipping (Jersey) Law 2002⁴;

“log book” in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the Director in the particular case;

“maintenance” means any one or combination of overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or aircraft component, with the exception of pre-flight inspection;

“manoeuvring area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, excluding the aprons;

“maximum approved passenger seating configuration” means the maximum passenger seating capacity of an aircraft, excluding pilot seats or flight deck seats and cabin crew seats, used by the operator, approved by the competent authority and specified in the operations manual of the aircraft required under Article 73, if no such approval has been given, the maximum number of passengers that may be carried in an aircraft in accordance with its certificate of airworthiness, its flight manual and this Law;

“maximum certificated take-off mass” in relation to an aircraft means the maximum total mass 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;

“microlight aeroplane” means an aeroplane designed to carry not more than 2 persons which has –

- (a) a maximum take-off mass not exceeding –
 - (i) 300 kilograms for a single seat landplane,
 - (ii) 450 kilograms for a two-seat landplane,
 - (iii) 330 kilograms for a single-seat amphibian or floatplane,
 - (iv) 495 kilograms for a two-seat amphibian or floatplane,
 - (v) 315 kilograms for a single seat landplane equipped with an airframe mounted total recovery parachute system, or
 - (vi) 472.5 kilograms for a two-seat landplane equipped with an airframe mounted total recovery parachute system; and
- (b) a stalling speed, or minimum steady flight speed, at the maximum take-off mass not exceeding 35 knots calibrated airspeed;

“microwave landing system” means a system of ground equipment which generates guidance beams at microwave frequencies for guiding aircraft to landings;

“military aircraft” means –

- (a) the naval, military or air force aircraft of any country;

- (b) any aircraft being constructed for the naval, military or air force of any country under a contract entered into by the Director; and
- (c) any aircraft in respect of which there is in force a certificate issued by the Director that the aircraft is to be treated for the purposes of this Law as a military aircraft;

“minimum descent height” in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach or circling approach below which descent shall not be made without the required visual reference;

“Minister” means Minister for External Relations;

“movement area” means that part of an aerodrome to be used for the take-off, landing and taxiing of aircraft, including the aprons;

“nautical mile” means the International Nautical Mile, that is to say, a distance of 1852 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-precision approach” means an instrument approach procedure using non-visual aids for guidance in azimuth or elevation but which is not a precision approach;

“notified” means shown in any of the following publications for the time being in force and issued in Jersey whether before or after the coming into force of this Law, that is to say, Notams (Notices to Airmen), Aeronautical Information Publications, JARs, or such other official publications so issued for the purpose of enabling any of the provisions of this Law to be complied with;

“obstacle” means all fixed (whether temporary or permanent) and mobile objects, or parts of such objects, that –

- (a) are located on an area intended for the surface movement of aircraft;
- (b) extend above a defined surface intended to protect aircraft in flight; or
- (c) stand outside those defined surfaces and that have been assessed as being a hazard to air navigation;

“omnidirectional departure” means a departure procedure that is designed on the basis that an aircraft maintains runway direction until it reaches such a height that it can make a turn in any direction and maintain obstacle clearance in accordance with specified requirements;

“operating site” means a place other than an aerodrome, selected by the operator or the pilot-in-command for the landing or take-off of an aircraft;

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

“operator” has the meaning assigned to it by paragraph (3);

“Other than Standard Category 2 operation” means a Category 2 operation to a runway where some or all of the elements of the ICAO Annex 14 precision approach Category 2 lighting system are not available;

“parascending parachute” means a parachute which is towed by cable in such a manner as to cause it to ascend;

“passenger” means a person other than a member of the crew;

“Performance Class 1 operations” means flights where, in the event of the failure of an engine, the helicopter will be able to safely continue the flight and land at an appropriate landing area unless the engine failure recognition occurs during take-off at or prior to reaching the take-off decision point in which case the helicopter will be able to safely land back within the area from which it has taken off;

“Performance Class 2 operations” means flights where, in the event of the failure of an engine, the helicopter will be able to safely continue the flight to an appropriate landing area or, where the failure occurs at a point during the take-off manoeuvre or the landing manoeuvre when it cannot do so, the helicopter will be able to carry out a forced landing;

“Performance Class 3 operations” means flights where, in the event of the failure of an engine at any time during the flight, the helicopter will be required to carry out a forced landing;

“pilot-in-command” in relation to an aircraft means the pilot designated by the operator as being in command and charged with the safe conduct of a flight, or, if no such designation has been made, the person who for the time being is in charge of piloting the aircraft without being under the direction of any other pilot in the aircraft;

“precision approach” means an instrument approach procedure using precision lateral and vertical guidance with minima as determined by the category of operation;

“prescribed” means prescribed by Order made by the Minister;

“pressurised aircraft” means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere;

“private flight” means a flight which is neither for the purpose of aerial work nor commercial air transport;

“radio communication equipment” includes radio and radio navigation equipment;

“record” includes, in addition to a record in writing –

- (a) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);
- (b) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument); and

(c) a photograph,

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only, a transcript of the sounds or signals embodied in the record, in the case of a record falling within paragraph (b) only, a still reproduction of the images embodied in the record, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction;

“reduced vertical separation minimum airspace” means airspace which has been notified, specified in the specified requirements or otherwise designated as such by the competent authority for the airspace and where a reduced vertical separation minimum of 1,000 feet (300 metres) applies above flight level 29,000 feet;

“released flight” means flight by an uncontrollable balloon during which it is not attached to the surface by any form of restraining device;

“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;

“Rules of the Air” means the Rules of the Air made under Article 46;

“runway” means a defined rectangular area on a land aerodrome prepared for landing and take-off of aircraft;

“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 the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the mid-point of the runway; and the distance, if any, communicated to the pilot-in-command 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;

“safety management system” means a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures;

“scheduled journey” means one of a series of journeys that are undertaken between the same 2 places and which together amount to a systematic service;

“seaplane” includes a flying boat and any other aircraft designed to manoeuvre on water;

“secondary surveillance radar transponder” means a surveillance radar system which uses transmitters, receivers, interrogators and transponders;

“Secretary of State” has the meaning given to that expression in Schedule 1 to the Interpretation Act 1978 (c. 30) of the United Kingdom;

“sector” means part of the airspace controlled from an area control centre or other place;

“small balloon” means a balloon of not more than 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon;

“small unmanned aircraft” means any unmanned aircraft, other than a balloon or a kite, having a mass of not more than 20 kilograms without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight;

“special VFR flight” means a VFR flight cleared by air traffic control to operate within a control zone in meteorological conditions below Visual Meteorological Conditions;

“specified requirements” means the requirements contained in the JARs;

“standard instrument arrival” means a IFR arrival route designated by a competent authority linking a significant point, normally on an air traffic service route, with a point from which a published instrument approach procedure can be commenced;

“standard instrument departure” means a designated IFR departure route linking the aerodrome or a specified runway of the aerodrome with a specified significant point, normally on a designated air traffic service route, at which the en-route phase of a flight commences;

“State of registry” means the Contracting State in which an aircraft is registered;

“State of the operator” means for the purposes of Articles 5(1), 17(1), 24 and 61(1) the State in which the operator of an aircraft has its principal place of business or, if it has no such principal place of business, its 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 the aircraft is registered has, by agreement with the State in which the operator of the aircraft has its principal place of business or, if it has no such place of business, its 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 5(1), airworthiness, in the case of Article 17(1), aircraft radio equipment, in the case of Article 24, flight crew licensing or in the case of Article 61(1), radio licensing; and
- (d) the agreement has been registered with ICAO;

“surveillance radar” means radar equipment used to determine the position of an aircraft in range and azimuth;

“synthetic training device” means apparatus in which flight conditions in an aircraft are simulated on the ground;

“take-off decision point” means the point used in determining take-off performance from which, an engine failure having been recognized at this point, either a rejected take-off may be made or a take-off safely continued;

“task specialist” means a person assigned by the operator or a third party, or acting as an undertaking, who –

- (a) performs tasks on the ground directly associated with a specialized task; or
- (b) performs specialized tasks on board or from the aircraft;

“tethered flight” means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device that attaches the balloon to the surface;

“transition altitude” means the altitude at or below which the vertical position of an aircraft is controlled by reference to altitudes;

“undertaking” includes a natural or legal person;

“uncontrollable balloon” means a balloon, not being a small balloon, which is not capable of free controlled flight;

“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;

“VFR” means the Visual Flight Rules;

“Visual Flight Rules” means Visual Flight Rules specified in the Rules of the Air;

“Visual Meteorological Conditions” means weather that permits flight in accordance with the VFR;

“with the surface in sight” means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument.

- (2) An aircraft is 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 to the surface or comes to rest on the surface;
 - (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 on the surface; 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 on the surface,and the words “flight” and “fly” shall be construed accordingly.

- (3) For the purposes of the application of any provision of this Law in relation to any particular aircraft, “operator” means –
 - (a) subject to paragraph (b), the person who at the relevant time has the management of that aircraft;
 - (b) for the purposes of Part 3, when a person other than an air transport undertaking or an aerial work undertaking has chartered, hired, leased or borrowed the aircraft for a period not exceeding 14 days that person is not considered to be the operator.
- (4) The expressions appearing in the general classification of aircraft in Schedule 1 have the meanings assigned to them in that Schedule.
- (5) Any power conferred by this Law to issue, make, serve or grant any instrument is construed as including a power exercisable in the like manner and subject to the like conditions, if any, to vary, revoke, cancel or otherwise terminate the instrument.

PART 2

REGISTRATION AND MARKING OF AIRCRAFT

2 Aircraft to be registered

- (1) An aircraft shall not fly in or over Jersey unless it is registered in –
 - (a) a Commonwealth Country;
 - (b) a Contracting State; or
 - (c) any other country with 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) Any aircraft may fly unregistered on any flight which –
 - (a) begins and ends in Jersey without passing over any other country; and
 - (b) is in accordance with the conditions of a permit to fly issued under Article 9.
- (3) Paragraph (1) shall not apply to any kite or captive balloon.
- (4) If an aircraft flies in or over Jersey in contravention of paragraph (1) in such manner or circumstances that if the aircraft had been registered in Jersey an offence under this Law would have been committed, the same offence is deemed to have been committed in respect of that aircraft.

3 Nationality and registration marks

- (1) An aircraft (other than an aircraft permitted under this Law to fly without being registered) shall not fly unless it has painted or fixed on it, in the manner required by the law of the country in which it is registered, the nationality mark and registration mark required by that law.

- (2) An aircraft shall not bear any marks which would 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.
- (3) Marks approved by the Director for the purposes of flight in accordance with a permit to fly issued under Article 9 do not mean that the aircraft is registered in a country in which it is not in fact registered.

PART 3

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

4 Type Acceptance Certificate

- (1) A certificate of airworthiness for an aircraft registered in Jersey shall not be issued unless there is in force a Type Acceptance Certificate issued by the Director for that aircraft type.
- (2) Any person who intends to operate an aircraft to be registered in Jersey of a type for which a Type Acceptance Certificate has not been issued shall apply to the Director for the issue of a Type Acceptance Certificate for that aircraft type under this Article and the JARs.
- (3) In this Article –

“Type Acceptance Certificate” means a document issued by the Director for an aircraft on the basis of a Type Certificate for that aircraft type that is acceptable to the Director;

“Type Certificate” means a document issued by a Contracting State or the European Aviation Safety Agency on behalf of the European Union Member States to define the design of an aircraft type and to certify that the design meets the appropriate airworthiness requirements of that State.

5 Certificate of airworthiness to be in force

- (1) An aircraft shall not fly unless –
 - (a) there is in force for that aircraft a certificate of airworthiness issued or rendered valid under the law of the country in which that aircraft is registered, or the State of the operator; and
 - (b) any conditions subject to which the certificate of airworthiness was issued or rendered valid are complied with.
- (2) The prohibition in paragraph (1) shall not apply to flights made wholly within Jersey, of –
 - (a) a glider, flying on a private flight or an aerial work flight which consists of the giving of instruction in flying or the conduct of flying tests in a flying club environment;
 - (b) a balloon flying on a private flight;

- (c) a kite; or
 - (d) an aircraft flying in accordance with a permit to fly issued under Article 9.
- (3) In the case of an aircraft registered in Jersey, the certificate of airworthiness referred to in paragraph (1) is a certificate of air worthiness issued under Article 6.

6 Issue, re-issue or variation of certificate of airworthiness

- (1) The Director may issue, re-issue or vary a certificate of airworthiness for any aircraft upon being satisfied that the specified requirements have been complied with and on being satisfied that the aircraft is fit to fly having regard to –
- (a) the design, construction, workmanship and materials of the aircraft, including in particular any engines fitted in the aircraft, and of any equipment carried in the aircraft which is necessary for the airworthiness of the aircraft;
 - (b) the results of flying trials, and such other tests of the aircraft as the Director may require; and
 - (c) subject to paragraph (2), the issue of a certificate of release to service under Article 13.
- (2) A certificate of release to service is not required in respect only of the re-issue of a certificate of airworthiness under paragraph (1).
- (3) Nothing in this Law obliges the Director to accept an application for the issue, re-issue or variation of a certificate of airworthiness when the application is not supported by such reports from such persons as the Director may specify (either generally or in a particular case or class of cases).

7 Continued airworthiness

- (1) An aircraft registered in Jersey for which a certificate of airworthiness is in force shall not fly unless –
- (a) the aircraft is maintained in accordance with a maintenance programme approved by the Director;
 - (b) the aircraft's maintenance and continued airworthiness (including that of its engines, equipment and radio station) is managed by a person or organization approved by the Director in accordance with the specified requirements;
 - (c) all mandatory airworthiness or equivalent directives issued by the State responsible for the certification standard of the aircraft have been complied with;
 - (d) all inspections required in respect of the aircraft under the provisions of this Law have been completed; and
 - (e) a flight manual or equivalent document is available for use by the flight crew containing –

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- (i) the limitations within which the aircraft is considered airworthy, and
 - (ii) such additional instructions and information as may be necessary to secure compliance with the performance and operational requirements relating to that aircraft provided for in the specified requirements.
 - (2) The operator, owner or, where an aircraft is chartered by demise, the lessee of an aircraft –
 - (a) which is registered in Jersey; and
 - (b) of which the maximum certificated take-off mass exceeds 2,700 kilograms,

shall appoint a technical coordinator, acceptable to the Director, who shall ensure that arrangements for continued airworthiness management are established in accordance with the specified requirements.

8 Certificate of airworthiness ceasing to be in force

- (1) Subject to paragraph (2), a certificate of airworthiness ceases to be in force –
 - (a) whilst the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is being or has been overhauled, repaired, replaced, modified or maintained;
 - (b) if maintenance of the aircraft or of any equipment necessary for the airworthiness of the aircraft is required by a maintenance programme approved by the Director for that aircraft under Article 7(1)(a);
 - (c) if any part of the aircraft or of any of its equipment is modified, is removed or is replaced, otherwise than in a manner and with material of a type approved by the Director for the purpose either generally or in relation to a class of aircraft or to the particular aircraft;
 - (d) until the satisfactory completion of any inspection for the purpose of ascertaining whether the aircraft remains airworthy which is or has been –
 - (i) made mandatory by the Director,
 - (ii) required by a maintenance programme approved by the Director for that aircraft; or
 - (e) until the satisfactory completion of any modification of the aircraft or of any of its equipment that is made mandatory by the Director for the purpose of ensuring that the aircraft remains airworthy.
- (2) A certificate of airworthiness that has ceased to be in force under paragraph (1) becomes valid again on the issue of a certificate of release to service under this Law relating to the overhaul, repair, replacement, modification, maintenance or inspection.

9 Issue, re-issue, variation of permit to fly

- (1) The Director may issue, re-issue or vary for any aircraft a permit to fly upon being satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.
- (2) The Director shall refuse to issue or vary a permit to fly for an aircraft if it appears that the aircraft is eligible for and ought to fly in accordance with a certificate of airworthiness.
- (3) Subject to paragraph (4), an aircraft flying in accordance with a permit to fly shall not fly for the purpose of commercial air transport or aerial work.
- (4) With the permission of the Director, an aircraft flying in accordance with a permit to fly may fly for the purpose of aerial work which consists only of giving instruction in flying or the conduct of flying tests.
- (5) A person who is not a member of the flight crew shall not be carried during flights under a permit to fly unless the prior permission of the Director has been obtained.
- (6) A placard shall be fixed to any aircraft, flying in accordance with a permit to fly, in full view of the occupants, which shall be worded as follows –

“Occupant Warning – This aircraft has not been certificated to an International Requirement”.
- (7) An aircraft flying in accordance with a permit to fly shall only be flown in accordance with such conditions specified by the Director as shall be appropriate having regard to all of the circumstances of the flight.
- (8) Nothing in this Law obliges the Director to accept an application for the issue, variation or renewal of a permit to fly unless the application is supported by such reports from such authorized or approved persons as the Director may specify (either generally or in a particular case or class of cases).

10 Permit to fly ceasing to be in force

A permit to fly issued under Article 9 for an aircraft ceases to be in force –

- (a) if any conditions of the permit to fly are not complied with;
- (b) until the completion of any inspection, modification or maintenance of the aircraft or any of its equipment, required for ascertaining whether the aircraft remains airworthy and –
 - (i) made mandatory by the Director, or
 - (ii) required as a condition of the permit to fly;
- (c) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired; unless the repair or modification has been approved by the Director or by a person or organisation approved by the Director for the purpose.

11 Aircraft records

- (1) The following aircraft records shall be kept for an aircraft registered in Jersey –
 - (a) an aircraft log book;
 - (b) a separate log book for each engine fitted in the aircraft; and
 - (c) a separate log book for each variable pitch propeller fitted to the aircraft.
- (2) A technical log shall be kept for an aircraft registered in Jersey for which a certificate of airworthiness is in force.
- (3) A record in the form approved by the Director may be kept instead of a technical log in the case of an aircraft of which the maximum certificated take-off mass is 2,700 kilograms or less.
- (4) Subject to paragraph (5), the technical log referred to in this Article shall be carried in the aircraft when Article 137 so requires and copies of any entries in the log books required to be kept under paragraph (1) together with the technical log or approved record, as the case may be, shall be kept on the ground.
- (5) If it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the aircraft in a container acceptable to the Director for that purpose.
- (6) The technical log and log books referred to in paragraphs (1) and (2) shall be in a form approved by the Director and shall include the particulars and be kept in a manner specified by the Director.

12 Completion and retention of records

- (1) At the end of every flight by an aircraft registered in Jersey to which Article 11 applies, the pilot-in-command of the aircraft shall enter in a technical log or approved record, as the case may be –
 - (a) the times when the aircraft took off and landed;
 - (b) particulars of any defect which is known to the pilot-in-command and which affects the airworthiness or safe operation of the aircraft; and
 - (c) such other particulars in respect of the airworthiness or operation of the aircraft as the Director may require,and shall sign and date such entries.
- (2) In the case of a number of consecutive flights each of which begins and ends –
 - (a) within a period of 24 hours; and
 - (b) with the same person as pilot-in-command of the aircraft,the pilot-in-command may, except where the pilot becomes aware of a defect during an earlier flight, make the entries specified in paragraph (1) at the end of the last of such consecutive flights.
- (3) When any defect which has been or should have been entered in a technical log or approved record is rectified, the person issuing a

certificate of release to service under this Law in respect of that defect shall enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

- (4) Entries shall be made in a log book required to be kept under Article 11(1) –
 - (a) on each occasion that any overhaul, repair, replacement, modification, maintenance or inspection is undertaken on the aircraft, engine or propeller; and
 - (b) as soon as practicable after the occurrence referred to in subparagraph (a) to which the entry relates.
- (5) Any document or electronic record that has been incorporated by reference in a log book is deemed, for the purposes of this Law, to be part of the log book.
- (6) It is the duty of the operator of an aircraft, for which technical logs and log books are required to be kept, to keep or preserve them or cause them to be kept or preserved in accordance with specified requirements.

13 Requirement for a certificate of release to service

- (1) This Article applies to any aircraft registered in Jersey for which a certificate of airworthiness has been, or is to be, issued under Article 6.
- (2) If an aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been –
 - (a) overhauled, repaired, replaced, modified or maintained; or
 - (b) inspected as provided in Article 8(1)(d),that aircraft shall not fly unless a certificate of release to service is in force for the aircraft.
- (3) In the circumstances specified in paragraph (4), a certificate of release to service is not required to be in force for an aircraft for which a certificate of airworthiness is in force if –
 - (a) the maximum certificated take-off mass does not exceed 2,700 kilograms; and
 - (b) it is not operated for the purpose of commercial air transport or aerial work.
- (4) The circumstances referred to in paragraph (3) are –
 - (a) the only repairs or replacements for which a certificate of release to service is not in force are of a description specified by the Director;
 - (b) such repairs or replacements have been carried out personally by the holder of a pilot's licence, granted or rendered valid under this Law, who is the owner or operator of the aircraft;
 - (c) the person carrying out the repairs or replacements enters in the aircraft log book, kept for the aircraft under Article 11(1), a record which identifies the repairs or replacement and signs and dates the entries; and

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- (d) any equipment or parts used in carrying out such repairs or replacements are of a type approved by the Director either generally for a class of aircraft or for the particular aircraft.
 - (5) Radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not the apparatus is provided in compliance with this Law or equipment provided in compliance with Article 16 shall not be installed or placed on board for use in an aircraft to which this Article applies after being maintained, overhauled, repaired, modified or inspected, unless a certificate of release to service is in force for it at the time when it is installed or placed on board.
 - (6) A certificate of release to service shall certify that the aircraft or any part of it or its equipment has been inspected, overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Director either generally or in relation to the particular aircraft or class of aircraft and include particulars of the work done.
 - (7) A certificate of release to service issued may be issued only by an authorized person.

14 Licensing and authorizations of maintenance engineers

- (1) The Director shall grant an aircraft maintenance engineer's licence upon being satisfied that the applicant –
 - (a) is a fit person to hold the licence;
 - (b) is qualified by having the knowledge, experience, competence and skill in aeronautical engineering; and
 - (c) meets the specified requirements for holding such a licence.
- (2) An aircraft maintenance engineer's licence authorizes the holder, subject to such conditions as may be specified in the licence, to issue certificates of release to service under this Law in respect of such repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified.
- (3) For the purposes of paragraph (1), the applicant shall supply such evidence and undergo such examinations and tests as the Director may require.
- (4) The Director may validate, for the purposes of this Law, an aircraft maintenance engineer's licence granted under the law of a country other than Jersey.
- (5) An aircraft maintenance engineer's licence granted under this Article is not valid unless it has been signed by the holder in ink.
- (6) The Director may, for the purposes of this Article –
 - (a) approve any course of training or instruction;
 - (b) authorize a person to conduct specified examinations or tests; and
 - (c) approve a person to provide or conduct any course of training or instruction.

- (7) The holder of an aircraft maintenance engineer's licence shall not carry on the activities authorized by the aircraft maintenance engineer's licence if the holder knows or suspects that his or her physical or mental condition renders him or her unfit to exercise such privileges.
- (8) When carrying on the activities authorized by an aircraft maintenance engineer's licence, the holder of the aircraft maintenance engineer's licence shall not be under the influence of alcohol, any drug or any psychoactive substance, including medication, so as to render the holder unable safely and properly to exercise such privileges or so as to create a risk to the licence holder or to any other person.

15 Maintenance approval

- (1) A person intending to engage in –
 - (a) any stage of the maintenance of aircraft, aircraft components or aircraft materials;
 - (b) the manufacture of parts for the purpose of maintenance; or
 - (c) associated training activities,shall not do so without first obtaining from the Director a certificate of approval in respect of any of those activities.
- (2) The Director shall issue a certificate of approval to an organisation that complies with the specified requirements.
- (3) A certificate of approval shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined by the Director.

16 Equipment of aircraft

- (1) An aircraft shall not fly unless it is equipped so as to –
 - (a) comply with the law of the country in which it is registered or of the State of the operator;
 - (b) enable lights and markings to be displayed; and
 - (c) enable signals to be made,in accordance with this Law.
- (2) In the case of any aircraft registered in Jersey, the equipment to be provided (in addition to any other equipment required under this Law) shall –
 - (a) comply with instructions given by the Director under Article 53(1)(c) or with the specified requirements as applicable to the purpose and the circumstances of the flight;
 - (b) be of a type approved by the Director either generally or in relation to a class of aircraft or in relation to that aircraft; and
 - (c) be installed in a manner approved by the Director.
- (3) In any particular case or class of cases, the Director may give instructions that an aircraft registered in Jersey shall carry such additional equipment

or supplies (including radio equipment) as may be specified for the purpose of –

- (a) facilitating the navigation of the aircraft;
 - (b) carrying out search and rescue operations; or
 - (c) securing the safety and the survival of the persons carried in the aircraft.
- (4) The equipment carried or to be carried under this Article shall be installed or stowed, maintained and adjusted, so as to be readily accessible and capable of being used by the person or persons for whose use it is intended.
- (5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft.
- (6) All equipment installed or carried in an aircraft, whether or not in compliance with this Article, shall be installed or stowed and maintained and adjusted so as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

17 Radio equipment of aircraft

- (1) An aircraft shall not fly unless it is equipped with radio and radio navigation equipment so as to –
- (a) comply with the law of the country in which the aircraft is registered or of the State of the operator; and
 - (b) enable communications to be made and the aircraft to be navigated, in accordance with the provisions of this Law.
- (2) Subject to paragraphs (3) and (4), for an aircraft registered in Jersey the radio and radio navigation equipment that is required to be provided shall comply –
- (a) with instructions given by the Director under Article 53(1)(c); or
 - (b) with the specified requirements applicable to the purpose and circumstances of the flight.
- (3) The radio and radio navigation equipment provided under paragraph (2) shall be –
- (a) of a type approved by the Director generally or in relation to a class of aircraft or in relation to that aircraft; and
 - (b) installed in a manner approved by the Director.
- (4) Subject to Article 18(2) and to such exceptions as may be specified by the Director in instructions or provided in specified requirements, the radio and radio navigation equipment provided in compliance with paragraph (2) shall always be maintained in serviceable condition.

18 Minimum equipment requirements

- (1) The Director may grant for any aircraft or class of aircraft registered in Jersey an approval permitting such aircraft to commence a flight in

specified circumstances notwithstanding that any specified item of equipment required under this Law to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use.

- (2) An aircraft registered in Jersey shall not commence a flight if any of the equipment (including radio apparatus) required under this Law to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless –
 - (a) the aircraft does so under the terms of an approval granted under paragraph (1) to the operator and in accordance with a minimum equipment list approved by the Director; and
 - (b) in the case of an aircraft to which Article 73 or 104 apply, the applicable operations manual contains the particulars of that approval.

19 Aircraft weight schedule

- (1) An aircraft for which a certificate of airworthiness or permit to fly issued under Article 9 is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such a manner as the Director may require or approve in the case of that aircraft.
- (2) When the aircraft is weighed the operator of the aircraft shall prepare a weight schedule showing –
 - (a) either the basic weight or such other weight as may be approved by the Director for that aircraft; and
 - (b) either the position of the centre of gravity of the aircraft at its basic weight or such other position of the centre of gravity as may be approved by the Director for that aircraft.
- (3) Subject to Article 141, the weight schedule shall be preserved by the operator of the aircraft for at least 6 months after the next occasion on which the aircraft is weighed for the purposes of this Article.
- (4) In this Article “basic weight” means the empty weight of the aircraft established in accordance with the type certification basis of the aircraft.

20 Inspection for airworthiness purposes

The Director may require such inspections, investigations, tests, experiments and flight trials to be made as the Director deems necessary for the purposes of this Part.

PART 4

AIRCRAFT CREW AND LICENSING

21 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) An aircraft registered in Jersey shall carry a flight crew adequate in number and description to ensure the safety of the aircraft.
- (3) An aircraft registered in Jersey which has a flight manual, shall carry a flight crew of at least the number and description specified in the flight manual.
- (4) An aircraft registered in Jersey which does not have a flight manual shall carry a flight crew of at least the number and description specified by the Director in the certificate of airworthiness or permit to fly.
- (5) An aircraft registered in Jersey, which is required by Article 17 to be equipped with radio communication equipment, shall carry a flight radiotelephony operator as a member of the flight crew.

22 Power to direct additional crew to be carried

The Director may, in the interests of safety, direct the operator of any aircraft registered in Jersey that all or any aircraft operated by it, when flying in circumstances specified in the direction, shall carry, in addition to the crew required to be carried by this Part, such additional persons as members of the flight crew or cabin crew as may be specified in the direction.

23 Members of flight crew – requirement for licence

- (1) A person shall not act as a member of the flight crew of an aircraft registered in Jersey without holding an appropriate licence granted or rendered valid under this Law.
- (2) An appropriate licence for the purposes of this Part means a licence which entitles the holder to perform the functions being undertaken in relation to the aircraft concerned on the particular flight.
- (3) The holder of a licence, endorsed to the effect that the holder does not satisfy in full the relevant international standard and which has been granted or rendered valid under this Law, shall not act as a member of the flight crew of an aircraft registered in Jersey in or over the territory of a Contracting State other than Jersey except in accordance with permission granted by the competent authority of that State.
- (4) The holder of a licence granted or rendered valid under the law of a Contracting State other than Jersey, being a licence endorsed as provided in paragraph (3), shall not act as a member of the flight crew of any aircraft in or over Jersey except in accordance with permission granted by the Director, whether or not the licence is rendered valid under this Law.

24 Requirement for appropriate licence – non-Jersey registered aircraft

A person shall not act as a member of the flight crew required by this Law to be carried in an aircraft registered in a country other than Jersey unless –

- (a) in the case of an aircraft flying for the purpose of commercial air transport or aerial work, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator; or

- (b) in the case of an aircraft on a private flight, that person is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Law, and the Director does not in the particular case give a direction to the contrary.

25 Flight crew licence requirements – exception to act as flight radiotelephony operator

A person may act as a flight radiotelephony operator within Jersey without being the holder of an appropriate licence granted or rendered valid under this Law if that person –

- (a) is being trained in an aircraft registered in Jersey to perform duties as a member of the flight crew of an aircraft; and
- (b) is authorized to operate the radiotelephony station by the holder of the licence granted for that station under any enactment.

26 Flight crew licence requirements – exception for solo flying training

- (1) A person may act as pilot-in-command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence, without being the holder of an appropriate licence granted or rendered valid under this Law, if the conditions referred to in paragraph (2) are satisfied.
- (2) The conditions referred to in paragraph (1) are that –
 - (a) the person is at least 16 years of age;
 - (b) the person is the holder of a valid medical certificate issued by a person approved by the Director to the effect that the person is fit to act as pilot in command;
 - (c) the person complies with any conditions subject to which that medical certificate was issued;
 - (d) no other person is carried in the aircraft;
 - (e) the aircraft is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of giving instruction in flying or conducting flying tests; and
 - (f) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Law, being a licence which includes a flying instructor's rating, entitling that other person to give instruction in flying the type of aircraft being flown.

27 Flight crew licence requirements – exception for dual flying training

- (1) A person may act as pilot of an aircraft of which the flight crew required to be carried under this Law is not more than one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence without being the

holder of an appropriate licence granted or rendered valid under this Law if the conditions in paragraph (2) are satisfied.

- (2) The conditions referred to in paragraph (1) are that –
- (a) the aircraft is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of giving instruction in flying or conducting flying tests;
 - (b) the person acts in accordance with instructions given by another person holding a pilot's licence granted under this Law, being a licence which includes a flying instructor's rating entitling that other person to give instruction in flying the type of aircraft being flown; and
 - (c) the aircraft is fitted –
 - (i) with dual controls and the person is accompanied in the aircraft by the instructor who is seated at the other set of controls, or
 - (ii) the aircraft is fitted with controls designed for and capable of use by 2 persons and the person is accompanied in the aircraft by the instructor who is seated so as to be able to use the controls.

28 Flight crew licence requirement – exception for flight engineers

A person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in Jersey without being the holder of an appropriate licence if –

- (a) the flight is for the purpose of undergoing training or tests for the grant or renewal of a flight engineer's licence or for the inclusion, renewal or extension of a rating in such a licence; and
- (b) the person acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

29 Flight crew licence – exception for members of HM Forces

A person may act as a member of the flight crew of an aircraft registered in Jersey without being the holder of an appropriate licence if, in so doing, the person is acting in the course of his or her duty as a member of any of Her Majesty's naval, military or air forces.

30 Grant, renewal and effect of flight crew licences

- (1) The Director shall grant a licence of any of the classes specified in Schedule 2, authorizing the holder to act as a member of the flight crew of an aircraft registered in Jersey and exercise the privileges specified in Schedule 2 for that licence, upon being satisfied that the applicant –
- (a) is a fit person to hold the licence; and

- (b) is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates; and
 - (c) complies with the specified requirements.
- (2) For the purposes of paragraph (1), the applicant shall provide evidence and undergo such examinations and tests and undertake such courses of training as the Director requires.
 - (3) A licence granted under this Article is not valid unless it is signed by the holder in ink.
 - (4) Subject to Article 168, a licence remains in force for the period indicated in the licence and if no period is indicated it remains in force for the lifetime of the holder.
 - (5) The Director may renew a licence from time to time upon being satisfied that the holder is a fit person and is qualified under paragraph (1).
 - (6) A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence.
 - (7) The Director may include in a licence a rating of any of the classes specified in the specified requirements, upon being satisfied that the applicant is qualified to act in the capacity to which the rating relates; and such rating is deemed to form part of the licence.
 - (8) Subject to any conditions of the licence and to the provisions of this Law, a licence of any class entitles the holder to perform the functions specified in that licence and a rating of any class entitles the holder of the licence in which such rating is included to perform the functions specified in that rating.

31 Maintenance of privileges of aircraft ratings

- (1) The holder of a pilot's licence or a flight engineer's licence shall not exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience in respect of the rating.
- (2) A certificate under paragraph (1) shall be appropriate to the functions the holder is to perform on that flight in accordance with the requirements of the Director and the holder shall comply with those requirements.
- (3) The holder of a Private Pilot's Licence (Balloons and Airships) is entitled to exercise the privileges of an aircraft rating contained in the licence on a flight when the licence does not bear a certificate referred to in paragraph (1).
- (4) The holder of a Private Pilot's Licence is not entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by paragraph (1) is included in the personal flying log book required to be kept under Article 37.

32 Maintenance of privileges of other ratings in licences

A person is not entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), or a flying instructor's rating relates unless the person's licence bears a valid certificate of test, which shall be appropriate to the functions to which the rating relates, in accordance with the specified requirements and the person complies with those requirements.

33 Medical requirements for licence holders

- (1) The holder of a licence granted under Article 30, other than a Flight Radiotelephony Operator's Licence, shall not perform any of the functions to which the licence relates unless it includes an appropriate valid medical certificate.
- (2) An applicant for or holder of a licence granted under Article 30 shall, upon such occasions as the Director requires, submit to a medical examination by a person approved by the Director, either generally or in a particular case or class of cases, who shall make a report to the Director in such form as the Director requires.
- (3) The Director or any person approved by the Director as competent to do so may issue a medical certificate to the effect that the holder of the licence meets the requirements specified in respect of the medical certificate.
- (4) The certificate issued under paragraph (3) is valid for the period specified and is deemed to form part of the licence.

34 Licence holder not to act as member of flight crew when unfit

- (1) A person shall not act as a member of the flight crew of an aircraft registered in Jersey if that person knows or suspects that his or her physical or mental condition renders him or her temporarily or permanently unfit to perform such functions or to act in such capacity.
- (2) A holder of a medical certificate issued under Article 33(3) who –
 - (a) suffers any personal injury involving any incapacity to undertake the holder's functions as a member of the flight crew;
 - (b) suffers any illness involving any incapacity to undertake those functions throughout a period of 21 days or more; or
 - (c) has reason to believe that she is pregnant,shall inform the Director in writing of such injury, illness or pregnancy as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness.
- (3) The medical certificate is deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy.
- (4) In the case of injury or illness the suspension ceases upon the holder being medically examined under arrangements made by the Director and pronounced fit to resume functions as a member of the flight crew or

upon the Director exempting the holder from the requirement of a medical examination.

- (5) In the case of pregnancy, the suspension may be lifted by the Director upon the holder being medically examined under arrangements made by the Director after the pregnancy has ended and pronounced fit to resume her functions as a member of the flight crew.

35 Miscellaneous licensing provisions

- (1) The holder of a licence who, on the last occasion when the holder took a test for the purposes of Article 31 or 32, failed that test shall not fly in the capacity for which that test would have qualified the holder had it been passed.
- (2) Nothing in this Law shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft certificated for single pilot operation when, with the permission of the Director, the holder is testing any person for the purposes of Article 30(1), 30(5), 31 or 32, even if –
 - (a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in the licence; or
 - (b) the licence or personal flying log book, as the case may be, does not include a valid certificate of test, experience or revalidation for the type of aircraft.
- (3) If the Director so permits a test may be conducted in a synthetic training device approved by the Director in accordance with the specified requirements.
- (4) Without prejudice to any other provision of this Law, the Director may, for the purpose of this Part –
 - (a) approve any course of training or instruction;
 - (b) authorize a person to conduct such examinations or tests as may be specified; and
 - (c) approve a person to provide any course of training or instruction.

36 Validation of licences

The Director may issue a certificate of validation rendering valid for the purposes of this Law any flight crew licence granted under the law of any country other than Jersey.

37 Personal flying log book

- (1) A member of the flight crew of an aircraft registered in Jersey, and a person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Law, shall keep a personal flying log book in which the following particulars shall be recorded –
 - (a) the name and address of the holder of the log book;

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- (b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft; and
 - (c) the name and address of the employer (if any).
- (2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Law, as the case may be, shall be recorded in the log book at the end of each flight or as soon as reasonably practicable after the end of each flight.
- (3) The particulars required under paragraph (2) are –
- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when the holder was acting in either capacity specified under paragraph (2);
 - (b) the type and registration marks of the aircraft;
 - (c) the capacity in which the holder acted in flight;
 - (d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying; and
 - (e) particulars of any test or examination undertaken whilst in flight.
- (4) For the purposes of this Article, a helicopter is deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.
- (5) Particulars of any test or examination undertaken whilst in a synthetic training device shall be recorded in the log book, including –
- (a) the date of the test or examination;
 - (b) the type of synthetic training device;
 - (c) the capacity in which the holder acted; and
 - (d) the nature of the test or examination.

38 Instruction in flying

- (1) This Article applies to instruction in flying given to any person flying or about to fly an aircraft for the purpose of becoming qualified for –
- (a) the grant of a pilot's licence; or
 - (b) the inclusion or variation of any rating in a licence.
- (2) The holder of a licence shall not give any instruction in flying to which this Article applies unless –
- (a) the licence granted or rendered valid under this Law entitles the holder 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) the licence includes an instructor's rating entitling the holder to give the instruction.

39 Glider pilot-minimum age

A person under the age of 16 years shall not act as pilot-in-command of a glider.

PART 5**PROTECTION OF CREW****40 Application and interpretation of Part 5**

- (1) Subject to paragraph (2), Articles 41 and 42 apply to aircraft operations to which Article 102 applies.
- (2) Articles 41 and 42 do not apply to an aircraft in flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school.
- (3) In this Part –
 - (a) “flight time”, in relation to any person, means all time spent by that person in –
 - (i) a civil aircraft whether or not registered in Jersey (other than an aircraft of which the maximum total weight authorized does not exceed 1,600 kilograms and which is not flying for the purpose of commercial air transport or aerial work), or
 - (ii) a military aircraft,while it is in flight and the person is carried as a member of the crew; and
 - (b) a helicopter is deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

41 Fatigue of crew – operator’s responsibilities

- (1) The operator of an aircraft to which this Article applies shall not cause or permit that aircraft to make a flight unless the operator has established a fatigue management scheme for the regulation of flight times, flight duty periods, duty periods and rest period limitations for every person flying in that aircraft as a member of its crew.
- (2) Subject to paragraph (7), the scheme established under paragraph (1) shall be approved by the Director.
- (3) The scheme established under paragraph (1) shall –
 - (a) be incorporated in the operations manual required by Article 73 or 104; or
 - (b) in any case where an operations manual is not required by Article 73 or 104, be incorporated in a document a copy of which has been made available to every person flying in that aircraft as a member of its crew.

- (4) The operator shall take all steps reasonably practicable to ensure that the provisions of the scheme established under paragraph (1) will be complied with in relation to every person flying in that aircraft as a member of its crew.
- (5) The operator of an aircraft to which this Article applies shall not cause or permit any person to fly as a member of its crew if the operator knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue whilst so flying as may endanger the safety of the aircraft or its occupants.
- (6) The operator of an aircraft to which this Article applies shall not cause or permit any person to fly as a member of its flight crew unless the operator possesses an accurate and up to date record in respect of that person, and in respect of the 28 days immediately preceding the flight, showing –
 - (a) all the person's flight times; and
 - (b) brief particulars of the nature of the functions performed by the person in the course of the flight times.
- (7) Paragraph (2) shall not apply to the operator of an aircraft registered in Jersey of any class, or which is used in any of the cases, identified in Article 102(2).

42 Fatigue of crew – responsibilities of crew

- (1) Persons shall not act as members of the crew of an aircraft to which this Article applies if they know or suspect that they are suffering from, or, having regard to the circumstances of the flight to be undertaken, are likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants.
- (2) A person shall not act as a member of the flight crew of an aircraft to which this Article applies without first ensuring that the operator of the aircraft is aware of that person's flight times during the period of 28 days preceding the flight.

43 Flight times – responsibilities of flight crew

- (1) Subject to paragraph (2), a person shall not act as a member of the flight crew of an aircraft registered in Jersey if at the beginning of the flight the aggregate of all that person's previous flight times –
 - (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours; or
 - (b) during the period of 12 months expiring at the end of the previous month exceeds 900 hours.
- (2) This Article shall not apply to a flight that is a private flight in an aircraft of which the maximum total weight does not exceed 1,600 kilograms.
- (3) This Article shall not apply to a private or aerial work flight, which is not operated by an air transport undertaking if, at the time when the flight begins, the aggregate of all the flight times of the member of the flight

crew concerned since last being medically examined and found fit by a person approved by the Director for the purpose of Article 33(2) is not more than 25 hours.

44 Protection of aircrew from cosmic radiation

- (1) A relevant undertaking shall take appropriate measures to –
 - (a) assess the exposure to cosmic radiation when in flight of air crew who are liable to be subject to cosmic radiation in excess of one millisievert per year;
 - (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses experienced by highly exposed air crew; and
 - (c) inform the workers concerned of the health risks their work involves.
- (2) A relevant undertaking shall ensure that in relation to a pregnant air crew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed one millisievert during the remainder of the pregnancy.
- (3) Nothing in paragraph (2) requires the undertaking concerned to take any action in relation to an air crew member until she has notified the undertaking in writing that she is pregnant.
- (4) In this Article –

“air crew” means every person employed or engaged in an aircraft in flight on the business of the aircraft;

“relevant undertaking” means an undertaking established in Jersey which operates aircraft;

“year” means any period of 12 months.

45 Keeping and production of records of exposure to cosmic radiation

- (1) A relevant undertaking shall keep a record for the period and in the manner specified by the Director of the exposure to cosmic radiation of air crew assessed under Article 44 and the names of the air crew concerned.
- (2) A relevant undertaking shall, within a reasonable period after being requested to do so by an authorized person, produce to that person the record required to be kept under paragraph (1).
- (3) A relevant undertaking shall, within a reasonable period after being requested to do so by a person, in respect of whom a record is required to be kept under paragraph (1), supply a copy of that record to that person.
- (4) In this Article “air crew”, “relevant undertaking” and “year” have the same meaning as in Article 44.

PART 6

AIRCRAFT IN FLIGHT

46 Rules of the Air

- (1) The States may by Regulations make Rules of the Air regarding air traffic services and procedures in air navigation that are compatible with the Chicago Convention and the Standard European Rules of Air.
- (2) It shall be lawful to depart from the Rules of the Air to the extent necessary –
 - (a) for avoiding immediate danger; or
 - (b) for complying with the law of any country other than Jersey within which the aircraft then is.
- (3) It shall be lawful for the Rules of the Air to be departed in relation to an aircraft of which the pilot-in-command is acting in the course of his or her duty as a member of any of Her Majesty's naval, military or air forces.
- (4) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the pilot-in-command of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days of the departure to the competent authority of the country in whose territory the departure was made or, if the departure was made over the high seas, to the Director.
- (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.
- (6) In this Article “Standard European Rules of the Air” means the Commission Implementing Regulation (EU) No 923/2012 of 26 September 2012 (OJ No L 281/1, 13.10.2012).

47 Power to prohibit or restrict flying

- (1) Where the Director decides it is 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 Director may issue directions prohibiting, restricting or imposing conditions on flights by aircraft specified and flying in the circumstances specified in paragraph (2).
- (2) The aircraft and circumstances referred to in paragraph (1) are –
 - (a) aircraft, whether or not registered in Jersey, in any airspace over Jersey; and

- (b) aircraft registered in Jersey in any other airspace, being airspace in respect of which the States has, under international arrangements, undertaken to provide navigation services for aircraft.
- (3) Directions given under this Article may apply either generally or in relation to any class of aircraft.
- (4) If the pilot-in-command of an aircraft becomes aware that the aircraft is flying in contravention of any directions which have been given for any of the reasons referred to in paragraph (1)(c), the pilot-in-command shall, unless otherwise instructed under paragraph (6), cause the aircraft to leave the area to which the directions relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.
- (5) The pilot-in-command of an aircraft flying either within an area for which directions have been given for any of the reasons referred to in paragraph (1)(c) or within airspace notified as a danger area shall immediately 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.

48 Flying displays

- (1) Except as provided in paragraph (13), a person shall not act as the organizer of a flying display without first obtaining the permission of the Director for that flying display.
- (2) The pilot-in-command of an aircraft who is intending to participate in a flying display shall be satisfied before participating that –
 - (a) the organizer of the flying display has been granted an appropriate permission under paragraph (6);
 - (b) the flight can comply with any relevant conditions subject to which that permission has been granted; and
 - (c) the pilot has been granted an appropriate pilot display authorization as referred to in paragraph (11).
- (3) The pilot-in-command who is participating in a flying display for which permission has been granted shall comply with any conditions subject to which that permission has been granted.
- (4) A person acting as pilot of an aircraft participating in a flying display shall hold an appropriate pilot display authorization and comply with any conditions subject to which the authorization has been given.
- (5) An organizer of a flying display shall not permit any person to act as pilot of an aircraft that participates in a flying display unless that person holds an appropriate pilot display authorization as referred to in paragraph (11).
- (6) The Director shall grant a permission required by paragraph (1) upon being satisfied that the applicant is fit and competent to organise safely the proposed flying display, having regard in particular to the applicant's –
 - (a) previous conduct and experience;

- (b) organisation, staffing and other arrangements.
- (7) The Director may grant a permission subject to conditions in respect of military aircraft as the Director thinks fit.
- (8) The Director shall, for the purposes of this Article, grant a pilot display authorization authorizing the holder to act as pilot of an aircraft taking part in a flying display upon being satisfied that the applicant is –
 - (a) a fit person to hold the authorization; and
 - (b) is qualified by having the knowledge, experience, competence, skill and physical and mental fitness to fly in accordance with the authorization.
- (9) For the purposes of paragraph (8), the applicant shall supply such evidence and undergo such examinations and tests as the Director may require.
- (10) The Director may authorize a person to conduct such examinations or tests as may the Director may specify.
- (11) For the purposes of this Article, an appropriate pilot display authorization means an authorization which is valid and appropriate to the intended flight and which has been granted by the Director under paragraph (8).
- (12) An organizer of a flying display shall not permit any military aircraft to participate in a flying display unless the organizer of a flying display complies with any conditions concerning military aircraft subject to which permission for the flying display has been granted under paragraph (6).
- (13) Nothing in this Article applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the pilot-in-command or pilot whether or not such race or contest is held in association with a flying display.

49 Balloons

- (1) This Article applies to balloons within Jersey.
- (2) A balloon in captive or tethered flight shall not be flown without the permission in writing of the Director.
- (3) An uncontrollable balloon in released flight shall not be flown in airspace notified for the purposes of this Article without the permission in writing of the Director.
- (4) Except during the day and in visual meteorological conditions a controllable balloon shall not be flown in free controlled flight –
 - (a) within airspace notified for the purposes of this Article; or
 - (b) within the aerodrome traffic zone of an aerodrome during the notified operating hours of that aerodrome.
- (5) 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.

- (6) Except with the permission of the Director, and in accordance with the conditions of the permission, a person shall not cause or permit a group of small balloons exceeding 1,000 in number to be simultaneously released at a single site.
- (7) In this Article “simultaneously released at a single site” means the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding one square kilometre.

50 Gliders, kites and parascending parachutes

- (1) This Article applies to gliders, kites and parascending parachutes within Jersey.
- (2) Except with the permission of the Director –
 - (a) a glider or 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;
 - (b) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of an aerodrome during the notified operating hours of that aerodrome;
 - (c) a kite shall not be flown at a height of more than 60 metres above ground level; and
 - (d) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of an aerodrome during the notified operating hours of that aerodrome.

51 Airships

- (1) This Article applies to airships within Jersey.
- (2) An airship with a capacity exceeding 3,000 cubic metres shall not be moored other than at an aerodrome except with the permission in writing of the Director.
- (3) Except with the permission in writing of the Director an airship with a capacity not exceeding 3,000 cubic metres, unless it is moored on an aerodrome, shall not be moored –
 - (a) within 2 kilometres of a congested area; or
 - (b) within the aerodrome traffic zone of an aerodrome.
- (4) An airship when moored in the open shall be securely moored and shall not be left unattended.

52 Regulation of small unmanned 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 unmanned aircraft so as to endanger persons or property.
- (2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

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- (3) The person in charge of a small unmanned aircraft shall maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.
 - (4) The person in charge of a small unmanned aircraft which has a mass of more than 7 kilograms, excluding its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, shall not fly the aircraft –
 - (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained;
 - (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained; or
 - (c) at a height of more than 400 feet above the surface unless it is flying in airspace described in sub-paragraph (a) or (b) and in accordance with the requirements for that airspace.
 - (5) The person in charge of a small unmanned aircraft shall not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the Director.
 - (6) The person in charge of a small unmanned surveillance aircraft shall not fly the aircraft in any of the circumstances described in paragraph (7) except in accordance with a permission issued by the Director.
 - (7) The circumstances referred to in paragraph (6) are –
 - (a) over or within 150 metres of any congested area;
 - (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons;
 - (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft; or
 - (d) subject to paragraphs (8) and (9), within 50 metres of any person.
 - (8) Subject to paragraph (9), during take-off or landing, a small unmanned surveillance aircraft shall not be flown within 30 metres of any person.
 - (9) Paragraphs (7)(d) and (8) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.
 - (10) In this Article “small unmanned surveillance aircraft” means a small unmanned aircraft that is equipped to undertake any form of surveillance or data acquisition.

PART 7**OPERATION OF AIRCRAFT****53 Operation of aircraft**

- (1) A person shall not operate an aircraft registered in Jersey, or an aircraft registered elsewhere than in Jersey in or over Jersey, unless that person complies with –
 - (a) the operating limitations specified in the aircraft flight manual or equivalent document, except as provided in paragraph (4);
 - (b) the Rules of the Air; and
 - (c) any instructions given or published by the Director for the operation and safety of aircraft and the safety of persons and property carried in an aircraft including instructions in respect of the instruments and equipment to be installed in or carried on an aircraft.
- (2) Subject to Article 126, an aircraft shall not take off or land at any place unless –
 - (a) the aerodrome or operating site is satisfactory, taking account of the physical characteristics of the place, the operating environment and the performance of the aircraft; and
 - (b) for operations at an aerodrome, at the expected time of use the aerodrome will be available and equipped with necessary ancillary services.
- (3) An aircraft flying clear of cloud and with the surface in sight is, for the purposes of paragraph (1)(a), deemed to be flying in accordance with the Visual Flight Rules.
- (4) In this Article “ancillary services” means some or all of air traffic services, lighting, communications, weather reporting, navigation aids and emergency services, as appropriate to the circumstances.

54 Non-commercial air transport aircraft – aerodrome operating minima

- (1) This Article applies to any aircraft that is not operating for the purposes of commercial air transport.
- (2) Except in accordance with the terms of an approval to do so, an aircraft to which this Article applies shall not conduct –
 - (a) a Category 2 operation;
 - (b) an Other than Standard Category 2 operation; or
 - (c) an approach and landing using minima lower than those for a Category 2 operation,

unless, under the law of the country in which it is registered, the aircraft is certificated for operations with decision heights below 200 feet, or no decision height, and is equipped for such operations.

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- (3) Except in accordance with the terms of an approval to do so, granted in accordance with the law of the country in which it is registered, an aircraft to which this Article applies shall not –
 - (a) take off when the relevant runway visual range is less than the specified runway visual range; or
 - (b) conduct an approach and landing when the visibility or relevant runway visual range is less than that specified for a Category 1 operation.
 - (4) In the case of an aircraft registered in Jersey, an approval referred to in paragraphs (2) and (3) is one issued by the Director.
 - (5) Without prejudice to paragraph (2), an aircraft to which this Article applies, when making a descent at an aerodrome, shall not descend from a height of 1000 feet or more above the aerodrome to a height less than 1000 feet above the aerodrome if the reported visibility or relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.
 - (6) Without prejudice to the provisions of paragraph (2) 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 at 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.
 - (7) If, according to the information available, an aircraft would, as regards any flight, be required by any of the Rules of the Air relating to flight in Class A, or C airspace to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot-in-command of the aircraft shall select prior to take-off an alternative aerodrome, unless no aerodrome suitable for that purpose is available.
 - (8) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no 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) the available current meteorological information indicates that visual meteorological conditions will exist at the aerodrome of intended landing from 2 hours before to 2 hours after the estimated time of arrival.
 - (9) 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.
 - (10) In this Article –

“specified” in relation to aerodrome operating minima means the particulars of aerodrome operating minima 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 the aerodrome operating minima;

“designated” means, in relation to an instrument approach procedure, notified, specified or otherwise designated by the relevant competent authority.

55 Pilot to remain at controls

- (1) The pilot-in-command of a flying machine registered in Jersey shall ensure that one pilot remains at the controls at all times while it is in flight.
- (2) If an aircraft is required under this Law to carry 2 pilots, the pilot-in-command shall ensure that both pilots remain at the controls during take-off and landing.
- (3) An operator shall not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled under this Law to act as pilot-in-command of the helicopter.
- (4) Each pilot at the controls shall be secured in his or her seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness, except that during take-off and landing a safety harness shall be worn if it is required by Article 16 to be provided.

56 Wearing of survival suits by crew

A member of the crew of an aircraft registered in Jersey shall wear a survival suit if the specified requirements demand that such a suit is to be worn by that member of the crew.

57 Pre-flight action by pilot-in-command of an aircraft

- (1) The pilot-in-command of an aircraft shall before the aircraft takes off become familiar with all available information appropriate to the intended operation.
- (2) The pilot-in-command of an aircraft shall take all reasonable steps so as to be satisfied before the aircraft takes off –
 - (a) that the flight can safely be made, after careful study of and taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned;
 - (b) either –
 - (i) that the equipment (including radio equipment) required under this Law to be carried in the circumstances of the intended flight is carried and is in a fit condition for use, or
 - (ii) that the flight may commence in accordance with the terms of an approval granted to the operator under Article 18;

- (c) that the aircraft is in every way fit for the intended flight;
- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight;
- (e) that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies;
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight; and
- (g) that, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height and making a safe landing at the place of intended destination.

58 Passenger briefing by pilot-in-command

The pilot-in-command of an aircraft registered in Jersey shall take all reasonable steps to ensure –

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts, safety harnesses and oxygen equipment, lifejackets and the floor path lighting system and all other devices required under this Law and intended for use by passengers individually in the case of an emergency occurring to the aircraft; and
- (b) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

59 Survival equipment

- (1) This Article applies to any aircraft registered in Jersey.
- (2) The pilot-in-command of an aircraft to which this Article applies shall be satisfied on reasonable grounds before take-off that the aircraft carries such additional equipment as the pilot-in-command reasonably considers necessary for the purpose of facilitating the survival of the persons carried in the aircraft.
- (3) In complying with paragraph (2), the pilot-in-command shall have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.

60 Use of oxygen

- (1) This Article applies to any aircraft registered in Jersey.
- (2) Except where the cabin pressure altitude does not exceed 10,000 feet during the flight, on every flight to which this Article applies the pilot-in-command of the aircraft shall take all reasonable steps to ensure that –

- (a) before the aircraft reaches flight level 13,000 feet the method of use of the oxygen provided in the aircraft in compliance with the requirements of Article 16 is demonstrated to all passengers;
- (b) when flying above flight level 13,000 feet all passengers and crew members are instructed to use oxygen;
- (c) during any period when the aircraft is flying above flight level 10,000 feet up to and including flight level 13,000 feet oxygen is used by all the flight crew of the aircraft for any part of the flight between those altitudes that is of more than 30 minutes duration; and
- (d) during any period when the aircraft is flying above flight level 13,000 feet oxygen is used continuously by all the flight crew of the aircraft.

61 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 for that radio 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) Whenever an aircraft is in flight in such circumstances that it is required under this Law to be equipped with radio communication equipment, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted on the frequency notified or designated for use by that aircraft by a message received from an appropriate aeronautical radio station.
- (3) The radio watch referred to in paragraph (2) –
 - (a) may be discontinued or continued on another frequency if a message from an appropriate aeronautical radio station permits this; or
 - (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 Jersey, otherwise designated as transmitting a signal suitable for that purpose.
- (4) Whenever an aircraft is in flight in such circumstances that it is required under this Law to be equipped with radio or radio navigation equipment, a member of the flight crew shall operate that equipment in such a manner as 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 with, or impair 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 under the aircraft radio station licence referred to in paragraph (1).
- (6) In any aircraft operating under Instrument Flight Rules and in any flying machine registered in Jersey which is engaged on a flight for the purpose of commercial air transport, those flight crew members required to be on flight deck duty shall not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunications within the aircraft) when below the transition altitude.

62 Use of airborne collision avoidance system

On any flight on which an airborne collision avoidance system is required to be carried in an aircraft under Article 16, the system shall be operated –

- (a) in the case of an aircraft to which Article 73 applies, in accordance with procedures contained in the operations manual for the aircraft;
- (b) in the case of an aircraft registered in Jersey to which Article 73 does not apply, in accordance with procedures which are suitable having regard to the purposes of the equipment; or
- (c) in the case of an aircraft which is registered elsewhere than in Jersey, in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

63 Use of flight recording systems and preservation of records

- (1) On any flight on which a flight recorder is required to be carried in an aeroplane in accordance with Article 16, it shall be operated continuously from the time the first engine is started for the purpose of making a flight until the time the last engine is shut down after landing.
- (2) On any flight on which a flight recorder is required under Article 16 to be carried in a helicopter, it shall be operated continuously from the time the rotors first turn for the purpose of making a flight until the rotors are next stopped.
- (3) In the event of an incident or accident the pilot-in-command and the operator of the aeroplane or helicopter shall ensure that flight recorders are de-activated and shall, subject to Article 141, preserve the flight recorder and records in accordance with such requirements as the Director directs.

- (4) The operator of the aeroplane or helicopter shall ensure that operational checks and evaluations of recordings from the flight data recorder and cockpit voice recorder systems are conducted in accordance with the specified requirements, to ensure the continued serviceability of those flight recorders.

64 Duties of pilot-in-command – search and rescue

Without prejudice to any other provision of this Law, the pilot-in-command of an aircraft that is either registered in Jersey or, if not so registered, is flying within Jersey airspace shall cooperate in fulfilling the instructions of the Director in relation to the provision of assistance to aircraft in distress or in relation to search and rescue.

65 Method of carriage of persons

- (1) A person shall not –
 - (a) 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; or
 - (b) be in or on any object, other than a glider or flying machine, 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 in it; 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 to that part while the aircraft is in flight.

66 Exits

- (1) This Article applies to an aeroplane or helicopter registered in Jersey.
- (2) Subject to paragraph (10), whenever an aeroplane or helicopter to which this Article applies is carrying passengers, every exit and every internal door in the aeroplane or helicopter shall be in working order.
- (3) Subject to paragraph (4) during take-off and landing and during any emergency, every exit and door shall be kept free of obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.
- (4) In the case of –
 - (a) an exit which, in accordance with arrangements approved by the Director either generally or in relation to a class of aeroplane or helicopter or a particular aeroplane or helicopter, is not required for use by passengers, the exit may be obstructed by cargo;
 - (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access, the door may be

- locked or bolted if the pilot-in-command of the aeroplane or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment;
- (c) an internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aeroplane or helicopter in an emergency if it is not in working order, paragraph (3) shall not apply.
- (5) Every exit from an aeroplane or helicopter shall be marked on interior surfaces with the words “exit” or “emergency exit” in capital letters, which shall be red in colour and if necessary outlined in white to contrast with the background.
- (6) Every exit from an aeroplane or helicopter shall be marked on exterior surfaces with the words “EXIT” or “EMERGENCY EXIT” (in capital letters), which shall be located on a background that provides adequate contrast.
- (7) Every exit from an aeroplane or helicopter shall be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which shall be red in colour and located on a background which provides adequate contrast.
- (8) Every exit from the aeroplane or helicopter which may be opened from the outside shall be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit which shall be located on a background which provides adequate contrast.
- (9) The markings required by this Article shall be –
- (a) painted, or fixed by other equally permanent means; and
- (b) kept clean and un-obscured at all times.
- (10) Subject to compliance with paragraph (11), if one, but not more than one, exit from an aeroplane or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this Article prevents that aeroplane or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.
- (11) Paragraph (10) is complied with if –
- (a) the number of passengers carried and the position of the seats which they occupy are in accordance with arrangements approved by the Director either in relation to the particular aeroplane or helicopter or to a class of aeroplane or helicopter; and
- (b) in accordance with arrangements so approved, the inoperative exit is fastened by locking or otherwise, the words “EXIT” or “EMERGENCY EXIT” are covered, and the exit is marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words “No Exit” in red letters.

67 Marking of break-in areas

An operator shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on an aircraft registered in Jersey, such break-in areas are marked in accordance with specified requirements upon the exterior surface of the fuselage with markings to show the areas which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

PART 8**HEIGHT KEEPING AND NAVIGATION****68 Area navigation and required navigation performance capabilities – aircraft registered in Jersey**

- (1) An aircraft registered in Jersey shall not fly in areas with specified performance based navigation unless –
 - (a) it is equipped with navigation equipment that complies with such requirements published, and instructions given, by the Director under Articles 53 and 164;
 - (b) the operator has been approved by the Director; and
 - (c) while the aircraft is flying in such airspace, on such routes or in accordance with such procedures, it is operated in accordance with operating procedures approved by the Director.
- (2) An aircraft need not comply with the requirements of paragraph (1) if –
 - (a) the flight has been authorized by the appropriate air traffic control unit;
 - (b) the air traffic control unit is made aware of the lack of compliance of the aircraft with such requirements; and
 - (c) the aircraft complies with any instructions the air traffic control unit may give in the particular case.

69 Area navigation and required navigation performance capabilities – aircraft not registered in Jersey

- (1) An aircraft registered elsewhere than in Jersey shall not fly in areas with specified performance based navigation in Jersey unless –
 - (a) it is equipped with navigation equipment so as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying in areas with specified performance based navigation; and
 - (b) the equipment is capable of being operated so as to enable the aircraft to meet the required performance in terms of navigation functionality, accuracy, integrity, availability and continuity, and it is so operated.

- (2) An aircraft need not comply with the requirements of paragraph (1) where the flight has been authorized 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.

70 Minimum navigation performance

- (1) An aircraft registered in Jersey shall not fly in minimum navigation performance specifications airspace unless –
 - (a) it is equipped with navigation equipment that complies with such requirements as are published and instructions given by the Director under Articles 53 and 164;
 - (b) the operator has been approved by the Director; and
 - (c) while the aircraft is flying in the airspace, it is operated in accordance with operating procedures approved by the Director.
- (2) In this Article –

“minimum navigation performance specifications airspace” means airspace which has been notified, specified or otherwise designated as such by the competent authority for the airspace.

71 Height keeping performance – aircraft registered in Jersey

- (1) An aircraft registered in Jersey shall not fly in reduced vertical separation minimum airspace unless –
 - (a) the aircraft has been approved by the Director for operations in such airspace;
 - (b) the operator has been approved by the Director; and
 - (c) while the aircraft is flying in the airspace, it is operated in accordance with operating procedures approved by the Director.
- (2) An aircraft need not comply with the requirements of paragraph (1) where the flight has been authorized 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.

72 Height keeping performance – aircraft not registered in Jersey

- (1) An aircraft registered elsewhere than in Jersey shall not fly in notified reduced vertical separation minimum airspace in Jersey unless –
 - (a) it is equipped with height keeping systems so as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying in any specified areas; and
 - (b) the equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance prescribed in

respect of the airspace in which the aircraft is flying, and it is so operated.

- (2) An aircraft need not comply with the requirements of paragraph (1) where the flight has been authorized 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.

PART 9

AIR OPERATOR OBLIGATIONS

73 Operations manual

- (1) This Article applies to aircraft registered in Jersey except aircraft used for the time being solely for flights not intended to exceed 60 minutes in duration, which are flights solely for training persons to perform duties in an aircraft.
- (2) An operator of an aircraft to which this Article applies shall –
 - (a) make available to each member of the operating staff an operations manual, acceptable to the Director, which complies with paragraph (3);
 - (b) ensure that each copy of the operations manual is kept up to date; and
 - (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to the crew member's duties on the flight.
- (3) An operations manual –
 - (a) complies with this Article if, subject to sub-paragraph (b), it contains all information and instructions necessary to enable the operating staff to perform their duties as such, including, in particular, information and instructions relating to the specified requirements;
 - (b) is not required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.
- (4) An aircraft to which this Article applies shall not fly unless, at least 30 days prior to such flight, the operator of the aircraft has supplied to the Director a copy of the whole of the operations manual in effect for the aircraft.
- (5) Any amendments or additions to the operations manual shall be supplied to the Director by the operator before or immediately after they come into effect.
- (6) If an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously apply, that aircraft shall not fly until the amendment or addition has been supplied to the Director.

- (7) The operator shall make such amendments or additions to the operations manual as the Director may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety or efficiency of air navigation.

74 Flight data monitoring

- (1) The operator of a helicopter with a maximum certificated take-off mass of more than 7,000 kilograms, or having a maximum approved passenger seating configuration of more than 9, shall include a flight data monitoring programme as part of its safety management system.
- (2) The sole objective of a flight data monitoring programme is the prevention of accidents and incidents and each programme shall be designed and managed to meet that objective.
- (3) It is not the purpose of a flight data monitoring programme to establish blame or liability.

PART 10

COMMERCIAL AIR TRANSPORT OPERATIONS

75 Commercial air transport operations at night or in instrument meteorological conditions by single engine aeroplanes

A single-engine aeroplane, or a two-engine aeroplane that is unable to maintain a positive climb gradient in the event of an engine failure on take-off, shall not be flown for the purpose of commercial air transport at night or in instrument meteorological conditions unless it is flying on a special VFR flight in a control zone.

76 Commercial air transport aircraft not registered in Jersey – aerodrome-operating minima

- (1) This Article applies to commercial air transport aircraft registered in a country other than Jersey.
- (2) An aircraft to which this Article applies shall not conduct a Category 2 operation, an Other than Standard Category 2 operation or an approach and landing using minima lower than those for a Category 2 operation unless –
 - (a) the aircraft is certificated for operations with decision heights below 200 feet, or no decision height, and is equipped for such operations; and
 - (b) the operation is conducted under the terms of an approval so to do, in accordance with the law of the country in which it is registered.
- (3) An aircraft to which this Article applies shall not –
 - (a) take off when the relevant runway visual range is less than the specified runway visual range; or

- (b) conduct an approach and landing when the visibility or relevant runway visual range is less than that specified for a Category 1 operation,
- except in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.
- (4) An aircraft to which this Article applies shall not fly in or over Jersey unless the operator of it has made available to the flight crew aerodrome operating minima that comply with paragraph (5) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.
- (5) The aerodrome operating minima provided under paragraph (4) 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 is the more restrictive.
- (6) An aircraft to which this Article applies shall not take off or land at an aerodrome in Jersey in contravention of the specified aerodrome operating minima.
- (7) Without prejudice to the provisions of paragraphs (5) and (6) 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 reported visibility or relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.
- (8) Without prejudice to the provisions of paragraphs (5), (6) and (7) 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.
- (9) In this Article “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (4).

PART 11

CARRIAGE OF WEAPONS AND MUNITIONS OF WAR

77 Interpretation of Part 11

In this Part –

“munitions of war” means –

- (a) any weapon or ammunition;
- (b) any article containing an explosive, noxious liquid or gas; or
- (c) 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;

“sporting weapon” means –

- (a) any weapon or ammunition;
- (b) any article containing an explosive, noxious liquid or gas; or
- (c) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article,

which is not a munition of war.

78 Carriage of weapons and of munitions of war

- (1) Subject to Article 79 an aircraft shall not carry any munitions of war unless –
 - (a) the munitions of war are carried with the permission of the Director; and
 - (b) the pilot-in-command 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 munitions of war on board or suspended beneath the aircraft and of any conditions of the permission of the Director.
- (2) Subject to Article 79, it is an offence for an aircraft to carry any sporting weapon or munitions of war in any compartment or apparatus to which passengers have access.
- (3) Subject to Article 79, a person shall not carry or have in his or her possession or take or cause to be taken on board an aircraft, suspend or cause to be suspended beneath an aircraft or deliver or cause to be delivered for carriage on an aircraft any sporting weapon or munitions of war unless –
 - (a) the sporting weapon or munitions of war –
 - (i) are either part of the baggage of a passenger on the aircraft or consigned as cargo,
 - (ii) are 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) information about the sporting weapon or munitions of war has been supplied by that passenger or by the consignor to the operator before the flight commences; and
 - (c) the operator consents to the carriage of such sporting weapon or munitions of war by the aircraft.

79 Exception concerning carriage of weapons and munitions of war

Nothing in Article 78 applies to any sporting weapon or munitions of war taken or carried on board an aircraft registered in a country other than Jersey if, under the law of the country in which the aircraft is registered, the sporting weapon or munitions of war may be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

PART 12**CARRIAGE OF DANGEROUS GOODS****80 Interpretation of Part 12**

In this Part –

“dangerous goods” means any article or substance which is identified as such in the specified requirements;

“dangerous goods accident” means an occurrence associated with and related to the carriage of dangerous goods by air which results in fatal or serious injury to a person or major property or environmental damage;

“dangerous goods incident” means an occurrence, other than a dangerous goods accident, which –

- (a) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property or environmental damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained; or
- (b) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants;

“dangerous goods transport document” means a document which is specified in the specified requirements;

“handling agent” means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo;

“package” means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage;

“packaging” means the receptacles and any other components or materials necessary for the receptacle to perform its containment function;

“serious injury” means an injury which is sustained by a person in an accident and which –

- (a) requires hospitalisation for more than 48 hours, commencing within 7 days from the date the injury was received;
- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose);

- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage;
- (d) involves injury to any internal organ;
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface; or
- (f) involves exposure to infectious substances or injurious radiation.

81 Requirements for the carriage of dangerous goods

- (1) An aircraft shall not carry or have loaded on to it any dangerous goods unless –
 - (a) the operator is approved by the Director under this Part or has a permission under Article 98;
 - (b) the goods are carried or loaded in accordance with any conditions to which such approval or permission may be subject; and
 - (c) the goods are carried in accordance with the specified requirements or instructions given by the Director under Article 53.
- (2) The Director shall grant an approval under paragraph (1)(a) upon being satisfied that the operator is competent to carry dangerous goods safely.
- (3) Nothing in this Part, other than paragraph (1), applies to any aircraft flying for the purpose of dropping articles for the purposes of public health, agriculture, horticulture, forestry, conservation or pollution control.

82 Prohibition on carriage of dangerous goods

A person shall not deliver or cause to be delivered for carriage, or take or cause to be taken on board an aircraft, any dangerous goods which may pose a risk to health, safety, property or the environment when carried by air –

- (a) except in accordance with the specified requirements or the Director's instructions under Article 53; and
- (b) unless the packaging of those goods is in a fit condition for carriage by air.

83 Operator's obligations

The operator of an aircraft that is either an air transport undertaking, or a person to whom Article 103 applies, shall ensure –

- (a) that all appropriate manuals, including operations manuals, contain information and instructions about dangerous goods so as to enable the ground staff and crew members to carry out their responsibilities regarding the carriage of dangerous goods;
- (b) that, if applicable, such information and instructions are provided to the operator's handling agent;

- (c) that, before the flight begins, the pilot-in-command is given written information about the dangerous goods and information required for use in responding to an in-flight emergency; and
- (d) that, if an aircraft carrying any dangerous goods is involved in an accident or serious incident, notification of any dangerous goods carried as cargo on the aircraft is given immediately to the Director and a police officer for the area where the accident or serious incident occurred.

84 Acceptance of dangerous goods by the operator

The operator of an aircraft in which dangerous goods are to be carried shall ensure that –

- (a) no package or freight container containing dangerous goods is accepted for carriage until it has been inspected to determine that it complies with the specified requirements;
- (b) the goods are not forbidden for carriage by air in any circumstances; and
- (c) any package or freight container is accompanied by a dangerous goods transport document.

85 Method of loading by the operator

The operator of an aircraft in which dangerous goods are to be carried shall ensure that such goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the specified requirements.

86 Inspections by the operator for damage, leakage or contamination

The operator of an aircraft in which dangerous goods are to be carried shall ensure that packages and freight containers which contain such goods are inspected for evidence of damage or leakage before being loaded on an aircraft, in accordance with the specified requirements.

87 Shipper's responsibilities

Before consigning any goods for carriage by air the shipper shall ensure that –

- (a) the goods are not forbidden for carriage by air;
- (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained;
- (c) the goods are classified and packed in accordance with the specified requirements;
- (d) the package is marked and labelled in English, in addition to any other language required by the State of origin of the goods;
- (e) the package is in a fit condition for carriage by air;

- (f) a dangerous goods transport document has been completed in English, in addition to any other language required by the State of origin of the goods, containing a declaration that the specified requirements have been complied with; and
- (g) the operator has been given the dangerous goods transport document.

88 Pilot-in-command's responsibilities

The pilot-in-command of an aircraft carrying dangerous goods as cargo shall, in the event of an in-flight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of such goods in detail or as a summary or by reference to the location from where the detailed information can be obtained.

89 Provision of training by operators and shippers

- (1) The operator of an aircraft, its handling agent, a shipper of dangerous goods by air and any agent of the shipper, shall establish and undertake training programmes for those of their employees and staff who are involved in the carriage of goods or passengers by air.
- (2) In the case of an operator or its agents, the training programme shall be approved by, or acceptable, to the Director.
- (3) In the case of a shipper or its agent, the training programme shall meet the specified requirements.

90 Provision of information to passengers

- (1) This Article applies to –
 - (a) any airport operator in Jersey;
 - (b) the operator of an aircraft flying for the purpose of commercial air transport of passengers or its agent; and
 - (c) any person who in Jersey makes available flight accommodation.
- (2) Any person to whom paragraph (1) applies shall ensure that persons who are or may become passengers on an aircraft flying for such purposes are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them in accordance with the specified requirements.
- (3) In this Article “flight accommodation” means accommodation for the carriage of persons on flights in any part of the world.

91 Provision of information in respect of cargo

The operator of an aircraft in which cargo is to be carried and any agent of the operator shall ensure that notices giving information about the carriage of dangerous goods are displayed in accordance with the specified requirements.

92 Keeping of documents and records

The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the dangerous goods transport document required by Article 87(f) and the written information to the pilot-in-command required by Article 83(c) are retained at a readily accessible location until after completion of the flight on which the goods are carried and must produce them upon request.

93 Preservation of documents and records

The operator of an aircraft on which dangerous goods are carried shall preserve in a legible form for not less than 3 months any dangerous goods transport document referred to in Article 87 or other document specified in the specified requirements.

94 Enforcement powers

- (1) An authorized person may –
 - (a) examine, take samples of and seize any goods which the authorized person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of this Part have not been complied with;
 - (b) open or require to be opened any baggage or package which the authorized person has reasonable grounds to suspect may contain dangerous goods in respect of which the provisions of this Part have not been complied with;
 - (c) retain or detain any sample taken or goods seized under this Article for so long as the Director considers necessary for use as evidence at a trial for any offence or for forensic examination or investigation in connection with any offence; and
 - (d) dispose of such goods in such manner as the Director considers appropriate.
- (2) Any person from whom goods have been seized by an authorized person under this Article may make application to the Director for the goods to be released, accompanied by evidence of ownership, and if the Director is satisfied that the applicant is the owner and that the retention of the goods is not necessary for the purpose of any criminal proceedings the Director shall arrange for the goods to be returned to the applicant.
- (3) Where further retention of the goods is, in the opinion of the Director, no longer necessary and no application has been made under paragraph (2), or any such application has been unsuccessful, the goods shall be destroyed or otherwise disposed of as directed by the Director.

95 Dangerous goods occurrence reporting

- (1) Any dangerous goods accident, incident or finding of undeclared or misdeclared dangerous goods in cargo or passengers' baggage shall be reported to the Director in accordance with the specified requirements by –

-
- (a) an operator of an aircraft registered in Jersey, wherever it occurs; or
 - (b) an operator of an aircraft that is not registered in Jersey, if it occurs in Jersey.
- (2) A report required under paragraph (1) shall contain such information specified by the Director as is appropriate to the occurrence.
 - (3) Nothing in this Article requires a person to report any occurrence which has been reported under Article 144 or which the person has reason to believe has been or will be reported by another person to the Director in accordance with that Article.

PART 13

AERIAL WORK AND SPECIALIZED OPERATIONS

96 Aerial work

- (1) Aerial work means any purpose (other than commercial air 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 valuable consideration referred to in paragraph (1) consists only of remuneration for the services of the pilot, the flight is deemed to be a private flight for the purposes of Part 3.

97 Aerial work operations

- (1) Subject to Articles 98, 99 and 100, an aircraft shall not be used for the purpose of an aerial work operation otherwise than in accordance with the Director's instructions given under Article 53 and with the specified requirements.
- (2) Before commencing any aerial work operation, the operator of the aircraft shall carry out a risk assessment and shall develop appropriate standard operating procedures to provide guidance to operating staff to ensure a safe means of carrying out the aerial work operation.
- (3) In complying with paragraph (2) the operator shall have regard to –
 - (a) the type of aerial work operation; and
 - (b) the operating environment.
- (4) The operator shall make the standard operating procedures referred to in paragraph (2) available to every employee or person who is engaged or may engage in any aerial work operations conducted by the operator.
- (5) The operator shall ensure that the risk assessment is reviewed and guidance to operating staff kept up to date, taking into account any changes affecting the aerial work operation.

98 Aerial application permission for purposes of agriculture etc.

- (1) Subject to Article 99, an aircraft shall not be used for the dropping of articles or animals for the purposes of agriculture, horticulture, forestry or conservation or for training for the dropping of articles for any of such purposes, otherwise than in accordance with the terms of an aerial application permission granted by the Director under this Article.
- (2) An applicant for and holder of an aerial application permission shall make available to the Director if requested, an operations manual containing such information and instructions as may be necessary to enable employees and persons engaged in the operation to perform their duties.
- (3) The operations manual shall include standard operating procedures as described in Article 97(2).
- (4) The holder of an aerial application permission shall make such amendments or additions to the operations manual as the Director may require.

99 Towing, picking up, raising and lowering of persons, animals and articles

- (1) An aircraft in flight shall not, by means external to the aircraft tow any article or pick up, raise or lower any person, animal or article –
 - (a) 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; and
 - (b) if it is a helicopter, otherwise than in accordance with the terms of a permission granted by the Director under this Article or Article 98.
- (2) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.
- (3) The length and combination of towing aircraft, tow rope and article in tow, shall not exceed 150 metres.
- (4) The pilot-in-command of an aircraft which is about to tow a glider must be satisfied, before the towing aircraft takes off that –
 - (a) the tow rope is in good condition and is of adequate and strength for the purpose;
 - (b) the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination;
 - (c) after separation the towing aircraft can make a safe landing at the place of intended destination;

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- (d) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely; and
 - (e) emergency signals have been agreed between the pilot-in-command of the towing aircraft and the pilot-in-command of the glider, to be used, respectively, by the pilot-in-command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot-in-command of the glider to indicate that the tow cannot be released.
- (5) An aeroplane shall not launch or pick up tow ropes, banners or similar articles other than at an aerodrome.
 - (6) An applicant for, and holder of, a permission required under paragraph (1) shall make available to the Director, if requested, an operations manual containing such information and instructions as may be necessary to enable employees and persons engaged in the operation to perform their duties.
 - (7) The operations manual shall include standard operating procedures referred to in Article 97(2).
 - (8) The holder of the permission shall make such amendments or additions to the operations manual as the Director may require.
 - (9) A helicopter shall not fly at any height over a congested area at any time when any article, person or animal is suspended from the helicopter.
 - (10) A person who is not a member of the flight crew shall not be carried in a helicopter at any time when an article, person or animal is suspended from the helicopter, other than –
 - (a) a task specialist who has duties to perform in connection with the article, person or animal;
 - (b) a person who has been picked up or raised by means external to the helicopter; or
 - (c) a person who it is intended shall be lowered to the surface by means external to the helicopter.
 - (11) Nothing in this Article –
 - (a) prohibits 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 under this Law to be towed or displayed by an aircraft in flight; or
 - (b) prohibits the picking up, raising or lowering of any person, animal or article in an emergency or for the purpose of saving life.

100 Dropping of articles and animals

- (1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or be permitted to drop, from an aircraft in flight so as to endanger persons or property.

- (2) Subject to paragraphs (3) and (4), articles and animals (whether or not attached to a parachute) shall not be dropped, or be permitted to drop, to the surface from an aircraft flying over Jersey except in accordance with the terms of an aerial application permission granted under Article 98.
- (3) Paragraph (2) shall not apply to the dropping of articles by, or with the authority of, the pilot-in-command 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 or with the provisions of this Law;
 - (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 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 Director; 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 Director.
- (4) Paragraph (2) shall not apply to the lowering of any article or animal from a helicopter to the surface in accordance with Article 99.

101 Dropping of persons

- (1) Subject to paragraph (7), a person shall not drop, be dropped or be permitted to drop to the surface or jump from an aircraft flying over Jersey except in accordance with the terms of a permission granted by the Director under this Article.
- (2) A person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.
- (3) 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;
 - (b) that certificate or the flight manual includes an express provision that it may be used for that purpose; and
 - (c) the aircraft is operated in accordance with a parachuting permission granted by the Director under this Article.
- (4) An applicant for, and holder of, a parachuting permission shall make available to the Director, if requested, a parachuting operations manual containing such information and instructions as may be necessary to

enable employees and persons engaged in the operation to perform their duties.

- (5) The operations manual shall include standard operating procedures referred to in Article 97.
- (6) The holder of a parachuting permission shall make such amendments or additions to the operations manual as the Director may require.
- (7) Nothing in this Article –
 - (a) applies to the descent of persons by parachute from an aircraft in an emergency;
 - (b) prohibits the lowering of any person in an emergency or for the purpose of saving life;
 - (c) prohibits the disembarkation of any person from a helicopter hovering in ground effect in accordance with normal aviation practice; or
 - (d) prohibits the lowering of any person from a helicopter to the surface in accordance with Article 99.

PART 14

GENERAL AVIATION

102 Application and interpretation of Part 14

- (1) Except as provided in Article 103, Articles 103 and 104 apply to general aviation operations involving aircraft registered in Jersey of the classes or used in the cases identified in paragraph (2).
- (2) Aircraft or aircraft operations of the classes or cases to which paragraph (1) refers are –
 - (a) any aeroplane having a maximum certificated take-off weight exceeding 5,700 kilograms;
 - (b) any aeroplane equipped with one or more turbojet engines;
 - (c) any aeroplane having a maximum approved passenger seating configuration of more than 9;
 - (d) any helicopter having a maximum certificated take-off weight exceeding 3,175 kilograms;
 - (e) any helicopter having a maximum approved passenger seating configuration of more than 5;
 - (f) any aircraft operation involving the use of 3 or more aircraft that are operated by pilots employed by the operator for the purpose of flying the aircraft; or
 - (g) any other general aviation operation that the Director may in the public interest specify.
- (3) In this Part “general aviation operation” means an aircraft operation other than a commercial air transport operation or aerial work operation.

103 Requirement for approval

A person shall not operate an aircraft registered in Jersey of any class or in any case identified in Article 102(2), for the purposes of a general aviation operation, unless the person is the holder of an approval granted under Article 104.

104 Grant and conditions of approval

- (1) The Director shall grant an approval required under Article 103 upon being satisfied that –
 - (a) the applicant is competent, having regard in particular to the applicant's –
 - (i) previous conduct and experience,
 - (ii) equipment,
 - (iii) organisation and staffing, and
 - (iv) maintenance and other arrangements;
 - (b) the safety management system established under paragraph (2) is appropriate and adequate; and
 - (c) the operations manual is adequate,
to secure the safe operation of aircraft of the type or types specified in the approval.
- (2) An operator applying for an approval under the provisions of paragraph (1) shall establish and maintain to the satisfaction of the Director a safety management system appropriate to the size and complexity of the operation.
- (3) The operator of an aircraft to which this Article applies shall –
 - (a) make available to each member of the operating staff an operations manual;
 - (b) ensure that each copy of the operations manual is kept up to date; and
 - (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his or her duties on that flight.
- (4) An operations manual shall contain all information and instructions necessary to enable operating staff to perform their duties.
- (5) An applicant for, and holder of, an approval granted under this Article shall make available to the Director if requested to do so a copy of the operations manual.
- (6) The operator shall make such amendments or additions to the operations manual as the Director may require for the purpose of ensuring the safety of the aircraft or of persons or property carried in it or the safety of air navigation.

PART 15
FOREIGN AIRCRAFT OPERATIONS

105 Restriction with respect to carriage for valuable consideration in aircraft registered outside Jersey

- (1) An aircraft registered in any other country other than the United Kingdom and its Territories and Dependencies, shall not take on board or discharge any passengers or cargo in Jersey, if valuable consideration is given or promised in respect of the carriage of such persons or cargo unless it does so with the permission of the Secretary of State granted under this Article to the operator or 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.
- (2) Any breach, by a person to whom permission has been granted under this Article, of any condition to which that permission was subject constitutes a contravention of this Article.
- (3) The Secretary of State may, in any particular case, or class of cases, delegate to the Director the exercise of the powers conferred on the Secretary of State under paragraph (1); and where the exercise of the powers conferred under paragraph (1) is so delegated, the Director shall, in exercising those powers, comply with any general guidelines or specific directions which may from time to time be given by the Secretary of State.
- (4) An operator or charterer of an aircraft to which this Article applies shall not hold itself out as a person who may offer to take on board or discharge any passenger or cargo in Jersey for valuable consideration unless –
 - (a) it does so in accordance with a permission granted under this Article; and
 - (b) it does so in accordance with any conditions to which such permission may be subject.
- (5) The Secretary of State or the Director may authorize a person (whether by name, class or description) either generally or in relation to a particular case or class of cases, to perform a ramp inspection or to carry out other surveillance measures in relation to any aircraft referred to in paragraph (1).
- (6) If a ramp inspection or other surveillance measure identifies a case of non-compliance or suspected non-compliance of an aircraft referred to in paragraph (1) or by the operator of such an aircraft with the laws and procedures applicable within Jersey or a serious safety issue with the operator of such an aircraft, the person authorized under paragraph (5) shall immediately notify the operator and, if the issue warrants it, the State of the operator and, where the State of registry and the State of the operator are different, such notification shall also be made to the State of registry.
- (7) In the case of notification to States under paragraph (6), if the issue and its resolution so warrant, the Secretary of State or the Director, as the case

may be, shall engage in consultations with the State of the operator and the State of registry, as applicable, concerning the safety standards maintained by the operator.

106 Filing and approval of tariffs

- (1) Where a permission granted under Article 105 contains a tariff provision, the Secretary of State may, in any particular case or class of cases, delegate to the Director the exercise of the power to approve or disapprove the tariff which the operator or charterer of the aircraft concerned proposes to apply on flights to which the permission relates, and where the power to approve or disapprove tariffs is so delegated, the Director shall, in exercising that power, comply with any general guidelines or specific directions which may from time to time be given by the Secretary of State.
- (2) In this Article –
 - “tariff provision” means a condition as to any of the following matters –
 - (a) the price to be charged for the carriage of passengers, baggage or cargo on flights to which a permission granted under Article 105(1) relates;
 - (b) any additional goods, services or other benefits to be provided in connection with such carriage;
 - (c) the prices, if any, to be charged for any such additional goods, services or benefits; and
 - (d) the commission, or rates of commission, to be paid in relation to the carriage of passengers, baggage or cargo,

and includes any condition as to the applicability of any such price, the provision of any such goods, services or benefits or the payment of any such commission or of commission at any such rate.

107 Restriction on aerial photography, aerial survey and aerial work in aircraft registered outside Jersey

- (1) Subject to Article 97, an aircraft registered in any other country other than United Kingdom and its Territories and Dependencies, 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 Director 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) Any breach, by a person to whom a permission has been granted under this Article, of any condition to which that permission was subject constitutes a contravention of this Article.

PART 16

AIR TRAFFIC SERVICES

108 Requirement for air traffic control approval

- (1) A person in charge of the provision of an air traffic control service shall not provide such a service in Jersey except in accordance with the terms of an air traffic control approval granted by the Director.
- (2) The Director shall grant an air traffic control approval upon being satisfied that the applicant meets the specified requirements and is competent to provide a service which is safe for use by aircraft.

109 Duty of person in charge to be satisfied as to competence of controllers

The holder of an approval under Article 108 shall not permit any person to act as an air traffic controller, or to act as a student air traffic controller, in the provision of the service under the approval unless –

- (a) such person holds an appropriate licence granted under Article 114; and
- (b) the holder is satisfied that such person is competent to perform the duties commensurate with the provision of the service.

110 Manual of Air Traffic Services

A person shall not provide an air traffic control service at any place unless –

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place;
- (b) the manual is produced to the Director within a reasonable time after a request for its production is made by the Director; and
- (c) such amendments or additions have been made to the manual as the Director may from time to time require.

111 Provision of air traffic services

- (1) In the case of an aerodrome at which there is provision of 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 Director in advance of the periods during which and the times at which any such provision is to be in operation for the purpose of providing such aid as is specified by that person; and
 - (b) during any period and at such times as are notified, cause an approach control service to be provided.
- (2) The Director may, in the interests of safety, direct the person in charge of an aerodrome that there shall be provided in respect of any aerodrome such air traffic control service, aerodrome flight information service or means of two-way radio communication as the Director considers appropriate.

- (3) In a direction given under this Article, the Director may specify the periods during which, the times at which, the manner in which and the airspace within which an air traffic service or means of radio communication referred to in paragraph (2) shall be provided.
- (4) The person who has been directed under this Article shall cause the air traffic service or means of radio communication to be provided in accordance with any such direction.

112 Use of radio call signs at aerodromes

- (1) 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.
- (2) In this Article “call sign” means a message, code, or tune that is broadcast by radio to identify the broadcaster or transmitter.

PART 17

LICENSING OF AIR TRAFFIC CONTROLLERS

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

- (1) A person shall not act as an air traffic controller or offer, whether by use of a radio call sign or in any other way, to act as a person who may so act unless such person is the holder of, and complies with the conditions of –
 - (a) a valid student air traffic controller’s licence granted under Article 114 and under supervision in accordance with Article 114(5);
 - (b) an appropriate valid air traffic controller’s licence granted under Article 114; or
 - (c) a valid air traffic controller’s licence so granted which is not appropriate but under supervision as though the person was the holder of a student air traffic controller’s licence.
- (2) Nothing in this Article prohibits the holder of a valid air traffic controller’s licence from providing at any place, or for any sector for which the licence includes a valid certificate of competence, information to aircraft in flight in the interests of safety.
- (3) A licence is not required by any person who acts in the course of his or her duty as a member of any of Her Majesty’s naval, military or air forces or as a member of a visiting force.

114 Licensing of air traffic controllers and student air traffic controllers

- (1) The Director shall grant a licence to any person to act as an air traffic controller or as a student air traffic controller in Jersey upon being satisfied that the applicant –

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- (a) is a fit person to act in the capacity to which the licence relates; and
 - (b) meets the specified requirements, for which purpose the applicant shall provide such evidence and undergo such examinations, assessments and tests (including medical examinations) and undertake such courses of training as the Director may require.
 - (2) The Director shall not grant –
 - (a) a student air traffic controller’s licence to any person under the age of 18 years; or
 - (b) an air traffic controller’s licence to any person under the age of 20 years.
 - (3) The Director may include in an air traffic controller’s licence any rating and endorsement upon being satisfied that the applicant is qualified as specified in paragraph (1)(b) to act in the capacity to which such rating or endorsement relates and such rating or endorsement is deemed to form part of the licence.
 - (4) A licence to act as an air traffic controller or a student air traffic controller is not valid unless the holder of the licence has signed it in ink.
 - (5) A licence to act as a student air traffic controller is valid only for the purpose of authorizing the holder to act as an air traffic controller under the supervision of another person who is present at the time and who is the holder of an air traffic controller’s licence including an on-the-job instructor training rating entitling that person to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller.
 - (6) A holder of an air traffic controller’s licence or a student air traffic controller’s licence shall, upon such occasions as the Director may require, submit to such examinations and tests (including medical examinations) and provide such evidence as to the holder’s knowledge, experience, competence and skill and undergo such courses of training as the Director may require.
 - (7) The holder of an air traffic controller’s licence is not entitled to exercise the privileges of a rating contained in the licence at any place or for any sector or with any type of surveillance equipment unless the licence includes a valid certificate of competence for that rating which is appropriate to that place or sector and that equipment (if any).
 - (8) A valid certificate of competence shall not be appropriate to the exercise of the privileges of a rating at any place or for any sector or with any type of surveillance equipment unless the certificate –
 - (a) specifies that place or sector and the type of surveillance equipment (if any) with the aid of which the service is to be provided;
 - (b) certifies that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence, of which the certificate forms part, has passed an appropriate test of ability to exercise the privileges of the rating at the place or for the sector and with the type of surveillance equipment, if any, specified in the certificate; and

- (c) specifies the date on which it was signed.
- (9) A valid certificate of competence issued under paragraph (7) shall be signed by a person authorized to sign certificates of that kind and is valid for 12 months from the date of the test which it certifies.
- (10) If throughout any period of 90 days the holder of a licence has not at any time provided at a particular place or for a particular sector and with the aid of the type of surveillance equipment, if any, specified in a certificate of competence, the type of air traffic control service specified in the rating to which the certificate of competence relates, the certificate ceases to be valid for that place or sector at the end of that period.
- (11) Upon a certificate of competence ceasing to be valid for a place or sector the holder of the licence shall immediately inform the person who is approved under Article 108 to provide an air traffic control service at that place or for that sector to that effect and shall forward the licence to a person approved by the Director for the purpose, who shall endorse the licence accordingly and return it to the holder immediately.

115 Approval of courses and persons

The Director may, for the purposes of this Part –

- (a) approve any course of training or instruction;
- (b) authorize a person to conduct such examinations or tests as may be specified; and
- (c) approve a person to provide any course of training or instruction.

116 Requirement for medical certificate

- (1) On the basis of the medical examination referred to in Article 114(6), the Director or any person approved by the Director as competent to do so may issue a medical certificate to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates.
- (2) The certificate is deemed to form part of the licence.
- (3) The holder of an air traffic controller's licence shall not act as an air traffic controller unless the licence includes a medical certificate issued and in force under paragraph (1).
- (4) The holder of a student air traffic controller's licence shall not act as a student air traffic controller unless the licence includes a medical certificate issued and in force under paragraph (1).

117 Incapacity of air traffic controllers

- (1) A holder of an air traffic controller's licence granted under Article 114 who –

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- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which the licence relates throughout a period of 20 consecutive days; or
 - (b) has reason to believe that she is pregnant,
- shall inform the Director in writing of such injury, illness or pregnancy as soon as possible.
- (2) An air traffic controller's medical certificate ceases to be in force on the expiry of the period of injury or illness referred to in paragraph (1)(a) and comes into force again (provided it has not expired) –
 - (a) upon the holder being medically examined under arrangements made by the Director and pronounced fit to resume the functions under the licence; or
 - (b) upon the Director exempting the holder from the requirement of a medical examination subject to such conditions as the Director may think fit.

118 Prohibition of drunkenness etc. of controllers

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 or her capacity to act as such.

119 Fatigue of air traffic controllers – air traffic controller's responsibilities

A person shall not act as an air traffic controller if he or she knows or suspects that he or she 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.

120 Prohibition of unlicensed flight information service officers

- (1) A person shall not provide at any aerodrome a flight information service or offer to do so, whether by use of a radio call sign or in any other way, as a person who may provide such a service without being the holder of and complying with the terms of a licence granted under Article 121 or air traffic controller's licence granted under Article 114 authorizing the provision of such a service at that aerodrome.
- (2) A person shall not provide a flight information service without being identified as a flight information service officer or an air traffic controller in such a manner as may be notified.

121 Licensing of flight information service officers

- (1) The Director shall grant a licence to any person to act as a flight information service officer upon being satisfied that the applicant meets the specified requirements and is a fit person to hold the licence and for that purpose the applicant shall provide such evidence and undergo such

examinations and tests and undertake such courses of training as the Director may require.

- (2) The Director shall not grant such a licence to any person under the age of 18 years.
- (3) The holder of a flight information service officer's licence shall not provide a flight information service at an aerodrome unless that aerodrome has been specified in the licence by an authorized person and the licence has been validated in respect of that aerodrome by an authorized person.
- (4) If, throughout any period of 90 days, the holder of the licence has not at any time provided such a service at a particular aerodrome the licence ceases to be valid for that aerodrome at the end of that period until the licence has been revalidated in respect of that aerodrome by an authorized person.
- (5) A licence to act as a flight information service officer is not valid unless the holder of the licence has signed it in ink.
- (6) A holder of a flight information service officer's licence shall upon such occasions as the Director may require, submit to such examinations and tests and provide such evidence as to knowledge, experience, competence and skill and undergo such courses of training as the Director may require.

122 Flight information service manual

A person shall not provide a flight information service at any aerodrome unless –

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual in respect of that aerodrome;
- (b) the manual is produced to the Director within a reasonable time after a request for its production is made by the Director; and
- (c) such amendments or additions have been made to the manual as the Director may from time to time require.

PART 18

AERONAUTICAL TELECOMMUNICATIONS SERVICE

123 Aeronautical telecommunications service

- (1) A person shall not cause or permit any aeronautical telecommunication service to be established in Jersey otherwise than in accordance with an approval granted by the Director to the person in charge of that aeronautical telecommunication service.
- (2) The Director shall grant an approval under paragraph (1) upon being satisfied that the specified requirements are met, in particular –

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- (a) as to the intended purpose of the aeronautical telecommunication service;
 - (b) that the aeronautical telecommunication service is fit for its intended purpose; and
 - (c) that the person is competent to provide the aeronautical telecommunication service.
 - (3) Any organisation providing a flight checking service in connection with an aeronautical telecommunication system or equipment shall be approved by the Director.
 - (4) An approval granted under paragraph (1) may include a condition requiring the person in charge of the aeronautical telecommunication service to use a person approved by the Director under paragraph (5) for the provision of particular services in connection with the aeronautical telecommunication service.
 - (5) The Director may approve a person to provide particular services in connection with an approved aeronautical telecommunication service.
 - (6) This Article shall not apply in respect of any aeronautical telecommunication service of which the person solely in charge is the Director.

124 Aeronautical telecommunication service records

- (1) The person in charge of an aeronautical telecommunication service shall provide recording equipment or apparatus under paragraph (2).
- (2) The person in charge of the aeronautical telecommunication service in respect of which recording equipment or apparatus is required to be provided under paragraph (1) shall ensure –
 - (a) that the equipment or apparatus is in operation at all times when the aeronautical telecommunication service is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft; and
 - (b) that the equipment or apparatus and each record made by the equipment or apparatus comply with the specified requirements.
- (3) If any equipment or apparatus required to be provided under paragraph (1) ceases to be capable of recording the matters required to be included in the records, the person required to provide that equipment or apparatus shall ensure that, so far as practicable, a record is kept which complies with the specified requirements and on which the specified particulars are recorded together with, in the case of equipment or apparatus provided in compliance with paragraph (2), a summary of voice communications exchanged between the air traffic control service and any aircraft.
- (4) The person in charge of any aeronautical telecommunication service shall preserve any record made using the equipment or apparatus provided under paragraph (1) for 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 Director may in a particular case direct.

- (5) A person required by this Article to preserve any record by reason of being the person in charge of the aeronautical telecommunication service shall, if ceasing to be in charge, continue to preserve the record under paragraph (4).
- (6) The provisions of this Article do not apply in respect of any aeronautical telecommunication service that is under the control of Her Majesty's naval, military or air force or of any visiting force.

PART 19

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

125 Certification of aerodromes

- (1) A person in charge of the operation of an aerodrome in Jersey is required to hold in respect of such aerodrome a certificate issued by the Director in accordance with this Article if –
 - (a) the aerodrome is made available for the purposes of Article 126; or
 - (b) the Director considers that it is in the public interest to require an aerodrome to be so certificated, taking into account only the matters referred to in paragraph (2).
- (2) The Director shall grant an aerodrome certificate in respect of any aerodrome in Jersey upon being satisfied that –
 - (a) the applicant meets the specified requirements and is competent to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are suitable 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;
 - (c) the applicant has established an effective safety management system appropriate to the size and complexity of the operation; and
 - (d) the applicant has established an aerodrome manual that is adequate and appropriate.
- (3) The Director may grant an aerodrome certificate which, in addition to any other conditions that may be imposed, may include a 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.
- (4) The holder of an aerodrome certificate shall –
 - (a) provide to any person on request information concerning the terms of the certificate; and
 - (b) cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft.
- (5) The holder of an aerodrome certificate shall take all reasonable steps to ensure 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) In this Article –
- “visual traffic pattern” means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of the Rules of the Air in respect of flights within an aerodrome traffic zone in –
- (a) an aerodrome having a traffic control unit or flight information service unit; or
 - (b) a certificated aerodrome having a means of two-way communication with the aircraft,
- the airspace which would comprise the aerodrome traffic zone of the aerodrome if it was so notified.

126 Use of aerodromes and operating sites

An aircraft shall not take off or land at a place in Jersey other than a certificated aerodrome for the take-off and landing of such aircraft and in accordance with any conditions subject to which the aerodrome may have been certificated or notified, or subject to which such permission may have been given.

127 Instrument flight procedures

- (1) A person shall not establish an instrument flight procedure at an aerodrome in Jersey except in accordance with an approval granted by the Director to the holder of an aerodrome certificate or to the person having the management of the aerodrome.
- (2) An approval shall be granted under paragraph (1) upon the Director being satisfied –
 - (a) as to the intended purpose of the procedure;
 - (b) that the person applying for approval is competent to operate the procedure;
 - (c) that any equipment associated with such procedure is fit for its intended purpose; and
 - (d) that the procedure has been designed by a person approved under paragraph (5) according to the specified requirements and the conditions specified in that approval.
- (3) The holder of an aerodrome certificate or the person having the management of an aerodrome shall cause an instrument flight procedure and its continuing status to be notified as a procedure available for the operation of aircraft at that aerodrome.
- (4) A person shall not use an instrument flight procedure otherwise than in accordance with the published conditions for such use.
- (5) The Director may approve a person to design an instrument flight procedure for the purposes of paragraph 2(d) upon being satisfied that the person meets the Director’s requirements.

128 Charges at aerodromes certificated or licensed for public use

- (1) The Minister may by Order, in relation to any certificated aerodrome, or to such aerodromes generally or to any class of aerodrome, specify the charges, or the maximum charges, which may be made for the use of the aerodrome and for any services performed at the aerodrome to or for aircraft, and may further specify the conditions to be observed in relation to those charges and the performance of those services.
- (2) The operator of an aerodrome in relation to which charges have been specified in an Order made under paragraph (1) shall not cause or permit any charges to be made except as may be specified in the Order, and shall cause particulars of the charges to be kept exhibited at the aerodrome in such a place and manner as to be readily available for the information of any person affected by them.
- (3) The operator of any certificated aerodrome shall, when required by the Director, provide to the Director such particulars as may be required of the charges established by the operator for the use of the aerodrome or of any facilities provided at the aerodrome for the safety, efficiency or regularity of air navigation.

129 Use of aerodromes by aircraft of Contracting States

The person in charge of any aerodrome in Jersey which is open to public use by aircraft registered in Jersey shall cause the aerodrome, and all air navigation facilities provided at it, to be available for use by aircraft registered in a Contracting State on the same terms and conditions as for use by aircraft registered in Jersey.

130 Noise and vibration caused by aircraft on aerodromes

- (1) The conditions or circumstances under which noise and vibration may be caused by aircraft (including military aircraft) on certificated aerodromes, notified aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is being carried out shall be as prescribed.
- (2) The conditions or circumstances referred to in paragraph (1) may include –
 - (a) an aircraft is taking off or landing;
 - (b) an aircraft is moving on the ground or water; or
 - (c) engines are being operated in the aircraft –
 - (i) for the purpose of ensuring their satisfactory performance,
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight, or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.
- (3) Section 77(2) of the Civil Aviation Act 1982 (c. 16) of the United Kingdom (as extended to Jersey by the Civil Aviation Act 1982 (Jersey))

Order 1990⁵) shall apply to any aerodrome in relation to which the Minister has specified conditions under paragraph (1).

131 Customs and excise airports

The Minister may 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.

132 Aviation fuel at aerodromes

- (1) 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 that person 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 of the installation 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 that person is satisfied as the result of sampling that the fuel is fit for use in aircraft.
- (2) Paragraph (1) shall not apply to fuel that 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 for each installation of which that person 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 the written record shall be preserved for a period of 12 months or such longer period as the Director may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorized person, be produced to that person.
- (4) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if that person knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

- (5) If it appears to the Director or an authorized person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this Article, the Director or that authorized 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 Director or by an authorized person.
- (6) In this Article –
 - “aviation fuel” means fuel intended for use in aircraft;
 - “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.

133 Aeronautical lights

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

134 Lighting of en-route obstacles

- (1) The person in charge of an en-route obstacle shall ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.
- (2) The person in charge of an en-route obstacle shall ensure that, by night, the lights required to be fitted by this Article are displayed.
- (3) In the event of the failure of any light which is required by this Article to be displayed by night the person in charge shall repair or replace the light as soon as is reasonably practicable.
- (4) At each level on the obstacle where lights are required to be fitted, sufficient lights shall be fitted and arranged so as to show when displayed in all directions.

- (5) In any particular case the Director may direct that an en-route obstacle shall be fitted with and display such additional lights in such positions and at such times as may be specified.
- (6) This Article shall not apply to any en-route obstacle for which the Director has granted permission for the purposes of this Article to the person in charge.
- (7) A permission may be granted for the purposes of this Article in respect of a particular case or class of cases or generally.
- (8) In this Article “en-route obstacle” means any building, structure or erection which is 150 metres or more above ground level other than any such building, structure or erection which is in the vicinity of a certificated aerodrome.

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;
 - (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft; or
 - (c) is directed or shone –
 - (i) at any aircraft in flight so as to dazzle or distract the pilot of the aircraft, or
 - (ii) at the location of the air traffic control unit so as to dazzle or distract the air traffic control operator.
- (2) If any light which appears to the Director to be a light referred to in paragraph (1)(a) and (b) is exhibited, the Director 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, 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 that is or may be visible from any waters within the area of a local lighthouse authority, the power of the Director under this Article shall not be exercised except with the consent of that local lighthouse authority.

PART 20**DOCUMENTS AND RECORDS****136 Journey Log**

- (1) An operator of an aircraft used for the purposes of international air navigation shall record and retain the information specified in instructions given by the Director under Article 53(1)(c) in a journey log, in such form as is specified in those instructions.
- (2) The Director may permit an operator not to keep a journey log if the relevant information is available in other documents that are required to be kept under the provisions of this Law.
- (3) An operator shall ensure that all entries in a journey log are made concurrently and be permanent in nature.

137 Documents to be carried

- (1) An aircraft shall not fly unless it carries the documents that it is required to carry under the law of the country in which it is registered.
- (2) An aircraft registered in Jersey shall, when in flight, carry the documents specified in instructions given by the Director or identified in the specified requirements.

138 Production of documents and records

- (1) The pilot-in-command of an aircraft shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced 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 137 to carry when in flight.
- (2) The operator of an aircraft registered in Jersey shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, under this Law, to be in force or to be carried, preserved or made available –
 - (a) the certificate of airworthiness and certificate of registration in respect of the aircraft and the licence in force in respect of the aircraft radio station installed in the aircraft;
 - (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Law to be kept;
 - (c) the weight schedule, if any, required to be preserved under Article 19;

- (d) the technical log required to be kept under Article 11(2) and those parts of the operations manual required to be carried on the flight under Article 73(2)(c);
 - (e) any record which is required by Article 41(6) to be kept, and such other documents and information in the possession or control of the operator, as the authorized person may require for the purpose of determining whether those records are complete and accurate; and
 - (f) the record made by any flight data recorder required to be carried under this Law.
- (3) The holder of a licence granted or rendered valid under this Law or of a medical certificate required under Article 33 shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person the licence, including any certificate of validation.
- (4) If any person in respect of whom a record has been kept by the operator mentioned in paragraph (2) in accordance with Article 41(6) becomes a member of the flight crew of a commercial air transport aircraft registered in Jersey and operated by another person the operator mentioned in paragraph (2) or personal representative shall deliver those records to that other person upon demand.

139 Production of aeronautical telecommunication service documents and records

The holder of an approval under Article 123 shall, within a reasonable time after being requested to do so by an authorized person, cause to be produced to that person any documents and records relating to any aeronautical telecommunication service used or intended to be used in connection with the provision of a service to an aircraft.

140 Power to inspect and copy documents and records

An authorized person has the power to inspect and copy any certificate, licence, log book, document or record that under this Law is required to be produced to that person.

141 Preservation of documents, etc.

- (1) A person required by this Law to preserve any document or record by reason of being the operator of an aircraft shall, if ceasing to be the operator of the aircraft, continue to preserve the document or record as if the person had not ceased to be the operator, and in the event of the person's death the duty to preserve the document or record falls upon the person's personal representative.
- (2) If another person becomes the operator of the aircraft, the operator mentioned in paragraph (1) or the personal representative shall deliver to that person upon demand the certificates of release to service, the log books and the weight schedule and any record made by a flight recorder

and preserved under Article 63(3) which are in force or required to be preserved in respect of that aircraft.

- (3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the operator mentioned in paragraph (1) or the personal representative shall deliver to that person upon demand the log book relating to that engine or propeller.
- (4) It shall be the duty of the other person referred to in paragraphs (2) and (3) to deal with the document or record delivered to as if the other person were the operator mentioned in paragraph (1).

142 Validity of certificates, licences, authorizations, approvals and permissions

Wherever in this Law there is provision for the giving of an instruction or the issue or grant of a certificate, licence, authorization, approval or permission by the Director, unless otherwise provided, such an instruction or a certificate, licence, authorization, approval or permission –

- (a) shall be in writing;
- (b) may be issued or granted subject to such conditions as the Director thinks fit;
- (c) may be issued or granted, subject to Article 168, for such periods as the Director thinks fit; and
- (d) may be renewed from time to time upon such conditions and for such further period or periods as the Director thinks fit.

143 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 under this Law which has been forged, altered, revoked or suspended, or to which the person is not entitled;
 - (b) lend any certificate, licence, approval, permission, exemption or any other document issued or having effect or required under this Law to, or allow it to be used by, any other person; or
 - (c) make any false representation for the purpose of procuring for himself, herself 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 of it.

- (2) A person shall not intentionally damage, alter or render illegible any log book or other record required under this Law to be maintained or any entry made in it, 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 Law 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 other permanent form.
- (4) A person shall not purport to issue any certificate for the purposes of this Law unless authorized to do so under this Law.
- (5) A person shall not issue any certificate for the purposes of this Law unless satisfied that all statements in the certificate are correct.

PART 21

OCCURRENCE REPORTING

144 Mandatory occurrence reporting

- (1) The objective of this Article is to contribute to the improvement of air safety by ensuring that the 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 applies to occurrences that endanger or which, if not corrected, would endanger an aircraft, its occupants or any other person.
- (4) A person listed below shall report to the Director any event which constitutes a reportable occurrence for the purposes of paragraph (5) and which comes to that person's attention in the exercise of that person's functions –
 - (a) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness issued under Article 6 or permit to fly issued under Article 9;
 - (b) a person who carries on in Jersey the business of manufacturing, repairing or overhauling an aircraft referred to in subparagraphs (a), or any equipment or part of any equipment;
 - (c) a person who carries on the business of maintaining or modifying an aircraft that has a certificate of airworthiness or permit to fly issued by the Director and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft;
 - (d) a person who signs an airworthiness report or a certificate of release to service in respect of an aircraft, equipment or part of such an aircraft;
 - (e) a person who performs a function which requires an air traffic controller's licence or flight information service authority;
 - (f) a holder of an aerodrome certificate or an operator or manager of a certificated aerodrome;
 - (g) a person who performs a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or

inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval granted by the Director under Article 108;

- (h) a person who performs a function concerning the ground-handling of aircraft, including fuelling, servicing, de-icing and towing.
- (5) Reports of reportable occurrences shall be made within such time, by such means and contain such information as may be specified by the Director in requirements published under Article 164 and shall be presented in such form as the Director may, either generally or in a particular case, approve.
- (6) Nothing in this Article requires a person to report any occurrence which that person has reason to believe has been or will be reported by another person to the Director in accordance with this Article.
- (7) A person shall not make any report under this Article knowing or having reason to believe that the report is false in any particular.
- (8) If the operator of an aircraft has reason to believe that a report has been or will be made under this Article, the operator shall preserve any data from a flight data recorder or a combined cockpit voice recorder and flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Director or for such longer period as the Director may in a particular case direct.
- (9) The record referred to in paragraph (8) may be erased if the aircraft is outside Jersey and it is not reasonably practicable to preserve the record until the aircraft reaches Jersey.
- (10) In this Article “reportable occurrence” means –
 - (a) any incident relating to an aircraft or any defect in or malfunctioning of an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants or any other person; and
 - (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, an aircraft or its occupants.

145 Mandatory reporting of bird strikes

- (1) The pilot-in-command of an aircraft shall make a report to the Director of any bird strike occurrence which occurs whilst the aircraft is in flight within Jersey.
- (2) The report shall be made within such time, by such means and contain such information as may be specified by the Director in requirements published under Article 164 and be presented in such form as the Director may, either generally or in a particular case, approve.
- (3) Nothing in this Article requires a person to report any occurrence which that person has reported under Article 144 or has reason to believe has

been or will be reported by another person to the Director in accordance with that Article.

- (4) A person shall not make any report under this Article knowing or having reason to believe that the report is false in any particular.
- (5) In this Article “bird strike occurrence” means an incident in flight in which the pilot-in-command of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

PART 22

PROHIBITED BEHAVIOUR, OFFENCES AND PENALTIES

146 Endangering safety of aircraft

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

147 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.

148 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 alcohol, any drug or any psychoactive substance, including medication, so as to render that person’s capacity so to act or so as to create a risk to that person or any other person.

149 Smoking in aircraft

A person shall not smoke in any compartment of an aircraft registered in Jersey at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the pilot-in-command of the aircraft.

150 Authority of pilot-in-command and members of the crew of an aircraft

- (1) The pilot-in-command of an aircraft shall have the final authority as to the disposition of the aircraft while in his or her command.
- (2) A person in an aircraft shall obey all lawful commands which the pilot-in-command or a member of the crew of that aircraft may give for the purpose of securing the safety of the aircraft and of the persons or property carried on board, or the safety, efficiency or regularity of air navigation.

- (3) A person shall not operate on any aircraft any mobile or cell phone, computer or other electronic device that is designed to transmit or capable of transmitting electromagnetic energy otherwise than in accordance with the permission of the pilot-in-command of that aircraft.
- (4) Paragraph (3) shall not apply to –
 - (a) hearing aids;
 - (b) heart pacemakers;
 - (c) portable voice recorders;
 - (d) electric shavers;
 - (e) electronic watches; or
 - (f) any other portable electronic device if the operator or pilot-in-command of the aircraft has determined that the portable electronic device to be used will not cause interference with any aircraft system or equipment of the aircraft on which it is used.

151 Acting in a disruptive manner

A person shall not 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 or her duties.

152 Obstruction of persons

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

153 Enforcement of directions

Any person who without reasonable excuse fails to comply with any direction or instructions given under any provision of this Law is deemed for the purposes of this Law to have contravened that provision.

154 Stowaways

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

155 Penalties

- (1) If any provision of this Law or a direction or instruction given under this Law is contravened in relation to an aircraft, the operator of that aircraft

and the pilot-in-command and, in the case of a contravention of Articles 105 and 107, the charterer of that aircraft, is (without prejudice to the liability of any other person for that contravention) deemed for the purposes of the following provisions of this Article to have contravened that provision unless they prove that the contravention occurred without their consent or connivance and that they 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 Law, was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission is deemed not to be a contravention by that person of that provision.
- (3) Where a person is charged with contravening a provision of this Law by reason of having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work the flight is treated (without prejudice to the liability of any other person under this Law) as not having been for that purpose if the person proves that they did not know or suspect that the flight was for that purpose.
- (4) A person who contravenes any provision of this Law not being a provision referred to in paragraphs (5) or (6), shall be guilty of an offence and liable to a fine of level 2 on the standard scale.
- (5) A person who contravenes any provision specified in Part A of Schedule 3 shall be guilty of an offence and liable to a fine of level 3 on the standard scale.
- (6) A person who contravenes any provision specified in Part B of Schedule 3 shall be guilty of an offence and liable to a fine and imprisonment for a term of 2 years.
- (7) A person who contravenes any provision specified in Part C of Schedule 3 shall be guilty of an offence and liable to a fine and imprisonment for a term of 5 years.

PART 23

INTERPRETATION OF COMMERCIAL AIR TRANSPORT AND AERIAL WORK

156 Commercial air transport – general rules

- (1) For the purposes of this Law, an aircraft in flight is deemed to fly for the purposes of commercial air 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) and persons with the authority of the Director who are either making any inspection or witnessing any training, practice or test for the purposes of this Law, or cargo

intended to be used by any such passengers, or by the undertaking;
or

- (c) for the purposes of Part 3 (other than for Articles 16(2) and 17(2)), 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 authorized does not exceed 910 kilograms) otherwise than under a hire-purchase or conditional sale agreement.
- (2) Notwithstanding that an aircraft may be flying for the purpose of commercial air transport by reason only of paragraph (1)(c), it is not deemed to be flying for the purpose of the commercial air transport of passengers unless valuable consideration is given for the carriage of those passengers.
 - (3) A glider is not deemed to fly for the purpose of commercial air transport for the purposes of Part 3 by virtue of paragraph (1)(c) if the valuable consideration given or promised for the primary purpose of conferring on a particular person the right to fly the glider on that flight is given or promised by a member of a flying club and the glider is owned or operated by that flying club.
 - (4) Notwithstanding the giving or promising of valuable consideration specified in sub-paragraph (1)(c) in respect of the flight or the purpose of the flight it shall –
 - (a) subject to sub-paragraph (b), for all purposes other than Part 3; and
 - (b) for the purposes of Articles 16(2) and 17(2),be deemed to be a private flight.
 - (5) Where a person is carried in or is given the right to fly an aircraft 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 of the association on the other hand, in such circumstances that valuable consideration would be given or promised if the transaction were effected differently, valuable consideration is, for the purposes of this Part, deemed to have been given or promised, notwithstanding any rule of law as to such transactions.
 - (6) For the purposes of paragraph (1)(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 –
 - (a) its holding company;
 - (b) its subsidiary; or
 - (c) another subsidiary of the same holding company.
 - (7) For the purposes of this Article a company is a “subsidiary” of another company, its “holding company”, if that other company –
 - (a) holds a majority of the voting rights in it; or
 - (b) is a member of it and has the right to appoint or remove a majority of its board of directors; or

- (c) is a member of it and controls alone, pursuant to an agreement with other members, a majority of the voting rights in it; or
 - (d) is a subsidiary of a company that is itself a subsidiary of that other company.
- (8) The Minister may by Order deem a flight to which this Article applies to be a private flight.

157 Commercial air transport – exception for flying displays etc.

- (1) For the purposes of Part 4, a flight is 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 clause (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 clause (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 156(1)(c), or
 - (ii) in the case of an aircraft jointly owned in accordance with Article 161(2), valuable consideration which falls within Article 161(3),
- falls within paragraph (2)(a) or (2)(b) or both.
- (2) Valuable consideration falls within this Article if it either is –
- (a) given or promised to the owner or operator of an aircraft taking part in such a race, contest or flying display does not exceed the direct costs of the flight and a contribution to the annual costs of the aircraft, such contribution bearing 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 in writing of the Director granted to the organizer of the race or contest, such permission being granted subject to such conditions as the Director thinks fit.
- (3) Any prize falling within paragraph (2)(b) shall be deemed for the purposes of this Law not to constitute remuneration for services as a pilot.

158 Commercial air transport – exception for charity flights

- (1) A flight is 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 156(1)(c); or
 - (b) in the case of an aircraft owned in accordance with Article 161(2), valuable consideration which falls within Article 161(3),is given or promised to a charity which is not the operator of the aircraft and the flight is made with the permission in writing of the Director and in accordance with any conditions therein specified.
- (2) If valuable consideration specified in Article 156(1)(c) is given or promised the flight is, for the purposes of Part 3 (other than for Articles 16(2) and 17(2)), deemed to be for the purposes of commercial air transport.

159 Commercial air transport – exception for cost sharing

- (1) A flight is 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 Article if it is –
 - (a) valuable consideration specified in Article 156(1)(c);
 - (b) in the case of an aircraft owned in accordance with Article 161(2), valuable consideration which falls within Article 161(3); or
 - (c) a contribution to the direct costs of the flight otherwise payable by the pilot-in-command.
- (3) The criteria for the purposes of paragraph (1) are that –
 - (a) no more than 4 persons (including the pilot) are carried on such a flight;
 - (b) the proportion which the contribution referred to in paragraph (2)(c) bears to the total direct costs of the flight does not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot);
 - (c) no information concerning the flight has 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 must be members of that flying club; and
 - (d) no person acting as a pilot on such a flight 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 being flown on the flight.
- (4) If valuable consideration specified in Article 156(1)(c) is given or promised the flight is, for the purposes of Part 3 (other than for

Articles 16(2) and 17(2)), deemed to be for the purposes of commercial air transport.

160 Commercial air transport – exception for recovery of direct costs

(1) A flight is 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 156(1)(c); or
- (b) in the case of an aircraft owned in accordance with Article 161(2), valuable consideration which fails within Article 161(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 156(1)(c) is given or promised the flight is, for the purposes of Part 3 (other than for Articles 16(2) and 17(2)), deemed to be for the purposes of commercial air transport.

161 Commercial air transport – exception for jointly owned aircraft

(1) A flight is 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 Article if it is owned –

- (a) jointly by persons (each of whom is a natural person) who each hold not less than a 5 per cent 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 Director 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 5 per cent of the shares in that company.

(3) Valuable consideration falls within this Article 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.

162 Aerial work – carriage of persons

A flight is an aerial work flight if it is a flight in respect of which valuable consideration has been given or promised for –

- (a) the conduct of an aerial work operation during which, excluding crew members, no more than 6 persons indispensable to that aerial work operation are carried in the aircraft; and
- (b) flights immediately before and after an aerial work operation, provided that such flights are connected with that aerial work operation and the persons carried are as specified in paragraph (a).

163 Aerial work – parachuting

Notwithstanding Article 162, a flight is an aerial work flight if it is a flight in respect of which valuable consideration has been given or promised for –

- (a) the dropping of persons by parachute and which is made in accordance with the terms of a parachuting permission granted by the Director under Article 101; and
- (b) associated positioning and return flights on which the persons carried are those who may be carried on such a flight in accordance with the terms of a parachuting permission granted by the Director under Article 101.

PART 24

GENERAL PROVISIONS

164 Publication of requirements

- (1) Where any provision of this Law provides for the Director to grant, issue or validate a licence, certificate, approval, authorization, permission or exemption or other document if the Director is satisfied as to matters specified in the provision, the Director shall, before determining whether to effect that grant, issuance or validation –
 - (a) publish, in such manner as the Director thinks fit, the requirements which the Director considers relevant to determining his or her satisfaction in respect of those matters in the publication issued in Jersey as the Jersey Aviation Requirements; and
 - (b) take into account those requirements.
- (2) Nothing in this Article shall require the Director to publish requirements in respect of a licence, certificate, approval, authorization, permission or exemption or other document if the Director does not exercise his or her powers to grant, issue or validate the licence, certificate, approval, authorization, permission or exemption or other document in question.

165 Arrangements for giving effect to the Convention on International Civil Aviation

- (1) The Director shall issue such instructions or publish such requirements or make such arrangements as are necessary, requisite or expedient for carrying out the Chicago Convention and implementing any Annex and any amendment to the Chicago Convention, or any such Annex made in accordance with the Chicago Convention, or generally for regulating and securing the safety of international air navigation in accordance with the Civil Aviation (Jersey) Law 2008⁶.
- (2) Under the provisions of paragraph (1) the Director shall, in particular –
 - (a) provide or secure the provision of a meteorological service to meet the needs of international air navigation, with due regard to regional air navigation agreements and shall designate the appropriate authority to provide or arrange for the provision of such meteorological service;
 - (b) provide or secure the provision in Jersey of aeronautical charts that comply with the specified requirements;
 - (c) arrange for the establishment and provision of search and rescue services within Jersey, and in such portions of the high seas that are the responsibility of Jersey under regional air navigation agreements; and
 - (d) provide or secure the provision of an aeronautical information service.
- (3) The Director shall arrange for the details of the services and arrangements provided under paragraph (2) to be included in an Aeronautical Information Publication relating to Jersey.

166 Power to prevent aircraft flying

- (1) If it appears to the Director or an authorized person that any aircraft is intended or likely to be flown –
 - (a) in such circumstances that any provision of Article 2, 3, 5, 21, 25, 63, 82, 148(2) would be contravened in relation to the flight;
 - (b) in such circumstances that the flight would be in contravention of any other provision of this Law, 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 Law,the Director or that authorized person may direct the operator or the pilot-in-command of the aircraft 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 Director or by an authorized person.
- (2) For the purposes of paragraph (1) the Director or any authorized person may enter upon and inspect any aircraft, and the Director or that authorized person may take such steps as are necessary to detain the aircraft.

- (3) If it appears to the Director or to an authorized person that any aircraft is intended or is likely to be flown in such circumstances that any provision of Article 105 or 107 would be contravened in relation to the flight, the Director or that authorized person may direct the pilot-in-command of the aircraft 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 Director or by an authorized person.
- (4) For the purposes of paragraph (3) the Director or any authorized person may enter upon any aerodrome and may enter upon and inspect any aircraft and the Director or any authorized person may take such steps as are necessary to detain the aircraft.

167 Right of access to aerodromes and other places

The Director, and any authorized person, has the right of access at all reasonable times –

- (a) to any aerodrome, including any facility provided for rescue and fire-fighting at the 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 may be demanded under this Law, or for the purpose of detaining any aircraft under this Law;
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which may be demanded under this Law and for the purpose of detaining the aircraft under this Law;
- (d) to any building or place from which an air traffic control service is being provided or where any aeronautical telecommunications service requiring approval under Article 123 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 may be demanded under this Law;
- (e) to any place where a service described in Article 165 is designed, directed, arranged or provided, for the purpose of determining whether such services are being provided satisfactorily; and
- (f) to inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any document relating to them and may for that purpose go upon any aerodrome or enter any premises, including premises used for any of the purposes of the manufacturing, maintaining, overhauling, repairing or modifying an aircraft or of any of the material, parts or equipment installed or to be installed in an aircraft.

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

- (1) Subject to paragraph (5), the Director may provisionally suspend or vary any certificate, licence, approval, permission, exemption, authorization or

other document issued, granted or having effect under this Law, pending inquiry into or consideration of the case.

- (2) Subject to paragraph (6) the Director may, on being satisfied as to sufficient ground being shown following due inquiry, revoke, suspend or vary any such certificate, licence, approval, permission, exemption, authorization 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 under this Law shall surrender it to the Director within a reasonable time after being required to do so by the Director.
- (4) The breach of any condition subject to which any certificate, licence, approval, permission, exemption or other document, other than a certificate issued in respect of an aerodrome under Article 125, has been granted or issued or which has effect under this Law, in the absence of provision to the contrary in the document, renders the document invalid during the continuance of the breach.
- (5) Nothing in this Article applies to any permission to which Article 169 applies.
- (6) A flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Director, whether or not after due inquiry.

169 Revocation, suspension and variation of permissions, etc. granted under Article 105 or Article 107

- (1) The permits to which this Article applies are permissions granted by the Director as the case may be under Article 105 or 107 and any approvals or authorizations of, or consents to, any matter which the Director has granted, or is deemed to have granted, in pursuance of a permission which either of them has so granted.
- (2) The Director may revoke, suspend or vary any permit to which this Article applies.
- (3) Except as provided by paragraph (4), the Director may exercise the powers under paragraph (2) only after notifying the permit-holder of the intention to do so and after due consideration of the case.
- (4) If, by reason of the urgency of the matter, it appears to the Director to be necessary to do so, the Director may provisionally suspend or vary a permit without complying with the requirements of paragraph (3); but shall in any such case comply with those requirements as soon thereafter as is reasonably practicable and shall then either –
 - (a) revoke the provisional suspension or variation of the permit; or
 - (b) substitute for it 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 on the same or different terms as the provisional variation (if any).

- (5) The powers vested in the Director by paragraph (2) and paragraph (4) may be exercised whenever, in the Director's 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 by a permit to which this Article applies or should enjoy them subject to such limitations or qualifications as the Director may determine.
- (6) In particular, and without prejudice to the generality of the foregoing, the Director may exercise those powers if it appears to the Director 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 of the agreement;
 - (c) the person to whom the permit was granted, or a Government which is a party to an agreement referred to in sub-paragraph (b), or the appropriate aeronautical authorities of the country concerned, have 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; or
 - (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 Jersey for the purposes of any such agreement, is no longer so designated or that that person has so acted, or that such circumstances have arisen in relation to that person, as to make it necessary or expedient to disregard or qualify the consequences of being so designated.
- (7) 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 Director within a reasonable time of being required by the Director to do so.
- (8) The breach of any condition subject to which any permit to which this Article applies has been granted renders the permit invalid during the continuance of the breach.
- (9) In this Article "permit-holder" means the person to whom any permit to which this Article applies has been granted, or that is deemed to have been granted.

170 Flights over any foreign country

- (1) The operator and the pilot-in-command of an aircraft registered in Jersey (or, if the operator's principal place of business or permanent residence is in Jersey, any other aircraft) which is being flown over any country other

than Jersey shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country.

- (2) A person shall not contravene paragraph (1) if that person did not know or suspect that the aircraft was being or was to be used for a purpose referred to in paragraph (1).
- (3) The operator and the pilot-in-command of an aircraft registered in Jersey (or, if the operator's principal place of business or permanent residence is in Jersey, any other aircraft) which is being flown over any country other than Jersey shall comply with any directions given by the appropriate aeronautical authorities of that country whenever –
 - (a) the flight has not been duly authorized; or
 - (b) there are reasonable grounds for the appropriate aeronautical authorities of that country to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country,

unless the lives of persons on board or the safety of the aircraft would be endangered as a result.

- (4) A person does not contravene paragraph (3) if that person did not know or suspect that directions were being given by the appropriate aeronautical authorities.
- (5) The requirement in paragraph (3) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

171 Extra-territorial effect of the Law

- (1) Except where the context otherwise requires, the provisions of this Law –
 - (a) insofar as they apply (whether by express reference or otherwise) to aircraft registered in Jersey, apply to such aircraft wherever they may be;
 - (b) insofar as they apply to other aircraft, apply to such other aircraft when they are within Jersey;
 - (c) insofar as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in, or by any of the crew of, any aircraft registered in Jersey, apply to such persons and crew wherever they may be; and
 - (d) insofar as they prohibit, require or regulate the doing of anything in relation to any aircraft registered in Jersey by other persons, where such persons are Commonwealth citizens or British protected persons, apply to them wherever they may be.
- (2) Nothing in this Article is construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948 (c. 56) of the United Kingdom as it applies to Jersey that the person shall not be guilty of an offence.

172 Application of the Law to Jersey-controlled aircraft not registered in Jersey

- (1) The Director may direct that such of the provisions of this Law as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in Jersey included references to the aircraft specified in the direction.
- (2) A direction under paragraph (1) may only specify an aircraft that is not registered in Jersey but which is for the time being under the management of a person who (or of persons each of whom) is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Jersey.

173 Application of the Law to the Crown and visiting forces etc.

- (1) Subject to the following provisions of this Article, the provisions of this Law 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 is 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) Nothing in this Article renders liable to any penalty any department or other authority responsible on behalf of Her Majesty for the management of any aircraft.
- (4) Paragraph (5) applies to the naval, military and air force authorities, any members of any visiting force and any international headquarters and their members and property held or used for the purpose of such a force.
- (5) Except as otherwise expressly provided, each body and person and any property to which paragraph (4) applies is exempt from the provisions of this Law to the same extent as if it formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving in Jersey.
- (6) Except as otherwise provided by paragraph (7), Articles 40(3)(a), 48(7), (12) and (13), and 130 and the Rules of the Air, nothing in this Law applies to or in relation to any military aircraft.
- (7) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his or her duty as a member of any of Her Majesty's naval, military or air forces or as a member of a visiting force, Articles 47, 146, 147, and 148 and the Rules of the Air apply unless, in the case of the Rules of the Air, an aircraft is flown in compliance with specific requirements.

174 Exceptions for certain classes of aircraft

Other than Articles 1(1) and (4), 47(1), 49, 50, 52, 97, 98, 147 and 166(1)(b), this Law shall not apply to or in relation to –

- (a) any small balloon;
- (b) any kite weighing not more than 2 kilograms;
- (c) any small unmanned aircraft; or
- (d) any parachute, including a parascending parachute.

175 Approval for persons to furnish reports

The Director may approve a person as qualified to provide reports, and may accept such reports, in relation to any of the Director's functions under any of the provisions of this Law.

176 Exemption from the Law

The Director may in writing exempt from any of the provisions of this Law (other than Articles 44, 45, 105, 106, 107, 170, and 178) any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as the Director thinks fit.

177 Appeal

A person aggrieved by a decision of the Director under this Law may, within 28 days of that decision or within such further time as the Royal Court allows, appeal to the Royal Court against that decision.

178 Limitation of liability

- (1) The Minister or any person who is, or is acting as, an officer, servant or agent in an administration of the States for which the Minister is assigned responsibility, the Director and an authorized person are not liable in damages for any act done in the discharge, or purported discharge, of any function of the Director.
- (2) Paragraph (1) does not apply –
 - (a) if it was shown that the act was done in bad faith; or
 - (b) so as to prevent an award of damages made in respect of an act on the ground that the act was unlawful as a result of Article 7(1) of the Human Rights (Jersey) Law 2000⁷.

179 Criminal liability of partners, directors and other officers

- (1) Where an offence under this Law is committed by a limited liability partnership, a separate limited partnership, any other partnership having separate legal personality or a body corporate is proved to have been committed with the consent or connivance of –

- (a) a person who is a partner of the partnership, or director, manager, secretary or other similar officer of the body corporate; or
 - (b) any person purporting to act in any such capacity,
- the person is also guilty of the offence and liable in the same manner as the partnership or body corporate to the penalty provided for that offence.
- (2) Where the affairs of a body corporate are managed by its members, paragraph (1) applies in relation to acts and defaults of a member in connection with the member's functions of management as if he or she were a director of the body corporate.

180 Regulations

The States may by Regulations –

- (a) make such other provision as the States think fit for the purposes of carrying this Law into effect;
- (b) provide for the investigation accidents and incidents on Jersey registered aircraft;
- (c) amend Part 1 and the Schedules;
- (d) create offences, and specify penalties for such offences not exceeding imprisonment for 2 years and a fine for contravention of the Regulations;
- (e) make such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient for the purposes of the Regulations.

181 Orders

The Minister may by Order make provision –

- (a) prescribing any matter which is to be prescribed under this Law;
- (b) as to the manner of filing of applications and other documents;
- (c) requiring and regulating the translation of documents and the filing and authentication of any translation;
- (d) as to the service of documents;
- (e) authorizing the rectification of irregularities of procedure;
- (f) specifying time limits for anything required to be done in connection with any proceeding under this Law;
- (g) setting time limits and the extension of any such time limit, whether or not it has already expired;
- (h) specifying the fees to be charged in connection with the issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, this Law and the method by, the time at which and the person to whom such fees shall be paid.

182 Saving

- (1) Subject to the provisions of Articles 125 and 129, nothing in this Law confers any right to land in any place as against the owner of the land or other persons interested in the land.
- (2) Nothing in this Law obliges the Director 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.

183 Citation and commencement

This Law may be cited as the Air Navigation (Jersey) Law 201- and shall come into force on such day or days as the States may by Act appoint.

SCHEDULE 1

(Article 1(4))

CLASSIFICATION OF AIRCRAFT

Table of general classification of aircraft

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

SCHEDULE 2

(Articles 30)

LICENCES**MINIMUM AGE, PERIOD OF VALIDITY AND PRIVILEGES****AEROPLANE PILOTS****1 Private Pilot's Licence (Aeroplanes)***Minimum age – 17 years**No maximum period of validity**Privileges –*

- (1) Subject to sub-paragraph (2), the holder of a Private Pilot's Licence (Aeroplanes) is entitled to fly as pilot-in-command or co-pilot of an aeroplane of any of the types or classes specified or otherwise falling within an aircraft rating included in the licence.
- (2) The holder of Private Pilot's Licence (Aeroplanes) shall not –
 - (a) fly an aeroplane for the purpose of commercial air transport or aerial work except in accordance with sub-paragraph (3);
 - (b) receive any remuneration for the holder's services as a pilot on a flight except in accordance with sub-paragraph (4);
 - (c) unless the Private Pilot's Licence (Aeroplanes) includes an instrument rating (aeroplanes), fly as pilot-in-command of an aeroplane –
 - (i) on a flight outside controlled airspace if the flight visibility is less than 3 kilometres,
 - (ii) on a special VFR flight in a control zone in a flight visibility of less than 10 kilometres except on a route or in an aerodrome traffic zone notified for the purpose of this sub-clause, or
 - (iii) when the surface is not in sight;
 - (d) fly as pilot-in-command of an aeroplane at night unless the licence includes a night rating (aeroplanes);
 - (e) unless the licence includes an instrument rating (aeroplanes), fly as pilot-in-command or co-pilot of an aeroplane flying in Class A, B, C, D or E airspace in circumstances which require compliance with the Instrument Flight Rules;
 - (f) fly as pilot-in-command of an aeroplane carrying passengers unless –
 - (i) within the preceding 90 days the holder has made 3 take-offs and 3 landings as the sole manipulator of the controls of an aeroplane of the same type or class, and

- (ii) if such a flight is to be carried out at night and the licence does not include an instrument rating (aeroplane) at least one of those take-offs and landings has been at night.
- (3) The holder of a Private Pilot's Licence (Aeroplanes) may fly an aeroplane for the purpose of aerial work which consists of –
 - (a) the giving of instruction in flying, if the licence includes a flying instructor's rating; or
 - (b) the conduct of flying tests for the purposes of this Law.
- (4) The holder of a Private Pilot's Licence (Aeroplanes) may fly an aeroplane for the purpose of aerial work which consists of –
 - (a) towing a glider in flight; or
 - (b) a flight for the purpose of dropping of persons by parachute,
in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the holder of the licence and any person carried in the aircraft or in any glider towed by the aircraft are members.
- (5) The holder of a Private Pilot's Licence (Aeroplanes) may receive remuneration for services as a pilot on a flight if –
 - (a) the Private Pilot's Licence (Aeroplanes) includes a flying instructor's rating entitling the holder to give instruction in flying microlight aeroplanes; and
 - (b) the remuneration is for giving such instruction or conducting such flying tests as are specified in sub-paragraph (3) in a microlight aeroplane.

2 Commercial Pilot's Licence (Aeroplanes)

Minimum age – 18 years

Maximum period of validity – 10 years

Privileges –

- (1) The holder of a Commercial Pilot's Licence (Aeroplanes) is entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) except that paragraphs 1(2)(c) and (d) do not apply.
- (2) Subject to sub-paragraphs (3) and (7), the holder of a Commercial Pilot's Licence (Aeroplanes) is entitled to fly as pilot-in-command of an aeroplane of a type or class on which the holder is so qualified and which is specified in an aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose.
- (3) The holder of a Commercial Pilot's Licence (Aeroplanes) shall not –
 - (a) unless the Commercial Pilot's Licence (Aeroplanes) includes an instrument rating (aeroplanes), fly an aeroplane on any scheduled journey;
 - (b) fly as pilot-in-command of an aeroplane carrying passengers unless the holder has carried out at least 3 take-offs and 3 landings as pilot flying in an aeroplane of the same type or in a synthetic training

- device, approved for the purpose, of the aeroplane type to be used, in the preceding 90 days;
- (c) as co-pilot serve at the flying controls in an aeroplane carrying passengers during take-off and landing unless the holder has served as a pilot at the controls during take-off and landing in an aeroplane of the same type or in a synthetic training device, approved for the purpose, of the aeroplane type to be used, in the preceding 90 days;
 - (d) if the Commercial Pilot's Licence (Aeroplanes) does not include a valid instrument rating (aeroplanes), act as pilot-in-command of an aeroplane carrying passengers at night unless during the previous 90 days at least one of the take-offs and landings required in clause (b) has been at night;
 - (e) unless the Commercial Pilot's Licence (Aeroplanes) includes an instrument rating (aeroplanes), fly any aeroplane of which the maximum certificated take-off mass exceeds 2300 kilograms on any flight for the purpose of commercial air transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome;
 - (f) fly as pilot-in-command of an aeroplane on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation;
 - (g) fly an aeroplane on any flight for the purpose of commercial air transport after attaining the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Law entitling the second pilot to act as pilot-in-command or co-pilot of that aeroplane;
 - (h) fly as pilot-in-command or co-pilot of an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules, unless the Commercial Pilot's Licence (Aeroplanes) includes an instrument rating (aeroplanes).
- (4) Subject to sub-paragraph (5), the holder of a Commercial Pilot's Licence (Aeroplanes) is entitled to fly as pilot-in-command of an aeroplane of a type specified in a flying instructor's rating included in the Commercial Pilot's Licence (Aeroplanes) on a flight for the purpose of aerial work which consists of –
- (a) the giving of instruction in flying; or
 - (b) the conducting of flying tests for the purposes of this Law,
- in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (5) The holder is entitled to exercise privileges contained in sub-paragraph (4) only in an aeroplane which the holder is entitled to fly as pilot-in-command on a private flight, an aerial work flight or a

commercial air transport flight under the privileges set out in sub-paragraph (1) or (2).

- (6) The holder is entitled to fly as co-pilot of any aeroplane of a type specified in an aircraft rating included in the Commercial Pilot's Licence (Aeroplanes) when the aeroplane is engaged on a flight for any purpose.
- (7) The holder of a Commercial Pilot's Licence (Aeroplanes) shall not at any time after attaining the age of 65 years act as pilot-in-command or co-pilot of any aeroplane on a flight for the purpose of commercial air transport.

3 Airline Transport Pilot's Licence (Aeroplanes)

Minimum age – 21 years

Maximum period of validity – 10 years

Privileges –

The holder of an Air Transport Pilot's Licence is entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that paragraph 2(3)(f) shall not apply.

HELICOPTER AND GYROPLANE PILOTS

4 Private Pilot's Licence (Helicopters)

Minimum age – 17 years

No maximum period of validity

Privileges –

- (1) Subject to sub-paragraph (2), the holder of a Private Pilot's Licence (Helicopters) is entitled to fly as pilot-in-command or co-pilot of any helicopter of a type specified in an aircraft rating included in the licence.
- (2) The holder of the Private Pilot's Licence (Helicopters) shall not –
 - (a) fly a helicopter for the purpose of commercial air transport or aerial work other than aerial work which consists of –
 - (i) the giving of instruction in flying if the Private Pilot's Licence (Helicopters) includes a flying instructor's rating,
 - (ii) the conduct of flying tests for the purposes of this Law, except in either case in a helicopter owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members;
 - (b) receive any remuneration for services as a pilot on a flight other than remuneration for the giving of such instruction or the conduct of such flying tests as are specified in clause (a);
 - (c) fly as pilot-in-command of a helicopter at night unless the licence includes a night rating (helicopters);

- (d) unless the licence includes an instrument rating (helicopter), fly as pilot-in-command or co-pilot of a helicopter in circumstances which require compliance with the Instrument Flight Rules –
 - (i) in Class A, B or C airspace at any time, or
 - (ii) in Class D, E, F or G airspace unless flying at night and remaining clear of cloud and with the surface in sight;
- (e) fly as pilot-in-command of a helicopter carrying passengers unless –
 - (i) within the preceding 90 days the holder has made 3 circuits, each to include take-offs and landings as the sole manipulator of the controls of a helicopter of the same type, or
 - (ii) if the privileges are to be exercised by night and the licence does not include an instrument rating, within the preceding 90 days the holder has made 3 circuits, each to include take-offs and landings by night as the sole manipulator of the controls of a helicopter of the same type.

5 Private Pilot's Licence (Gyroplanes)

Minimum age – 17 years

No maximum period of validity

Privileges –

- (1) Subject to sub-paragraph (2), the holder of a Private Pilot's Licence (Gyroplanes) is entitled to fly as pilot-in-command or co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence.
- (2) The holder of the Private Pilot's Licence (Gyroplanes) shall not fly a gyroplane for the purpose of commercial air transport or aerial work other than aerial work which consists of –
 - (a) the giving of instruction in flying if the licence includes a flying instructor's rating or an assistant flying instructor's rating; or
 - (b) the conduct of flying tests for the purposes of this Law,in either case in a gyroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.
- (3) The holder shall not receive any remuneration for services as a pilot on a flight other than remuneration for giving of such instruction or the conduct of such flying tests as are specified in sub-paragraph (2).
- (4) The holder shall not fly as pilot-in-command of a gyroplane at night unless the licence includes a night rating (gyroplanes) and the holder has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.

6 Commercial Pilot's Licence (Helicopters and Gyroplanes)

Minimum age – 18 years

Maximum period of validity – 10 years

Privileges –

- (1) Subject to sub-paragraph (2), the holder of the Commercial Pilot's Licence (Helicopters and Gyroplanes) is entitled –
 - (a) to exercise the privileges of a Private Pilot's Licence (Helicopters) or a Private Pilot's Licence (Gyroplanes) which includes respectively either a night rating (helicopters) or a night rating (gyroplanes); and
 - (b) to fly as pilot-in-command of any helicopter or gyroplane on which the holder is so qualified and which is of a type specified in an aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose.
- (2) The holder of the Commercial Pilot's Licence (Helicopters and Gyroplanes) shall not –
 - (a) fly a helicopter on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation;
 - (b) fly a helicopter on any flight for the purpose of commercial air transport after attaining the age of 60 years unless the helicopter is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Law entitling the second pilot to act as pilot-in-command or co-pilot of that helicopter;
 - (c) unless the Commercial Pilot's Licence (Helicopters and Gyroplanes) includes an instrument rating (helicopter), fly as pilot-in-command of a helicopter in circumstances which require compliance with the Instrument Flight Rules –
 - (i) in Class A, B or C airspace at any time, or
 - (ii) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight;
 - (d) fly as pilot-in-command of a helicopter carrying passengers unless the holder has carried out at least 3 circuits, each to include take-offs and landings, as pilot flying in a helicopter of the same type or a synthetic training device of the helicopter type to be used, in the preceding 90 days;
 - (e) unless the Commercial Pilot's Licence (Helicopters and Gyroplanes) includes a valid instrument rating (helicopter) act as pilot-in-command of a helicopter carrying passengers at night unless during the previous 90 days at least one of the take-offs and landings required in clause (d) has been carried out at night;
 - (f) fly a gyroplane on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation;
 - (g) fly a gyroplane at night unless the holder has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 take-offs and 5 landings at a time when the

depression of the centre of the sun was not less than 12° below the horizon; or

- (h) fly a gyroplane on any flight for the purpose of commercial air transport after attaining the age of 60 years unless the gyroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Law entitling the second pilot to act as pilot-in-command or co-pilot of that gyroplane.
- (3) Subject to sub-paragraph (2), the holder of a Commercial Pilot's Licence (Helicopters and Gyroplanes) is entitled to fly as co-pilot of any helicopter or gyroplane of a type specified in an aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose.
 - (4) The holder of a Commercial Pilot's Licence (Helicopters and Gyroplanes) shall not, unless his licence includes an instrument rating (helicopter), fly as co-pilot of a helicopter flying in circumstances which require compliance with the Instrument Flight Rules –
 - (a) in Class A, B or C airspace at any time; or
 - (b) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight.
 - (5) The holder of a Commercial Pilot's Licence (Helicopters and Gyroplanes) shall not as co-pilot serve at the flying controls in a helicopter carrying passengers during take-off and landing unless the holder has served as a pilot at the controls during take-off and landing in a helicopter of the same type or in a synthetic training device of the helicopter type to be used, in the preceding 90 days.
 - (6) The holder of a Commercial Pilot's Licence (Helicopters and Gyroplanes) shall not at any time after attaining the age of 65 years act as pilot-in-command or co-pilot of any helicopter or gyroplane on a flight for the purpose of commercial air transport.

7 Airline Transport Pilot's Licence (Helicopters and Gyroplanes)

Minimum age – 21 years

Maximum period of validity – 10 years

Privileges –

The holder of an Airline Transport Pilot's Licence (Helicopters and Gyroplanes) is entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes) except that paragraphs 6(2)(a) and (2)(f) shall not apply.

BALLOON AND AIRSHIP PILOTS**8 Private Pilot's Licence (Balloons and Airships)**

Minimum age – 17 years

No maximum period of validity

Privileges –

- (1) Subject to sub-paragraph (2), the holder of a Private Pilot's Licence (Balloons and Airships) is entitled to fly as pilot-in-command of any type of balloon or airship on which the holder is so qualified and which is specified in an aircraft rating in the licence and co-pilot of any type of balloon or airship specified in such a rating.
- (2) The holder of a Private Pilot's Licence (Balloons and Airships) shall not –
 - (a) fly a balloon or airship for the purpose of commercial air transport or aerial work, other than aerial work which consists of the giving of instruction in flying or testing in a club environment;
 - (b) receive any remuneration for services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in clause (a); or
 - (c) fly a balloon unless the holder has within the immediately preceding 13 months carried out as pilot-in-command in a free balloon 5 flights each of not less than 5 minutes duration.

9 Commercial Pilot's Licence (Balloons)

Minimum age – 18 years

Maximum period of validity – 10 Years

Privileges –

- (1) The holder of a Commercial Pilot's Licence (Balloons) is entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).
- (2) Subject to sub-paragraph (3), the holder of a Commercial Pilot's Licence (Balloons) is entitled to fly, when the balloon is flying for any purpose, as pilot-in-command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.
- (3) The holder of a Commercial Pilot's Licence (Balloons) shall not act as pilot-in-command on a flight for the purpose of the commercial air transport of passengers unless the holder has within the immediately preceding 90 days carried out as pilot-in-command in a free balloon 3 flights each of not less than 5 minutes duration.

10 Commercial Pilot's Licence (Airships)

Minimum age – 18 years

Maximum period of validity – 10 years

Privileges –

- (1) The holder of a Commercial Pilot's Licence (Airships) is entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).
- (2) The holder of a Commercial Pilot's Licence (Airships) is entitled to fly, when the airship is flying for any purpose, as pilot-in-command of any type of airship on which the holder is so qualified and which is specified in an aircraft rating included in the licence and as co-pilot of any type of airship specified in such a rating.

GLIDER PILOTS**11 Commercial Pilot's Licence (Gliders)**

Minimum age – 18 years

Maximum period of validity – 10 years

Privileges –

The holder of a Commercial Pilot's Licence (Gliders) is entitled to fly for any purpose as pilot-in-command or co-pilot of –

- (a) any glider of which the maximum total weight authorized does not exceed 680 kilograms;
- (b) any glider of which the maximum total weight authorized exceeds 680 kilograms and which is of a type specified in the rating included in the licence.

OTHER FLIGHT CREW**12 Flight Engineer's Licence**

Minimum age – 21 years

Maximum period of validity – 10 years

Privileges –

The holder of a Flight Engineer's Licence is entitled to act as flight engineer in any type of aircraft specified in an aircraft rating included in the licence.

13 Flight Radiotelephony Operator's Licence

Minimum age – 16 years

Maximum period of validity – 10 years

Privileges –

The holder of a Radio Telephony Operator's Licence is entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but is not entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

SCHEDULE 3

(Article 155(5))

PENALTIES

PART A

<i>Article</i>	<i>Subject matter</i>
2	Aircraft to be registered
3	Aircraft flying with false or incorrect markings
10	Permit to fly cessing to be in force
11	Failure to keep a technical log or log books
13	Flight without a certificate of release to service
14(7)	Exercise of privileges of aircraft maintenance engineer's licence whilst unfit
16	Flight without required equipment
17	Flight without required radio equipment
18	Minimum equipment requirements
19	Requirement to weigh aircraft and keep weight schedule
21-22	Crew requirements
31(1) and (4)	Requirement for appropriate certificate of test or experience
32	Requirement for appropriate certificate of test
33	Flight without valid medical certificate
34	Flight in unfit condition
35	Prohibition of flight after failure of test
38	Instruction in flying without appropriate licence and rating
41(6)	Operator's obligation to obtain flight time records of flight crew
42(2)	Flight crew member's obligation to inform operator of flight times
43	Flight time limitations
47	Flight in contravention of direction prohibiting or restricting flying
48	Flying displays
49-51	Flight by balloons, gliders, kites, parascending parachutes and airships

<i>Article</i>	<i>Subject matter</i>
52	Flight by small unmanned aircraft
54	Aerodrome operating minima – non-commercial air transport aircraft
55	Requirement for pilot to remain at controls
57	Pre-flight action by pilot-in-command of aircraft
58	Requirement for passenger briefing
61	Requirements for radio station in aircraft to be licensed and for operation of same
62	Requirement for an airborne collision avoidance system
63	Use of flight recording systems and preservation of records
65	Carriage of persons in or on any part of an aircraft not designed for that purpose
66 and 67	Requirement for exits and break-in markings
68	Requirement for area navigation equipment – aircraft registered in Jersey
69	Requirement for area navigation equipment – aircraft not registered in Jersey
70	Requirement for minimum navigation performance equipment
71	Requirement for height keeping performance equipment – aircraft registered in Jersey
72	Requirement for height keeping performance equipment – aircraft registered elsewhere than in Jersey
73	Operations manual requirement
75	Prohibition on commercial air transport flights at night or in instrument meteorological conditions by single engine aeroplanes
76	Aerodrome operating minima – commercial air transport aircraft not registered in Jersey
98	Requirement for aerial application permission
99	Towing, picking up and raising of persons, animals and articles by aircraft
100	Dropping of articles and animals from aircraft
101	Dropping of persons
103	Requirement for approval

<i>Article</i>	<i>Subject matter</i>
109	Duty of person in charge to be satisfied as to competence of controllers
112	Use of radio call signs at aerodromes
120	Requirement for licensing of flight information service officers
122	Requirement for flight information service manual
123	Use of aeronautical telecommunications service
124	Requirement to keep aeronautical telecommunications service records
125	Requirement for certificated aerodrome
126	Contravention of conditions of aerodrome certificate – use of aerodromes
132	Management of aviation fuel at aerodromes
133	Use of aeronautical lights
135	Prohibition of dangerous lights
149	Prohibition of smoking in aircraft
150	Requirement to obey lawful commands of aircraft pilot-in-command
151	Acting in a disruptive manner
152	Obstruction of persons performing duties under the Order
154	Prohibition of stowaways

PART B

(Article 155(6))

<i>Article</i>	<i>Subject matter</i>
5	Flight without a certificate of airworthiness
23	Requirement for appropriate licence
41(1)	Operator's obligation to regulate flight times of flight crew
41(5)	Operator's obligation not to allow flight by crew in dangerous state of fatigue
42(1)	Crew's obligation not to fly in dangerous state of fatigue
44	Protection of air crew from cosmic radiation
45	Keeping and production of records of exposure to cosmic

<i>Article</i>	<i>Subject matter</i>
	radiation
53	Operation of aircraft
78	Prohibition of carriage of weapons and munitions of war
81 and 82	Prohibition of carriage and delivery of dangerous goods
105	Restriction of flights for valuable consideration by aircraft registered elsewhere outside Jersey
107	Restriction of flights for aerial photography, aerial survey and aerial work by aircraft registered outside Jersey
108	Provision of an air traffic control service without an approval
113	Requirement for licensing of air traffic controllers
118	Prohibition of drunkenness etc. of controllers
119	Controller's obligation not to act in a dangerous state of fatigue
132(4)	Use of aviation fuel which is unfit for use in aircraft
143	Use of false or unauthorized documents and records
144(4), (5), (7), (8)	Contravention of mandatory reportable occurrences requirements
147	Endangering safety of persons or property
148	Prohibition of drunkenness in aircraft
151	Acting in disruptive manner and intentional interference
166	Flight in contravention of direction not to fly
170	Operators' or pilot-in-commands' obligations in respect of flights over any foreign country

PART C

(Article 155(7))

<i>Article</i>	<i>Subject matter</i>
146	Endangering safety of aircraft

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- ¹ *chapter 05.800*
 - ² *chapter 03.530*
 - ³ *chapter 05.800*
 - ⁴ *chapter 19.885*
 - ⁵ *chapter 03.805*
 - ⁶ *chapter 03.530*
 - ⁷ *chapter 15.350*