

# STATES OF JERSEY

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## DRAFT CIVIL AVIATION (JERSEY) LAW 200-

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Lodged au Greffe on 29th January 2008  
by the Minister for Home Affairs

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STATES GREFFE





Jersey

## **DRAFT CIVIL AVIATION (JERSEY) LAW 200-**

### **European Convention on Human Rights**

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

In the view of the Minister for Home Affairs the provisions of the Draft Civil Aviation (Jersey) Law 200- are compatible with the Convention Rights.

(Signed) **Senator W. Kinnard**

# REPORT

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## Background

Jersey is, through the United Kingdom's ratification, a party to the Chicago Convention on International Civil Aviation ("the Convention") which is the international convention governing arrangements for civil aviation.

The International Civil Aviation Organisation ("ICAO"), a regulatory body established under the Convention, monitors compliance with ICAO Member States' obligations under the Convention. An audit of the United Kingdom's arrangements for regulating international civil aviation took place in 2000.

In its report, ICAO raised concerns about regulation in some of the overseas territories where, as is the case in Jersey and the other Crown Dependencies, airports are operated by the government. The United Kingdom Government has since confirmed to the governments of the Crown Dependencies that these concerns apply equally to the regulation of international civil aviation in all the Crown Dependencies.

Under the Convention, the United Kingdom is responsible for ensuring the maintenance of international standards of aviation in the Crown Dependencies, as set out in the Standards and Recommended Practices, laid down in the 18 Annexes to the Convention.

It is expected that in the course of the next audit of the United Kingdom, the United Kingdom Government will be asked to demonstrate that it has made satisfactory arrangements for ensuring the continued adherence to the Convention's Standards and Recommended Practices in the Crown Dependencies.

The area of concern for ICAO in relation to the overseas territories, and thus by extension to the Crown Dependencies, is the apparent lack of independence of the regulator from the airport operator. The current arrangement under which both the administrative and regulatory functions at Jersey Airport are the responsibility of, and are carried out by, the same authority (the Minister for Economic Development or the Airport Director under the authority of the Minister) does not meet with ICAO standards and must be changed. It is necessary to separate the functions of airport operator and regulator between 2 bodies.

Discussions have been held between officials from all the Crown Dependencies and the United Kingdom, from which it has emerged that the ICAO requirements would be met by a new legislative regime in which:

- A local regulator is in place who is demonstrably independent of the airport operator.
- The advice from the local regulator has to be accepted by the airport operator and that the regulator is required to enforce the appropriate international standards.
- The regulator has power to enforce compliance.

Accordingly, the Director of Civil Aviation will be responsible to the Minister for Home Affairs, while the Airport Director will continue to be responsible to the Minister for Economic Development.

In carrying out the functions of the office of Director of Civil Aviation, the Director will be required to act in a way best calculated to achieve compliance with the international obligations that bind Jersey in respect of the safety of civil aviation.

This means, in particular, compliance with the Chicago Convention concluded on 7th December 1944 at the International Civil Aviation Conference held in that city.

After the Law comes into force, an operator of an aerodrome (at present the States of Jersey, in the case of Jersey Airport) will be required to obtain and comply with an aerodrome licence. The Director of Civil Aviation will be the licensing authority.

The Director will also be required to tender advice to the Minister on the safety of civil aviation and international relations and commitments in respect of civil aviation.

## Consultations

A consultation paper was issued to the main stakeholders on 10th December 2007 with a closing date for comments of 20th January 2008.

Three responses were received, none of which were judged to require changes to the draft Law.

## Financial/manpower implications

There are no additional manpower implications for the States resulting from this Law. The Office of the Director of Civil Aviation will be staffed by one person, the Director, being transferred from the Economic Development (Airport) headcount to Home Affairs. Once the Office is fully established and the international audit completed, it is planned to reduce the post of Director to a part-time one, although it may be necessary then to employ a part-time administrator/assistant.

The financial cost of the Office, including staff costs, will be met by payments by Jersey Airport, of a licence fee. Jersey Airport currently contracts with technical experts in various fields to provide regulatory advice; these contracts and the cost of same will be transferred from Jersey Airport to the Office of the Director of Civil Aviation. Overall financial cost increases will be limited to such matters as office accommodation.

### **European Convention on Human Rights**

Article 16 of the Human Rights (Jersey) Law 2000 requires the Minister in charge of a Projet de Loi to make a statement about the compatibility of the provisions of the Projet with the Convention rights (as defined by Article 1 of the Law). On 28th January 2008 the Minister for Home Affairs made the following statement before Second Reading of this Projet in the States Assembly –

In the view of the Minister for Home Affairs the provisions of the Draft Civil Aviation (Jersey) Law 200- are compatible with the Convention Rights.

## **Explanatory Note**

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This Law will create the office of Director of Civil Aviation, with the responsibility the safety of civil aviation in Jersey.

It would, therefore, separate the safety of civil aviation from the management and operation of Jersey Airport.

Accordingly, the Director of Civil Aviation will be responsible to the Minister for Home Affairs, while the Airport Director will continue to be responsible to the Minister for Economic Development.

In carrying out the functions of the office of Director of Civil Aviation, the Director will be required to act in a way best calculated to achieve compliance with the international obligations that bind Jersey in respect of the safety of civil aviation.

This means, in particular, compliance with the Chicago Convention concluded on 7th December 1944 at the International Civil Aviation Conference held in that city.

After the Law comes into force, an operator of an aerodrome (at present the States of Jersey, in the case of Jersey Airport) will be required to obtain and comply with an aerodrome licence. The Director of Civil Aviation will be the licensing authority.

The Director will also be required to tender advice to the Minister on the safety of civil aviation and international relations and commitments in respect of civil aviation.

Although the Civil Aviation Authority in the United Kingdom will continue to be responsible for issuing air transport licences under the Civil Aviation Act 1982, the new Law will itself provide for those other matters relating to civil aviation that are at present regulated under United Kingdom legislation that extends to Jersey.

The Law will do so either directly – for example, in respect of the licensing of aerodromes – or indirectly, by conferring on the States and on the Minister power to make subordinate legislation by way of Regulations and Orders, such as Air Navigation Orders.

### **Part 1 - Interpretation**

*Article 1* defines expressions used in the Law.

### **Part 2 Administration of civil aviation**

#### *Appointment of Director of Civil Aviation*

*Article 2* establishes the office of Director of Civil Aviation and sets out its status as a corporation sole responsible to the Minister.

*Article 3* provides that the person appointed to the office of the Director of Civil Aviation is to be appointed by the Minister after consulting the States Employment Board. The person must have experience and expertise in the regulation of civil aviation, and must be otherwise a fit and proper person to hold the office.

*Article 4* sets out the terms of appointment of a person to be the Director including terms that guarantee his or her independence.

*Article 5* provides for an acting appointment to the office of Director.

*Article 6* requires the Minister to ensure that the Director has sufficient resources to carry out his or her functions. The Minister must first consult the Minister for Treasury and Resources and the Minister for Economic Development on the proposed level of the resources. (To determine to what extent the office of Director is to be funded by the public and to what extent by Jersey Airport.)

*Article 7* allows the Director to enter into contracts for certain of the functions of the office to be carried out by other qualified people.

*Article 8* allows the Director to delegate functions of the office of Director to States' employees or to people contracted to carry out the functions.

*Article 9* requires the Director to provide the Minister with an annual report, which the Minister must lay before

the States.

#### *Functions of Director of Civil Aviation*

*Article 10* sets out the functions of the office of Director, being mainly to ensure the safety of aerodromes and air traffic.

*Article 11* allows the Director to require certain people to supply the Director with information needed to carry out the functions of the office of Director.

#### **Part 3 – Licensing of aerodromes**

*Article 12* provides that, with certain exceptions, aircraft must only land and take off from licensed aerodromes.

*Article 13* sets out how the operator of an aerodrome may apply for a licence.

*Article 14* requires the Minister to determine the fee payable on the grant or renewal of an aerodrome licence. Since this will be a fairly substantial amount, the Minister must first seek and consider the advice of the Minister for Treasury and Resources and the Minister for Economic Development (again a question of who pays for the office of Director).

*Article 15* sets out how an aerodrome licence may be revoked, suspended or varied.

*Article 16* sets out a system of appeals from decisions of the Director, first to the Minister and then to the Royal Court.

*Article 17* allows the Minister to give directions to the holder of an aerodrome licence to do or not to do things where the Minister considers it to be in the public interest to do so or in the interest of relations with other countries.

*Article 18* makes it an offence for a person to give false information in connection with an application.

#### **Part 4 – Air Navigation Orders**

*Article 19* allows the Minister to make Air Navigation Orders to give effect to the Chicago Convention and generally to regulate air navigation. These Orders will be the main vehicles used to give the Director the powers required to discharge the functions of the office of Director.

#### **Part 5 – Miscellaneous provisions**

*Article 20* makes it an offence for people who have gained confidential information about a person under the Law to disclose the information except in specified circumstances.

*Article 21* allows the States to amend the Law by Regulations to any extent necessary to implement international agreements on civil aviation that bind Jersey.

*Article 22* sets out the extent to which the Law applies to the Crown.

*Article 23 and the Schedule to the Law* provide for consequential amendments to other Laws.

*Article 24* sets out transitional provisions.

*Article 25* provides how the Law may be cited and when it is to come into force.







Jersey

# DRAFT CIVIL AVIATION (JERSEY) LAW 200-

## Arrangement

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### Article

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1 Interpretation

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##### LICENSING OF AERODROMES

12 Restrictions on use of unlicensed aerodromes

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15 Variation, revocation and suspension of an aerodrome licence

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19 Air Navigation Orders

#### **PART 5**

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## MISCELLANEOUS PROVISIONS

<u>20</u>	<u>Confidentiality</u>
<u>21</u>	<u>Implementation of international obligations</u>
<u>22</u>	<u>Application to Crown</u>
<u>23</u>	<u>Consequential amendments</u>
<u>24</u>	<u>Transitional provisions</u>
<u>25</u>	<u>Citation and commencement</u>

## **SCHEDULE**

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### ENACTMENTS AMENDED

<u>1</u>	<u>Aerodromes (Administration) (Jersey) Law 1952</u>
<u>2</u>	<u>Airport Dues (Jersey) Law 1956</u>
<u>3</u>	<u>Customs and Excise (Jersey) Law 1999</u>





Jersey

## DRAFT CIVIL AVIATION (JERSEY) LAW 200-

**A LAW** to provide for the safety of civil aviation in Jersey; to establish the office of Director of Civil Aviation; to charge the Director with functions in respect of the safety of civil aviation in Jersey and its airspace; and for related matters.

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*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 –

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### PART 1

#### INTERPRETATION

##### 1 Interpretation

(1) In this Law, unless the context otherwise requires –

“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 licence” means a valid licence issued under Article 13;

“Air Navigation Order” means –

- (a) an Order made under Article 19; or
- (b) an Air Navigation Order (as defined in section 60 of the Civil Aviation Act 1982 of the United Kingdom) that has been extended to Jersey;

“Channel Islands Control Zone” means collectively –

- (a) between the surface and Flight Level 195, the area bounded by straight lines joining the following points –

50E00’N	02E00’W
49E30’N	02E00’W
49E02’N	01E40’W
49E02’N	03E00’W

- |         |          |
|---------|----------|
| 50E00'N | 03E00'W  |
| 50E00'N | 02E00'W; |
- (b) between Flight Level 55 and Flight Level 195, the area bounded by straight lines joining the following points –
- |         |          |
|---------|----------|
| 50E00'N | 03E00'W  |
| 49E35'N | 03E00'W  |
| 50E00'N | 03E20'W  |
| 50E00'N | 03E00'W; |
- (c) between Flight Level 35 and Flight Level 195, the area bounded by straight lines joining the following points –
- |         |          |
|---------|----------|
| 50E00'N | 02E00'W  |
| 50E00'N | 01E47'W  |
| 49E44'N | 02E00'W  |
| 50E00'N | 02E00'W; |

“Chicago Convention” mean –

- (a) the convention on international civil aviation that was, on 7th December 1944, signed on behalf of the Government of the United Kingdom at the International Civil Aviation Conference held at Chicago; and
- (b) any Annex to the convention relating to international standards and recommended practices (being an Annex adopted in accordance with the convention);

“Director of Civil Aviation” or “Director” means the person who –

- (a) holds the office of Director of Civil Aviation; or
- (b) is, for the time being, discharging the functions of that office;

“functions” includes duties and powers;

“Jersey” includes –

- (a) the territorial sea adjacent to Jersey; and
- (b) the air space above Jersey and the air space above that part of the territorial sea;

“Minister” means the Minister for Home Affairs;

“published” means published in a manner that is likely to bring it to the attention of anybody affected by it, and “publish” shall be construed accordingly;

“States’ employee” has the same meaning as in the Employment of States of Jersey Employees (Jersey) Law 2005<sup>[1]</sup>;

“States Employment Board” means the body established by Article 4 of the Employment of States of Jersey (Employees) (Jersey) Law 2005.

- (2) The States may amend a definition in paragraph (1) by Regulations.

## PART 2

### ADMINISTRATION OF CIVIL AVIATION

#### *Appointment of Director of Civil Aviation*

- (1) There is established, as a corporation sole, the office of Director of Civil Aviation.
- (2) The Director may –
  - (a) enter into agreements for any purpose of the office;
  - (b) acquire, hold and dispose of property;
  - (c) sue and be sued in civil proceedings; and
  - (d) be charged with an offence and defend criminal proceedings.
- (3) The Director is responsible to the Minister for the discharge of the functions of the office of Director.

### **3 Appointment of a person to the office of Director of Civil Aviation**

- (1) The Minister may, after seeking and receiving the advice of the States Employment Board, appoint a person to hold the office of Director of Civil Aviation.
- (2) The person must –
  - (a) have adequate relevant experience and expertise in the regulation of civil aviation; and
  - (b) be a fit and proper person to hold the office of Director.
- (3) A person appointed to hold the office of Director must take the following oath of office before entering upon the functions of the office:

I [swear] *or* [solemnly and sincerely affirm] that I will faithfully discharge the functions, powers and duties of the office of Director of Civil Aviation.

### **4 Tenure and terms and condition of office of Director**

- (1) Except as otherwise provided by this Article, a person appointed to hold the office of Director of Civil Aviation shall hold office –
  - (a) during the term; and
  - (b) on such terms and conditions,  
as are agreed between the person and the Minister after the Minister has sought and received the advice of the States Employment Board.
- (2) A person appointed to hold the office of Director may at any time resign by delivering a letter to that effect to the Minister.
- (3) The Minister may remove a person from the office of Director –
  - (a) for misconduct;
  - (b) for neglect of duty;
  - (c) for incompetence;
  - (d) for disability; or
  - (e) if the person becomes bankrupt,  
but may not do so on any other ground.
- (4) The Minister may suspend a person from the office of Director, pending an investigation or inquiry as to whether the Director should be removed from office under paragraph (3), but may not do so for any other reason.

### **5 Acting appointment**

- (1) This Article applies while –
  - (a) the person holding the office of Director of Civil Aviation is unable to discharge the functions

of the office; or

(b) there is a vacancy in the office of Director.

(2) The Minister may appoint a person to discharge the functions of the office of Director.

(3) The person must be eligible to hold the office of Director.

## **6 Minister to secure resources for Director**

(1) The Minister must ensure that the Director of Civil Aviation is provided with sufficient resources to enable the Director to discharge the functions of his or her office.

(2) Before determining the extent of these resources the Minister must first seek and receive the advice of –

(a) the Minister for Treasury and Resources; and

(b) the Minister for Economic Development.

## **7 Provision of services by other persons and bodies**

(1) The Director of Civil Aviation may enter into a contract with a person for the discharge by the person of any of the functions of the office of Director.

(2) Before doing so the Director must be satisfied that the person –

(a) is suitably qualified and competent to discharge the function; and

(b) is a fit and proper person to do so.

(3) The contract shall be on such terms and conditions as are agreed between the parties.

## **8 Delegation of functions**

(1) The Director of Civil Aviation may delegate a function of the office of Director to –

(a) a States' employee appointed to assist the Director; or

(b) a person with whom the Director has entered into a contract under Article 7 for the discharge of the function.

(2) In delegating a function, the Director may –

(a) give the delegate general or special directions; and

(b) impose conditions on the delegate.

(3) A delegate may otherwise exercise the function in the same manner and with the same effect as if it had been conferred on the delegate directly and not by delegation.

(4) The delegation of a function does not prevent the Director from discharging the function.

(5) The Director may revoke a delegation at any time.

(6) A change in the person for the time being holding the office of Director does not revoke a delegation.

## **9 Director to provide annual report**

(1) The Director of Civil Aviation must, within 3 months of the end of each financial year (as that term is defined in Article 1(1) of the Public Finances (Jersey) Law 2005<sup>[2]</sup>), submit to the Minister a report on the discharge of the Director's functions during that financial year.

(2) The report must contain such information as the Minister may specify.

(3) The Minister must lay a copy of the report before the States as soon as reasonably practical.

## *Functions of Director of Civil Aviation*

### **10 Functions of the Director**

- (1) It is the responsibility of the Director of Civil Aviation –
  - (a) to ensure the safety of aerodromes and air traffic;
  - (b) to licence aerodromes;
  - (c) to approve air traffic controllers.
- (2) It is also the responsibility of the Director to regulate, from Jersey –
  - (a) the operation of the Channel Islands Control Zone and the safety of air traffic in that zone; and
  - (b) the operation of meteorological services for the purposes of international air navigation in Jersey and the Channel Islands Control Zone.
- (3) The Director shall also tender advice to the Minister on –
  - (a) the safety of civil aviation in Jersey and in the Channel Islands Control Zone;
  - (b) international relations in respect of civil aviation (including relations with international agencies);
  - (c) the Chicago Convention;
  - (d) the Memorandum of Understanding between the Government of the United Kingdom and the Government of the French Republic signed on 16th February 2000 (relating to the application of the Eurocontrol Route Charges Joint System in the Channel Islands Control Zone); and
  - (e) other international agreements and international obligations in respect of civil aviation that are binding on Jersey.
- (4) The Director must discharge his or her functions in the manner that the Director thinks will best achieve compliance with –
  - (a) the Chicago Convention; and
  - (b) other international agreements and obligations in respect of civil aviation that are binding on Jersey.
- (5) The Director, in discharging the functions of the office of Director, shall –
  - (a) have due regard to the policy of the Council of Ministers in respect of civil aviation; and
  - (b) carry into effect any direction as to that policy that is given to the Director by the Minister in writing.
- (6) The States may amend this Article by Regulations.

### **11 Director may require persons to furnish information**

- (1) The Director of Civil Aviation may require a person to provide the Director with such information as the Director may reasonably require to carry out the functions of the office of Director.
- (2) Where the person is –
  - (a) the holder of an aerodrome licence;
  - (b) a holder of a licence issued, or to be taken to have been issued, under the Civil Aviation Act 1982 of the United Kingdom, and its amendments, as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990<sup>[3]</sup> or under an Air Navigation Order;
  - (c) a holder of a certificate issued, or to be taken to have been issued, under an Air Navigation Order;



- (d) a recipient of an approval given, or to be taken to have been given, under an Air Navigation Order,

the information may include information relating to the person's past, present or future activities as the holder or recipient of the licence, certificate or approval or of any similar licence, certificate or approval.

- (3) A requirement to provide information under this Article –
  - (a) must be made in writing;
  - (b) must specify a date before which the information is to be provided; and
  - (c) may specify the form in which the information is to be provided.
- (4) A person who –
  - (a) without just cause, fails to comply with a requirement under this Article; or
  - (b) in alleged compliance with such a requirement, provides information that the person knows or ought reasonably to know is false or misleading in a material way,is guilty of an offence and liable to a fine.

## **PART 3**

### **LICENSING OF AERODROMES**

#### **12 Restrictions on use of unlicensed aerodromes**

- (1) The pilot and any other person having the management of an aircraft for the time being are each guilty of an offence and liable to a fine if, except in an emergency, the aircraft takes off or lands –
  - (a) at a place in Jersey that is not an aerodrome licensed under this Part; or
  - (b) at an aerodrome licensed under this Part in contravention of a condition of the aerodrome's licence.
- (2) The States may by Regulations exempt an aircraft or a class of aircraft from the application of paragraph (1).
- (3) The Director of Civil Aviation may, in writing, exempt an aircraft from the application of paragraph (1) and may do so either absolutely or subject to such conditions as the Director thinks fit.

#### **13 Application for grant or renewal of aerodrome licence**

- (1) An application for the grant or renewal of an aerodrome licence must –
  - (a) be made to the Director on a form provided or approved for the purpose by the Director; and
  - (b) be accompanied by the published fee.
- (2) The Director must not grant the licence or renewal unless the Director is satisfied that both the applicant and the aerodrome comply with –
  - (a) the requirements of the Chicago Convention; and
  - (b) any other relevant conditions published by the Director.
- (3) The Director shall specify in an aerodrome licence or in the renewal of such a licence –
  - (a) the term for which it is to have effect; and
  - (b) the conditions to be observed by the holder of the licence.
- (4) A holder of an aerodrome licence who contravenes a condition of the licence is guilty of an offence and liable to a fine.

#### **14 Fee for the grant or renewal of aerodrome licence**

- (1) The Minister shall determine and publish the fee payable on the grant or renewal of an aerodrome licence.
- (2) The Minister shall not do so until he has sought and received the advice of –
  - (a) the Minister for Treasury and Resources; and
  - (b) the Minister for Economic Development.

#### **15 Variation, revocation and suspension of an aerodrome licence**

- (1) The Director of Civil Aviation may vary an aerodrome licence –
  - (a) on the application of its holder and on the payment of any published fee; or
  - (b) after giving its holder a reasonable opportunity to be heard, on the Director's own motion if the Director considers that it is necessary or desirable to do so to ensure that the aerodrome meets the required standards of safety for use by aircraft.
- (2) The Director may revoke or suspend (for a specified or unspecified period) the validity of an aerodrome licence –
  - (a) on the application of its holder and on the payment of any published fee; or
  - (b) after giving its holder a reasonable opportunity to be heard, on the Director's own motion if the Director considers that its holder has contravened a condition of the licence.
- (3) The Director may publish fees for the purpose of paragraphs (1)(a) and (2)(a).

#### **16 Appeals**

- (1) The Director of Civil Aviation must give the applicant or licence holder written reasons for any decision of the Director –
  - (a) to refuse an application for the grant or renewal of an aerodrome licence;
  - (b) to refuse an application to vary, revoke or suspend such a licence; or
  - (c) acting on the Director's own motion, to vary, revoke or suspend the validity of such a licence.
- (2) Any persona aggrieved by the decision may, appeal to the Minister, within –
  - (a) 30 days of the Director giving reasons for the decision; or
  - (b) such longer period as the Minister may allow.
- (3) On the appeal the Minister may –
  - (a) confirm the Director's decision; or
  - (b) vary or revoke the decision.
- (4) The Director and the appellant each has a right to appeal to the Royal Court against the Minister's decision.
- (5) The Director is to be taken to have refused –
  - (a) an application for the grant or renewal of an aerodrome licence; or
  - (b) an application to vary, revoke or suspend such a licence,

(and to have given reasons for doing so) if the application has not been determined within 3 months of the application being made or within such further period as the applicant may allow.
- (6) The Minister may publish details of any procedure that is to be followed on appeals to the Minister under this Article.

## **17 Directions**

- (1) This Article applies where the Minister thinks it necessary or expedient to give directions to the holder of an aerodrome licence –
  - (a) in the interests of national security; or
  - (b) in the interests of relations with a country or territory outside Jersey.
- (2) The Minister may –
  - (a) give directions of a general character to the holder of an aerodrome licence or to all holders of aerodrome licences; or
  - (b) give a direction to the holder of an aerodrome licence requiring the holder to do or not to do a particular thing specified in the direction.
- (3) The Minister must consult the holder of the licence or holders of the licences before giving a direction under this Article.
- (4) The Minister must, at the first reasonable opportunity, lay before the States a copy of a direction given under this Article.
- (5) However, the Minister need not do so if the Minister considers that to do so would be against –
  - (a) the interests of national security;
  - (b) the interests of relations with a country or territory outside Jersey; or
  - (c) the commercial interests of any person.
- (6) A person must not disclose, without the consent of the Minister, a direction given to the person under this Article if the Minister has notified the person that the disclosure of the direction would be against –
  - (a) the interests of national security;
  - (b) the interests of relations with a country or territory outside Jersey; or
  - (c) the commercial interests of any person.
- (7) A holder of an aerodrome licence who –
  - (a) contravenes a direction given to the holder under this Article; or
  - (b) contravenes paragraph (6),is guilty of an offence and liable to a fine.

## **18 False information**

A person is guilty of an offence and liable to imprisonment for 6 months and a fine if, in connection with an application under this Part, the person provides information that the person knows or ought reasonably to know is false or misleading in a material way.

# **PART 4**

## **AIR NAVIGATION ORDERS**

## **19 Air Navigation Orders**

- (1) The Minister may make Orders (called Air Navigation Orders) for the purposes set out in this Article.
- (2) An Air Navigation Order may contain provisions the Minister considers to be reasonably necessary or expedient –

- (a) to give effect to the Chicago Convention and any amendment of it; and
  - (b) generally to regulate air navigation.
- (3) An Air Navigation Order may –
- (a) prohibit aircraft from flying unless certificates of airworthiness issued or validated under the Order are in force with respect to them;
  - (b) prohibit aircraft from flying except in compliance with such conditions as to maintenance or repair as may be specified in the Order;
  - (c) provide for the inspection and regulation of aerodromes and for access to aerodromes and places where aircraft have landed;
  - (d) provide for access to aircraft factories for the purpose of inspecting work carried out there in respect of aircraft or parts of aircraft;
  - (e) prohibit persons from engaging in, or being employed in or in connection with air navigation in such capacities as may be specified in the Order except in accordance with provisions in that behalf contained in the Order;
  - (f) provide for the licensing of persons employed at aerodromes in the inspection or supervision of aircraft;
  - (g) provide for the conditions subject to which aircraft entering or leaving Jersey may fly, and in particular the aerodromes to or from which they may fly;
  - (h) provide for the conditions subject to which aircraft may fly from one part of Jersey to another;
  - (i) provide for the conditions subject to which passengers may be carried by air or subject to which aircraft may be used for other commercial, industrial or gainful purposes;
  - (j) provide for the conditions subject to which goods may be carried by air;
  - (k) prohibit the carriage by air of goods of such classes as may be specified in the Order;
  - (l) confer on persons specified in the Order powers relating to the enforcement of any condition or prohibition to which sub-paragraph (j) or sub-paragraph (k) refers, including–
    - (i) powers to examine, take samples of or seize and detain any goods,
    - (ii) powers to open any baggage or packages containing goods or to require them to be opened, and
    - (iii) powers to require the production of any documents;
  - (m) provide for measures to minimize or prevent interference with the use or effectiveness of apparatus that is used in connection with air navigation;
  - (n) prohibit or regulate the use of apparatus, or the display of any signs or lights, in any way that is liable to endanger aircraft;
  - (o) generally, provide for measures to secure the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried on aircraft, and for preventing aircraft endangering other persons and property;
  - (p) provide in particular for the detention of aircraft for any of the purposes specified in sub-paragraph (o);
  - (q) require persons engaged in air navigation, or employed in or in connection with air navigation, to supply meteorological information for the purposes of air navigation;
  - (r) regulate the making of signals and other communications by or to aircraft, or by or to persons carried on aircraft;
  - (s) prohibit aircraft from flying over such areas in Jersey as may be specified in the Order;
  - (t) prohibit aircraft from taking-off or landing in Jersey unless there are in force in respect of those aircraft such certificates of compliance with standards as to noise as may be specified in the Order;
  - (u) regulate the conditions under which noise and vibration may be caused by aircraft on

aerodromes;

- (v) prohibit aircraft from taking-off or landing in Jersey except in compliance with the conditions of those certificates;
  - (w) regulate or prohibit the flight of aircraft over Jersey at speeds in excess of Flight Mach 1;
  - (x) specify United Kingdom qualifications, and equivalent qualifications in other countries, that may be recognized and validated for the purposes of this Law;
  - (y) provide for the manner and conditions of the grant, issue, validation, renewal, extension or variation of any licence, certificate, approval or other document required by the Order (including the examinations and tests to be undergone), or the form, custody, production, revocation, cancellation, suspension, endorsement or surrender of any such document;
  - (z) prescribe fees to be paid in respect of –
    - (i) the issue, validation, renewal, extension or variation of any licence, certificate, approval or other document,
    - (ii) the undergoing of any examination or test required by the Order, or
    - (iii) any other matters in respect of which it appears to be expedient for the purpose of the Order to charge fees;
  - (aa) apply, adapt or modify the enactments –
    - (i) relating to customs or excise in relation to aerodromes, to aircraft or to persons and property carried on aircraft,
    - (ii) preventing smuggling by air, or
    - (iii) permitting, in connection with air navigation, the importation of goods into Jersey without payment of duty;
  - (ab) exempt from any provision of the Order any aircraft or persons or classes of aircraft or persons.
- (4) An Air Navigation Order may provide that action shall not lie in respect of nuisance by reason only of the noise and vibration that is caused by an aircraft on an aerodrome to which this paragraph applies by virtue of an Air Navigation Order, as long as the provisions of any such Order are complied with.
- (5) Paragraphs (3) and (4) do not limit paragraph (2).
- (6) An Air Navigation Order may provide that a contravention of the Order is an offence and that a person who is guilty of the offence is liable to imprisonment for a term of 2 years and a fine.
- (7) In this Article, a reference to goods includes a reference to mail and to animals.

## **PART 5**

### **MISCELLANEOUS PROVISIONS**

#### **20 Confidentiality**

- (1) This Article applies to information that is provided to –
- (a) the Minister;
  - (b) the Director of Civil Aviation;
  - (c) a delegate of the Director;
  - (d) any States' employee assisting the Director; or
  - (e) any other person,

pursuant to a requirement of this Law or of an Air Navigation Order where the information relates to a particular person (“the person concerned”).

- (2) A person who receives the information pursuant to this Law or an Air Navigation Order is guilty of an offence and liable to a fine if the person discloses the information otherwise than in accordance with this Article, unless the person –
  - (a) did not know, and had no reason to suspect, that the information had been provided as mentioned in paragraph (1); or
  - (b) took all reasonable steps and exercised all due diligence to avoid the commission of the offence.
- (3) The information may be disclosed –
  - (a) to the Minister;
  - (b) to the Council of Ministers;
  - (c) to the Director of Civil Aviation;
  - (d) to a delegate of the Director;
  - (e) to any States' employee assisting the Director;
  - (f) to the Civil Aviation Authority of the United Kingdom or an officer of that body;
  - (g) to an organization in a jurisdiction outside the United Kingdom that carries out in that jurisdiction functions similar to those carried out in the United Kingdom by the Civil Aviation Authority or to an officer of such an organization;
  - (h) with the approval of the Minister, to an international organization of which the United Kingdom or Jersey is a member.
- (4) It may also be disclosed in connection with –
  - (a) negotiations conducted on behalf of Jersey with representatives of the government of any country or territory outside Jersey; or
  - (b) the discharge of any obligation of the United Kingdom or Jersey under international arrangements.
- (5) It may also be disclosed –
  - (a) with a view to the institution or otherwise of criminal or civil proceedings arising out of an enactment relating to civil aviation; or
  - (b) for the purposes of any criminal investigation or of any investigation under such an enactment.
- (6) The information may also be disclosed –
  - (a) if the person concerned has consented to the disclosure of the information;
  - (b) if the Director, after affording the person concerned an opportunity to make representations about the information and considering any representation so made, determines that it may be disclosed;
  - (c) if the person concerned is an individual who is dead, and the Director determines that it may be disclosed;
  - (d) if the person concerned is a body corporate that has ceased to exist, and the Director determines that it may be disclosed;
  - (e) if the person concerned (whether an individual or a body corporate) cannot be found after all reasonable inquiries have been made, and the Director determines that it may be disclosed; or
  - (f) if the Director determines that the information is of the same kind as other information in respect of which the Director has made a determination under this paragraph that it may be disclosed.
- (7) This Article does not prohibit the disclosure of information that is or has been available to the public from any other source.
- (8) Nothing in this Article authorizes the making of a disclosure in contravention of the Data Protection (Jersey) Law 2005<sup>[4]</sup>.

## **21 Implementation of international obligations**

The States may by Regulations amend this Law to give effect to –

- (a) any international agreement;
- (b) other international instrument; or
- (c) international obligation,

that relates to civil aviation and is binding on Jersey.

## **22 Application to Crown**

- (1) Except as otherwise provided by this Article, this Law binds the Crown.
- (2) A contravention by the Crown of this Law does not make the Crown criminally liable.
- (3) However –
  - (a) the Royal Court may, on the application of the Director of Civil Aviation, declare unlawful an act or omission of the Crown that contravenes this Law;
  - (b) this Law applies in any event to persons in the public service of the Crown as it applies to other persons.
- (4) If the Lieutenant-Governor certifies that it appears to him or her that it is requisite or expedient that, in the interests of national security, a power under this Law that is specified in the certificate should not be exercisable in relation to Crown land specified in the certificate, the power shall not be exercisable in respect of the land.
- (5) This Law does not apply to Her Majesty in her private capacity.

## **23 Consequential amendments**

The enactments specified in the Schedule are amended in the manner set out in the Schedule.

## **24 Transitional provisions**

From the day this Article came into force, each approval, certificate or validation that –

- (a) had been granted, issued, renewed, made or given under an enactment of the United Kingdom;
- (b) was in effect immediately before this Article came into force; and
- (c) could have been granted, issued, renewed, made or given under this Law if this Law had been in force when it was so granted, issued, made or given,

continued in force, subject to this Law but otherwise according to its tenor, as if it had been granted, issued, renewed, made or given under this Law.

## **25 Citation and commencement**

- (1) This Law may be cited as the Civil Aviation (Jersey) Law 200.
- (2) This Law comes into force on a day or days appointed by the States by Act.





## SCHEDULE

(Article 23)

### ENACTMENTS AMENDED

#### 1 **Aerodromes (Administration) (Jersey) Law 1952**<sup>[5]</sup>

- (1) In the Long Title, for the words “aerodromes of Jersey” there is substituted the words “aerodromes maintained by the States of Jersey”.
- (2) In Article 1, for the definition “aerodrome” there is substituted the definition –  
“ ‘aerodrome’ means an aerodrome (as defined in Article 1(1) of the Civil Aviation (Jersey) Law 200-) that is maintained by the States of Jersey and is operated by the Airport Director under an aerodrome licence (as defined in Article 1(1) of that Law);”.
- (3) In Article 1, for the definition “seadrome” there is substituted the definition –  
“ ‘seadrome’ means an area of water that is an aerodrome;”.
- (4) After Article 1, there is inserted the following Article –

#### “1A

This Law applies subject to the provisions of the Civil Aviation (Jersey) Law 200-.”.

- (5) For Article 2(3) there is substituted the paragraph –  
“(3) The Airport Director is responsible to the Minister for the policing, administration and management of Jersey Airport and of each other aerodrome maintained by the States of Jersey.”.

#### 2 **Airport Dues (Jersey) Law 1956**<sup>[6]</sup>

In Article 1, for the definition “airport” there is substituted the definition –

“ ‘airport’ means an aerodrome (as defined in Article 1(1) of the Civil Aviation (Jersey) Law 200-) that is maintained by the States of Jersey and is operated by the Airport Director under an aerodrome licence (as defined in Article 1(1) of that Law);”.

#### 3 **Customs and Excise (Jersey) Law 1999**<sup>[7]</sup>

- (1) In Article 1(1), for the definition “aerodrome” there is substituted the definition –  
“ ‘aerodrome’ means an aerodrome as defined in Article 1(1) of the Civil Aviation (Jersey) Law 200-;”.
- (2) In Article 1(1), after the definition “licence holder” there is inserted the definition –  
“ ‘licensed aerodrome’ means an aerodrome in respect of which an aerodrome licence has been issued under Article 12 of the Civil Aviation (Jersey) Law 200 and is in effect;”.
- (3) In Article 12(1)(b), for the word “aerodrome” there is substituted the words “licensed aerodrome”.

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- [\[1\]](#) *chapter 16.325*
- [\[2\]](#) *chapter 24.900*
- [\[3\]](#) *chapter 03.805*
- [\[4\]](#) *chapter 15.240*
- [\[5\]](#) *chapter 03.035*
- [\[6\]](#) *chapter 03.315*
- [\[7\]](#) *chapter 24.660*