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# STATES OF JERSEY



## JERSEY DIRECTOR OF CIVIL AVIATION: ANNUAL REPORT FOR 2013

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Presented to the States on 16th April 2014  
by the Chief Minister

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STATES GREFFE

## **FOREWORD**

**by the Director of Civil Aviation – Fergus Woods**

Welcome to this report of the Director of Civil Aviation for Jersey. It is delivered in accordance with Article 9 of the Civil Aviation (Jersey) Law 2008.

In 2013, further significant progress was achieved in developing our compliance with the European standards for aviation security. This will lead to Jersey's formal recognition by the European Commission at some point during the first half of 2014. We also remain compliant with the UK's more stringent measures. These steps ensure our continued recognition as a UK domestic airport, thus easing the flow of passengers to and from UK airports and the Island.

The report of the joint UK/French audit team, following their audit of Jersey's air navigation service provision, confirmed that the operation of Jersey Airport and the Channel Islands Control Zone airspace remain safe and effective. The result of the audit was particularly pleasing for the Airport since it follows a period of internal restructuring and the introduction of new equipment.

Co-operation with Guernsey on the DCA project continues to work well. The important addition of the aviation security function exemplifies how joint working operates to our mutual benefit, both practically and financially.

F. Woods  
Director of Civil Aviation for Jersey  
March 2014

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## REPORT

### 1. DCA Principal Responsibilities – Compliance with International Standards

The report for 2012 included a detailed description of functions of the DCA, and explained his key responsibility to ensure compliance with international standards as set out under the Chicago Convention of 1944 and associated Annexes. Jersey, in common with the other Crown Dependencies (CDs), is committed to maintaining these standards through a memorandum of understanding with the UK Government (Department for Transport).

At a working level the CDs liaise with the international unit in the UK Civil Aviation Authority (CAA) to demonstrate how we comply with international standards. During 2013 we commenced the task of updating our State Aviation Activity Questionnaire (SAAQ), a number of our Safety Compliance Checklists, and publishing a State Safety Programme (see attached **Appendix**).

### 2. Co-operation with Guernsey

The shared DCA role with Guernsey, incorporating the Aviation Security Regulatory function, continued successfully during 2013; being an example of joint working between the Islands which is not only more efficient and effective, but also saves taxpayers' money in both jurisdictions.

### 3. Aircraft Registry

The optimism for a joint approach to establishing an aircraft registry for the Channel Islands, which was highlighted in the annual Report for 2012, did not lead to the outcome that had been hoped for. It became apparent – after a great deal of effort and having taken independent expert legal opinion – that a single registry could not meet the separate operational and commercial interests of both islands. It was therefore decided that each jurisdiction would move ahead with separate plans. Guernsey confirmed that it would proceed with its project to operate the “Channel Islands Aircraft Registry” (CIAR). Jersey opted to initiate a project to create a separate Jersey Aircraft Registry (JAR).

### 4. Miscellaneous activities

#### **Air Traffic Control Centre (ATCC):**

The ATCC is operating efficiently, having benefited from a series of upgrades and improvements during 2013.

#### **Radar Replacement Project:**

The new radar is now fully functional and operating without any restrictions.

#### **Jersey Airport Airspace Re-design Project**

See paragraph 6(d).

## **5. Aviation Security**

The introduction in the UK of the Civil Aviation Act, 2012 will transfer many of the aviation security roles and responsibilities, currently carried out by the Department for Transport (DfT), to the Civil Aviation Authority (CAA). This transfer will take place in April 2014. Consequently, discussions have been ongoing during the second half of 2013 with the DfT to finalise the way in which the CAA will deliver the functions, currently undertaken by the DfT, to the Crown Dependencies (CDs). These responsibilities include the provision of aviation security assistance and advice, as well as compliance monitoring and regulatory guidance including the EU.

The joint role of the Aviation Security Regulator for both Jersey and Guernsey has been a distinct advantage in helping to position the Islands during these discussions, so that a transparent relationship with access to regulatory advice and guidance has been established. At the same time, we have ensured recognition of the quality control measures already in place in the Channel Islands as the basis for an appropriate level of monitoring to be agreed under the new arrangements. The discussions with the DfT and the CAA are due to be concluded by the end of March 2014.

The Aviation Security (Jersey) Direction 2012 was amended in 2013. Such amendments are likely to occur on an annual basis as the regulations change to adapt to the latest threats and respond to the introduction and recognition of the latest technology. It is important that Guernsey and Jersey maintain equivalent measures.

In October a joint application was made to the EU for recognition by The European Commission of the equivalence of the Channel Islands aviation security standards. The EU Commission undertook its assessment visits in November, accompanied by the Security Regulator and the DfT. The assessment, after the subsequent rectification of two small differences, confirmed that the aviation security measures were equivalent to EU requirements in both Jersey and Guernsey.

The subsequent report of the inspection by the Commission Inspector is to be presented to the Security Committee of the European Commission early in 2014, and the announcement of the decision to recognise the equivalence of the aviation security standards of Jersey and Guernsey to European standards is expected to be made sometime in the Spring of 2014.

A similar process and outcome has been undertaken in the Isle of Man.

Under the shared arrangements with Guernsey, the standardised approach to aviation security continues to work to the advantage of the passengers and airlines as well as the airports.

## **6. DCA – Functions**

### **(a) Safety of Aerodromes and Air Traffic**

Aerodrome – The Aerodrome Rescue and Fire-Fighting Service visit took place in October 2013 as part of the programme of formal audit and inspection of the facilities, conducted with the assistance of expert inspectors from the UK Civil Aviation Authority. There were no major findings. Accordingly, the aerodrome licence issued to Jersey Airport remains valid on an ongoing basis. However, the ‘obstacle rich environment’ within the aerodrome safety domain has not seen any improvement during the year and still requires attention and the delivery of a long-term plan. By the end of the year, decisions were awaited regarding the “1937 Building”, which houses the Arrivals terminal and the old ATC tower. Two somewhat contradictory applications were under consideration: one to list the building on the grounds of its historical and cultural merits and the other, to demolish it for reasons of aviation safety. The DCA agreed to await the outcome of both decisions, provided they would be made in a reasonable time scale (during Q1 2014), before imposing any operational limitations.

A decision to demolish would not only remove a significant obstacle penetrating the 1 in 7 Transitional Surface, it would also enable the Airport to straighten the taxiway which kinks around the building. This would have the benefit of improving the efficiency of the ground handling of aircraft and help avoid delays during the operation of Low Visibility Procedures.

Further progress is needed with respect to the resolution of the more immediate obstacle problem caused by residential buildings just to the north of the airport boundary.

### **(b) Air Traffic –**

#### **Approval of Air Traffic Controllers**

An Air Traffic audit visit took place in July, when an inspector from the French Authority joined representatives from the UK CAA. The outcome was very positive: the inspection team was very impressed by the quality and safety management of Jersey’s air navigation service provision.

### **(c) Aviation Advice**

The DCA provided general aviation information and advice to the Department and the States during the year. There were two main external events involving our relations with the UK government.

The first was in May 2013 when the DCA, along with other representatives from Jersey, participated in the annual Aviation Policy Consultative Conference. Originally organised for the Overseas Territories, in 2013 the Crown Dependencies were invited for the first time. Later in the year, a joint delegation from Guernsey and Jersey met with the newly appointed UK Director General of Civil Aviation and her team to discuss Channel Islands

focused issues including our strategic air links, the establishment of aircraft registries and the impact of the EU Emissions Trading Scheme.

**(d) Safety Regulation of the Channel Islands Control Zone (CICZ)**

The Jersey Airport Airspace Re-design Project moved from design to implementation during the year; although the timings were revised to allow for full consultation with stakeholders and to ensure a smooth transition. The revised projects fall under the following headings and timings –

April 2013	Introduction of GNSS/LNAV instrument approaches in Jersey. Baro/VNAV approaches following in Q4 2013.
May 2013	Transition Altitude change for the CICZ from 3000 ft. to 5000 ft.
Delayed until May and November 2014	Revised inter-Island IFR procedures including the introduction of omni-directional departures.
March 2014	Implementation of the airspace re-classification in the CICZ. Consultation on the proposal to change to Class D up to FL 80 with Class A above, ended in May 2013.
Delayed until November 2014	Introduction of RNAV STARS and some SID.

**(e) Aviation Meteorological Services**

The Jersey Meteorological Office provides aviation meteorological services to the Airport, under a renewed service level agreement. The Meteorological Office also provides aviation meteorological services to Guernsey Airport.

**APPENDIX****STATE SAFETY PROGRAMME FOR THE BAILIWICK OF JERSEY****Part 1 – Overview****1. Executive Summary**

- (a) Part 1 of The State Safety Programme for the Bailiwick of Jersey (“the Bailiwick”), a United Kingdom Crown Dependency, includes a description of the regulatory framework and activities carried out to ensure Jersey meets its obligations to the UK, as the Contracting State, to achieve compliance with the Chicago Convention and associated Annexes.
- (b) The Civil Aviation (Jersey) Law 2008 established the independent Office of the Director of Civil Aviation (DCA) and sets out his main functions and the scope of his powers.
- (c) The Bailiwick of Jersey’s Civil Aviation Legislation is based on the UK system but is not identical. The Bailiwick of Jersey makes its own decisions on the method of adopting individual requirements whilst always with the objective of maintaining ICAO compliance.
- (d) The State Safety Plan for the Bailiwick of Jersey (Parts 1 and 2) incorporates the 8 critical elements of a State’s safety oversight system defined by ICAO.
- (e) By these means, the UK Government can be assured, and demonstrate as required, that the aviation industry of the Bailiwick of Jersey is meeting the agreed international standards and that there is adequate regulatory oversight of the industry.

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### 3. Change history

Change to this document will be achieved by a re-issue of the entire document rather than by the amendment of individual pages.

Issue No.	Date	Description
Initial	March 2014	Annual Report 2013 Version

### 4. Terminology

For the purposes of this document –

**State safety programme** means an integrated set of regulations and activities aimed at improving safety.

**Safety performance indicator** is a measure (or metric) used to express the safety performance in a system.

**Safety performance target** is the desired level of safety performance. A safety performance target comprises one or more safety performance indicators, together with desired outcomes expressed in terms of those indicators.

Note: ICAO Doc. 9859 Safety Management Manual describes safety performance indicators and safety performance targets within the concept of an “acceptable level of safety”. This concept is used to express safety expectations under a performance-based approach that is designed to complement regulatory compliance.

**Safety initiatives** are the steps that need to be taken to achieve the safety performance targets. They include the operational procedures, technology systems and programmes to which measures of reliability, availability, performance and/or accuracy can be specified.

Note: Safety initiatives are referred to in ICAO Doc. 9859 as “safety requirements”.

A **hazard** is any situation or condition that has the potential to cause damage or injury.

**Risks** are the potential adverse consequences of a hazard, and are assessed in terms of their severity and likelihood.

When risks have been assessed, mitigation is then needed: either to eradicate the hazard, or to reduce the severity or likelihood of the risks.

## 5. Purpose of this Document

- (a) The Safety Programme for the Bailiwick comprises two parts: Part 1 'Overview' and Part 2 the 'Safety Plan'. This document is Part 1.
- (b) ICAO Annex 19 sets the requirement for States to establish a safety programme, in order to achieve an acceptable level of safety in the operation of aircraft, the maintenance of aircraft, the provision of air traffic services and aerodrome operations.
- (c) While ICAO currently restricts its requirements for safety programmes and safety management systems (SMS) to Annex 19, the Bailiwick will ensure that it follows and extends all further changes to ICAO Standards and Recommended Practices (SARPs).
- (d) Therefore, the purpose of this document is to describe –
  - the civil aviation legislation that is unique to the Bailiwick, and, whilst similar in many aspects, is not identical to the laws and regulations applicable under the United Kingdom (UK) and European system;
  - the Bailiwick's regulatory framework, thereby enabling visible linkage between national regulatory planning and an operator's/service provider's SMS;

and to demonstrate –

- the integration of the diverse, multidisciplinary safety regulatory activities into a coherent whole;
- that adequate provisions are being made for the safety regulation of the aviation system within the Bailiwick, and that, as a consequence, the UK is meeting the requirements of the larger global aviation system;
- that regulatory, oversight and enforcement functions are in place;
- compliance by the Bailiwick's aviation authority, the Director of Civil Aviation (DCA), with ICAO SARPs;
- that a performance-based approach to aviation safety is being actively promoted, to complement regulatory compliance.

## 6. Background

- (a) The UK is a signatory to the Convention on International Civil Aviation (the Chicago Convention) and, therefore, agrees to comply with the SARPs published by ICAO in the Annexes to the Convention. The UK's signature also covers aviation regulation for

the UK Crown Dependencies (CDs) which includes the Bailiwick of Jersey.

- (b) The Civil Aviation (Jersey) Law 2008 establishes the independent Office of the Director of Civil Aviation (DCA) and the extent of his powers. It also has the power to give effect to the Chicago Convention, to amend some aspects of air navigation regulations, and provides a sound legal framework for enabling the adoption of the UK Civil Aviation Authority (CAA) advice, recommendations and publications.
- (c) Primary responsibility for civil aviation safety regulation within the Bailiwick rests with the Director of Civil Aviation (DCA).

## **7. Safety Regulatory Framework – Objectives and Criteria**

- (a) The State Safety Programme (SSP) for the Bailiwick includes a description of the regulatory framework and activities carried out to ensure Jersey meets its obligations to the UK, as the Contracting State, to achieve compliance with the Chicago Convention and associated Annexes. The SSP is designed to be proportionate to the level of aviation activity in the Bailiwick.
- (b) A Memorandum of Understanding (MoU) between the UK Department of Transport and Jersey is in effect relating to the safety regulation of civil aviation and compliance with the Chicago Convention. The MoU includes the obligation on Jersey to arrange from time to time for external audits of its safety oversight obligations.
- (c) By these means the UK Government can be assured, and demonstrate as required, that the Bailiwick's aviation sector is meeting the agreed international standards and that the regulatory oversight of the industry is adequate.
- (d) The main objective of the DCA is to ensure that the safety regulatory regime of the Bailiwick of Jersey meets the requirements of ICAO Annex 19 for a SSP.
- (e) The main aviation Laws and requirements for the Bailiwick comprise –
  - (i) primary legislation: Civil Aviation (Jersey) Law 2008; Air Navigation (Jersey) Order 2008; and Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000;
  - (ii) secondary legislation: Air Navigation (Dangerous Goods) (Jersey) Order 2009; and Rules of the Air (Jersey) Order 2000.

- (f) The Bailiwick, wherever possible, maintains consistency with the approach of the UK CAA and avoids any differences. As the European Aviation Safety Agency (EASA) becomes the lead authority in Europe, and European Regulations are applicable in the UK, divergence from these regulations is possible. In each case, the Bailiwick of Jersey makes its own decision on adopting or adapting individual requirements whilst always maintaining ICAO compliance.
- (g) The regulatory provisions use ICAO terminology wherever possible.
- (h) Department for Transport (DfT) and the DCA is in place to assist both parties in meeting their obligations under ICAO.

## 8. Policies and Procedures

- (a) **Policy** for the Bailiwick on high-level or complex issues is generally set through discussion and decision with External Relations, the Airport, and other appropriate Government stakeholders, including the Law Officers.
- (b) **Technical Procedures** are dealt with at a working level by the DCA with reference to the Law Officers and affected stakeholders. In all cases, due notice is taken of best practices as defined by recognised authorities (e.g. UK CAA, DfT and EASA).

## 9. Public Consultation

All new procedures and amendments are subject to a consultation process. Depending on the nature of the procedure or amendment, the following are consulted –

- UK Department for Transport (DfT)
- UK Civil Aviation Authority (CAA)
- Government Departments
- Law Officers
- Regulated Parties/Organisations
- Representative Bodies
- Consultative Groups.

## 10. Enforcement Sanctions

The Civil Aviation (Jersey) Law 2008, confers on the DCA the power of enforcement. Breach of the Aviation Laws is a criminal offence carrying a maximum penalty which is set out in the Law, and depends on the nature and circumstances of the breach.

## 11. Regulatory Oversight

- (a) The responsibility for regulatory oversight of the aviation industry rests with the DCA.

- (b) The DCA contracts through CAA International to carry out certain functions when the required resources are not available within his Office.
- (c) In respect of the above, the UK CAA carries out Air Traffic Services, Aerodrome and RFFS audits on a regular basis.
- (d) The UK CAA also regularly visits the Bailiwick for Air Traffic Controlling licensing purposes.
- (e) All ATC licences are validated by the DCA for use in Jersey Airspace. The DCA does not issue Controller licences.
- (f) The DCA may use the services of other suitable and recognised organisations to provide support services, whenever necessary.

## **12. Occurrence Reporting and Analysis**

The Bailiwick participates in the UK CAA's Mandatory Occurrence Reporting Scheme under a contract.

## **13. Safety Promotion**

- (a) Under the Jersey Airport SMS it disseminates safety notices, publications and information to all airport stakeholders.
- (b) The DCA relies on General Aviation receiving specific advice and information issued by the UK CAA via its well-established distribution schemes, and on safety information produced by GA representative bodies such as the Aircraft Owners and Pilots Association (AOPA).

## **14. Accident and Serious Incident Investigation**

The Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000 lays down in law the responsibility for the UK Air Accident Investigation Branch (AAIB) to be notified of any reportable accident or incident, and appoints the UK's Chief Investigator of Aircraft Accidents as the relevant authority in the Bailiwick to undertake investigations.

## **15. Monitoring and Review**

- (a) **Oversight and Maintenance of the Regulatory Framework:** The scope of the MoU (see 7.(b)) with the UK ensures that the CAA provides timely advice to the Bailiwick of any changes to relevant technical requirements established under the Chicago Convention, EU legislation and any UK aviation legislation that may be drafted. The Bailiwick of Jersey is required to ensure the timely enactment of relevant civil aviation legislation. It also provides the UK National Safety Oversight Co-ordinator with all relevant information required under ICAO's Universal Safety Oversight Audit Programme, and co-operates with any audit conducted by ICAO.

- (b) **External Oversight of the DCA:** The MoU ensures that a regular schedule of independent reviews/audits of the safety regulatory system is agreed to be conducted by the CAA on behalf of the DfT.
- (c) **Airport Safety Review Board:** The safety review board operates under the Airport's SMS and conducts an annual review on safety performance indicators and safety performance targets and reports to the DCA. The report will then be reviewed by the DCA
- (d) **Compliance Action Plan Review:** The Airport is to provide quarterly updates to the DCA on progress with the actions on the Compliance Action Plan following the audits undertaken by the CAA.

## 16. Safety Plans

- (a) Part 2 of the Jersey State Safety Programme gives the operational details of the Safety plan.
- (b) The Safety Plan includes input from (but not limited to) –
  - the Jersey Airport Safety Risk Register
  - safety occurrence reports
  - UK CAA safety planning
  - safety initiatives developed by the CAA and EASA
  - staff of Jersey Airport
  - findings and recommendations from safety investigations.
- (c) Aims and objectives are provided, grouped into 6 focus areas. The objectives are suitable for adoption in operators' and service providers' SMS, thereby providing linkage between regulatory planning and the regulated organisations.
- (d) Wherever possible, the monitoring activities and questions should be defined in terms that are quantifiable, as a means to verify satisfactory operational performance of the system; i.e. safety performance indicators (SPI).
- (e) Not all areas of aviation in the Bailiwick of Jersey have a mature system for gathering information. Consequently there may be an absence of information suitable for establishing baseline performance trends or comparison data. Therefore, an important early warning activity will be to ensure that data is gathered and recorded. Improved data collection, including safety data from routine aviation operations, will enable greater use of more quantified safety objectives in future, i.e. safety performance targets (SPT).

Note: This approach enables safety expectations to be expressed in terms that are performance-based, for example –

*1.0 bird strike per 1,000 aircraft movements (SPI) with a 50% reduction in 5 years (SPT).*

*Safety committee meetings to be held every month (SPI), but at intervals not greater than 6 weeks (SPT).*

- (f) In the context of SMS evaluations, the DCA will consider the acceptability of the safety objectives and activities set by the regulated organisation, including the degree of measurability that has been provided (SPIs/SPTs), and thereby agree the acceptable level of safety.

**APPENDIX A**

**Extract from ICAO Document 9734**  
**SAFETY OVERSIGHT MANUAL**  
**PART A**  
**CRITICAL ELEMENTS OF A SAFETY OVERSIGHT SYSTEM**

ICAO has identified and defined the following critical elements of a State's Safety Oversight System:

**CE-1 Primary Aviation Legislation.**

The provision of a comprehensive and effective aviation law consistent with the environment and complexity of the State's aviation activity and compliant with the requirements contained in the Convention on International Civil Aviation.

**CE-2 Specific Operating Regulations.**

The provision of adequate regulations to address, at a minimum, national requirements emanating from the primary aviation legislation and providing for standardized operational procedures, equipment and infrastructures (including safety management and training systems), in conformance with the Standards and Recommended Practices (SARPs) contained in the Annexes to the Convention on International Civil Aviation.

Note: The term "regulations" is used in a generic sense to include but is not limited to instructions, rules, edicts, directives, sets of laws, requirements, policies, and orders.

**CE-3 State Civil Aviation System and Safety Oversight Functions.**

The establishment of a Civil Aviation Authority (CAA) and/or other relevant authorities or government agencies, headed by a Chief Executive Officer, supported by the appropriate and adequate technical and non-technical staff and provided with adequate financial resources. The State authority must have stated safety regulatory functions, objectives and safety policies.

Note: The term "State Civil Aviation System" is used in a generic sense to include all authorities with aviation safety oversight responsibility which may be established by the State as separate entities, such as: CAA, Airport Authorities, Air Traffic Service Authorities, Accident Investigation Authority, and Meteorological Authority.

**CE-4 Technical Personnel Qualification and Training.**

The establishment of minimum knowledge and experience requirements for the technical personnel performing safety oversight functions and the provision of appropriate training to maintain and enhance their competence at the desired level. The training should include initial and recurrent (periodic) training.



CE-5 Technical Guidance, Tools and the provision of Safety-Critical Information.

The provision of technical guidance (including processes and procedures), tools (including facilities and equipment) and safety-critical information, as applicable, to the technical personnel to enable them to perform their safety oversight functions in accordance with established requirements and in a standardized manner. In addition, this includes the provision of technical guidance by the oversight authority to the aviation industry on the implementation of applicable regulations and instructions.

CE-6 Licensing, Certification, Authorization and Approval Obligations.

The implementation of processes and procedures to ensure that personnel and organizations performing an aviation activity meet the established requirements before they are allowed to exercise the privileges of a licence, certificate, authorization and/or approval to conduct the relevant aviation activity.

CE-7 Surveillance Obligations.

The implementation of processes, such as inspections and audits, to proactively ensure that aviation licence, certificate, authorization and/or approval holders continue to meet the established requirements and function at the level of competency and safety required by the State to undertake an aviation-related activity for which they have been licensed, certified, authorized and/or approved to perform. This includes the surveillance of designated personnel who perform safety oversight functions on behalf of the CAA.

CE-8 Resolution of safety concerns.

The implementation of processes and procedures to resolve identified deficiencies impacting aviation safety, which may have been residing in the aviation system and have been detected by the regulatory authority or other appropriate bodies.

Note: This would include the ability to analyse safety deficiencies, forward recommendations, support the resolution of identified deficiencies, as well as take enforcement action when appropriate.