

**OFFICE OF THE DIRECTOR OF CIVIL AVIATION**

**CHANNEL ISLANDS**

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# **REGULATORY GUIDANCE DOCUMENT**

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This Regulatory Guidance Document provides an overview of the Office of The Director of Civil Aviation (ODCA), its day to day operation and how aviation regulation is delivered in the Channel Islands.

Aviation stakeholders and the wider community will gain an insight into the role of the ODCA through reading the following pages. However, if there is anything missing or requires further clarification, please do not hesitate to contact the ODCA who will be happy to discuss.

This document is provided for general guidance purposes only, and does not override the relevant Law or Requirements and Procedures, all of which may be updated more frequently.

Further detail is provided in the following additional documents:

- The Law:
  - The Law of the Bailiwick of Jersey and the Law of the Bailiwick of Guernsey.
- Published Requirements:
  - Guernsey Aviation Requirements (GAR) and Jersey Aviation Requirements (JAR).
- Guidance Materials:
  - Explanatory Materials (GAC) (JAC), ODCA Procedures (internal).
- General Guidance Materials:
  - The ODCA website and the Regulatory Guidance Document.

This Regulatory Guidance Document is updated annually. Where changes need to be made outside the regular update, these will be annotated by track changes and notified on the DCA website.

## Glossary

|          |                                                                            |
|----------|----------------------------------------------------------------------------|
| 2-Reg    | Aircraft Registry of Guernsey                                              |
| AAIB     | United Kingdom Air Accidents Investigation Branch                          |
| ABG 2008 | Aviation (Bailiwick of Guernsey) Law 2008                                  |
| ANAG     | Brasil Agência Nacional de Aviação Civil                                   |
| ANL 2012 | The Air Navigation (Bailiwick of Guernsey) Law 2012                        |
| ANL 2014 | The Air Navigation (Jersey) Law 2014                                       |
| ANSP     | Air Navigation Service Provider                                            |
| AOC      | Air Operator Certificate                                                   |
| ATS      | Air Traffic Services                                                       |
| ATP/ATPL | Air(line) Transport Pilot Licence                                          |
| CAA      | United Kingdom Civil Aviation Authority                                    |
| CAAi     | CAA International (the corporate arm of the UK CAA)                        |
| CAJ 2008 | Civil Aviation (Jersey) Law 2008                                           |
| CAT      | Commercial Air Transport                                                   |
| CIA      | Channel Islands Airspace (a collective term for the CTR and TMA)           |
| CNS      | Communications, Navigation and Surveillance                                |
| CTR      | Control Zone                                                               |
| DCA      | Director of Civil Aviation                                                 |
| DfT      | United Kingdom Department for Transport                                    |
| EASA     | European Aviation Safety Agency                                            |
| ECCAIRS  | European Co-ordination Centre for Accident and Incident Reporting Systems  |
| EU       | European Union                                                             |
| FAA      | United States Federal Aviation Administration                              |
| GACs     | Guernsey Advisory Circulars                                                |
| GARs     | Guernsey Aviation Requirements                                             |
| ICAO     | International Civil Aviation Organisation                                  |
| LAPL     | Light Aircraft Pilot Licence                                               |
| NPPL     | National Private Pilot Licence                                             |
| MOR      | Mandatory Occurrence Report                                                |
| POC      | Private Operator Certificate                                               |
| PPL      | Private Pilot Licence                                                      |
| ROA 2017 | Air Navigation (Bof G) (Single European Rules of the Air) Regulations 2017 |
| ROA 2019 | Air Navigation (Rules of the Air) (Amendment) (Jersey) Regulations 2019    |
| SMS      | Security Management System                                                 |
| SERA     | Standardised European Rules of the Air                                     |
| SMS      | Safety Management System                                                   |
| SUA      | Small Unmanned Aircraft                                                    |
| TMA      | Terminal Control Area                                                      |
| UAS      | Unmanned Aircraft Systems                                                  |

## Contents

### Introduction

1. Channel Islands Aviation Regulatory System
2. Office of the Director of Civil Aviation
3. Safety and Policy Objectives
4. Accident Investigation
5. Incident Investigation
6. Occurrence Reporting
7. Enforcement Policy
8. State Safety Risk Management & Assurance
9. Rules of the Air
10. Balloon Flights
11. Flying Displays
12. Operation of Aircraft
13. Air Traffic Services
14. Aerodromes
15. Unmanned Aerial Systems
16. Aviation Meteorological Services
17. Medical Standards for Licensed Persons
18. Aeronautical Information Management
19. Security
20. Aviation Permit System
21. Data Policy
22. Special Permissions and Access to Airspace
23. Landing at Sites other than Aerodromes
24. Aircraft Inspection Programme
25. Commercial Air Transport and Aerial Work Exceptions
26. Holders of UK Instrument Ratings

## 1 CHANNEL ISLANDS AVIATION REGULATORY SYSTEM

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### 1.1 The Channel Islands and their relationship with the United Kingdom

1.1.1 The term “Channel Islands” is a collective term used to describe the Bailiwicks of Guernsey and Jersey. They are not part of the United Kingdom but enjoy a constitutional relationship directly with the British Crown. Today the islands rely on the United Kingdom only for international relations and defence.

1.1.2 This has relevance to aviation as the Channel Islands are not signatories to the Chicago Convention, falling instead under “territories for which the United Kingdom is responsible”. This gives the United Kingdom Government a role in the setting of aviation policy for the islands, to ensure that the UK remains in compliance with its own international obligations.

1.1.3 In setting this policy, the UK Department for Transport (DfT) has established Memoranda of Understanding with the insular authorities, which sets out the following responsibilities between the parties:

The Bailiwicks of Jersey and Guernsey will:

- (a) Establish and maintain a civil aviation safety regulator separate from any aviation service provider,
- (b) Ensure that the civil aviation safety regulator is competent and is provided with sufficient resources to allow it to carry out its functions effectively,
- (c) Contract in, as may be required, any expert services which cannot be provided in house,
- (d) Take steps to ensure or promote, (as the case may be), the timely enactment of relevant civil aviation legislation,
- (e) Agree with the UK a regular schedule of independent reviews/audits of the safety regulatory system and advise the UK of the outcome, and

(f) Provide the UK National Safety Oversight Co-ordinator with all relevant information required under ICAO Universal Safety Oversight Programme and co-operate with any audit conducted by ICAO.

The United Kingdom will:

(g) consult with the Bailiwicks in a timely manner prior to international negotiations and discussions in relevant international forums and take account of the Bailiwicks' interests in those negotiations and discussions,

(h) facilitate participation in any relevant international forum or negotiations,

(i) provide timely advice of any changes to relevant technical requirements established under the Chicago Convention,

(j) ensure that the Bailiwicks are advised in a timely manner:

(i) of any proposals to amend, in its application to the UK, civil aviation legislation which has been extended to the Bailiwicks, and

(ii) upon request, of any amendments to the UK domestic legislation on which the Bailiwicks' local legislation may be based.

(k) in accordance with agreed time scales, provide timely advice to the Bailiwicks on any proposed aviation legislation that they may have drafted.

(l) facilitate the provision of assistance from the CAA to the Bailiwicks under section 16(1) of the UK Civil Aviation Act 1982.

(m) act on behalf of the Bailiwicks to withdraw or amend an existing difference filed by the UK or provide for a new difference in respect of a SARP, except where, notwithstanding that there may be practical points of distinction to be drawn between the UK and the special circumstances of the Bailiwicks, a fundamental risk to aviation safety would arise from the withdrawal, amendment or filing.

## 2 OFFICE OF THE DIRECTOR OF CIVIL AVIATION

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### 2.1 Aviation Regulator

2.1.1 The Bailiwicks of Jersey and Guernsey have a statutory aviation regulator called the Director of Civil Aviation. Offices are established separately as a “corporation sole” in each Bailiwick under the respective laws and have been shared by a single post-holder since 2009.

2.1.2 The DCA has statutory responsibility to ensure the safety of aerodromes and air traffic, to ensure the security of aerodromes, passengers and goods carried by air, to licence aerodromes and to approve licensed aviation personnel. The DCA also has responsibilities to regulate the operation of CIA and meteorological services for aviation therein. An annual report must be submitted in each Bailiwick.

2.1.3 The investigation of air accidents falls outside the remit of the DCA as discussed in paragraph 1-4 below.

2.1.4 The DCA also tenders advice to the States of Guernsey, Government of Jersey, relevant Ministers and committees and other government bodies in each Bailiwick.

2.1.5 The concept of regulation is to validate and approve where possible and to contract specialist support for ab-initio licensing. The methods employed in each subject area are described in Chapter 3.

2.1.6 The DCA has delegated all powers in each Bailiwick to the Deputy DCA who has full authority to act on all matters in his/her absence. Certain tasks and duties are delegated to contracted parties (see 3-1).

## 3 SAFETY POLICY AND OBJECTIVES

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3.1 In the main, domestic primary legislation is used to ensure compliance with the Chicago Convention. Where appropriate or convenient, certain provisions of UK legislation have been extended to one or both Bailiwicks by UK Orders in Council.

3.2 The main contemporary instruments for the regulation of aviation are the Air Navigation (Jersey) Law 2014 in Jersey and the Air Navigation (Bailiwick

of Guernsey) Law 2012 in Guernsey. These domestic laws lay down the primary means by which the islands comply with the Chicago Convention.

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## **4 ACCIDENT INVESTIGATION**

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4.1 In line with the requirements of ICAO Annex 13, the laws of Jersey and Guernsey have established a statutory separation between the aviation regulator and the organisation charged with investigation of accidents involving aircraft.

4.2 This organisation is the United Kingdom Air Accidents Investigation Branch (part of the UK Department for Transport).

4.3 There are two distinct situations where the AAIB may be called upon to conduct an investigation; where an accident occurs within the Channel Islands (as state of occurrence); and where an accident involving a locally registered aircraft occurs over the high seas (i.e., where there is no state of occurrence) and responsibility falls to the state of registration. AAIB may also be called upon to assist with an investigation by a third country the subject of which is a Guernsey or Jersey registered aircraft.

4.4 Where an accident occurs within any of the Channel Islands' territories, responsibility for notifying the AAIB and appointing an inspecting officer, rests with the ODCA.

4.5 Where an accident occurs over the high seas involving a locally registered aircraft, responsibility for notifying the AAIB rests with the aircraft operator (or the DCA where this is not possible).

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## **5 INCIDENT INVESTIGATION**

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5.1 Other than accidents, incident investigation is normally carried out by the operator or service provider concerned. The DCA has provision to conduct an external regulatory investigation in such cases as may be deemed necessary through a commercial arrangement with the UK CAA.

## 6 OCCURRENCE REPORTING

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- 6.1 Jersey and Guernsey have specific requirements for occurrence reporting.
- 6.2 Jersey and Guernsey each participate in the European Commission's ECCAIRS scheme under commercial arrangements with CAA. Reports made through this scheme are deemed to have been made to the DCA. Reports can be submitted through the website.
- 6.3 Reports should be filed through the DCA website.
- 6.4 User feedback is encouraged; please contact the DCA with any comments.

## 7 ENFORCEMENT POLICY

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- 7.1 The DCA has comprehensive powers under the aviation laws of both Bailiwicks to carry out a wide range of enforcement activity. This includes the ability to prevent flight, suspend, vary, or revoke a licence or certificate, to inspect aircraft and audit operators and to offer a right of review or hearing. The aviation laws also carry criminal penalties for infringement in the most serious cases; where considered appropriate the DCA will discuss the matter with the police and the final decision rests with the prosecuting authorities regarding disposal.
- 7.2 In any case, safety is the overriding priority; the DCA reserves the right to take immediate action if deemed necessary, regardless of any criminal prosecution. This will generally be done so as not to prejudice any case.
- 7.3 As described in 5.1 above, service providers are expected to have an acceptable process in place to manage their own routine safety issues. Regulatory intervention can be expected under certain circumstances where the DCA will actively carry out an investigation, but for the majority of situations the service provider will analyse the organisational or individual factors that may have led to an event and determine any remedial measures that warrant incorporation to prevent recurrence.

7.4 With this in mind, it is essential to draw a distinction between unintentional errors and deliberate or gross violations. Information derived from a service providers SMS will not normally form the basis for enforcement action unless the latter appears to the case.

7.5 In any case, the DCA will consider the outcome of relevant investigations and any proposed corrective actions. Where these are appropriate there will be no further direct intervention by the DCA, other than as provided for in the routine schedule of safety oversight.

7.6 The DCA fully supports the principles of a “just culture” in all sectors of aviation and as a policy matter requires all service providers to have in place processes to ensure that members of staff can report incidents or matters of concern in a non-punitive manner.

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## **8 STATE SAFETY RISK MANAGEMENT AND ASSURANCE**

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### **Safety requirements for the service provider’s SMS**

8.1 A tailored, and proportionate Safety Management System (SMS) or equivalent is required to be in place for all service providers. The requirements are domain-specific and will follow the core requirements of the underpinning code for each area.

### **State Safety Assurance**

8.2 Regulatory oversight is conducted through inspections and audits together with the provision of advice and guidance to ensure that industry meets the appropriate guidance. With the exception of, aircraft inspections as described below, oversight activity is contracted by the DCA to the following competent authorities.

- UK CAA
- European Aviation Safety Agency

### **Aircraft inspections (Ramp checks)**

8.3 Ramp inspections on both national and foreign aircraft are conducted by appropriately trained DCA staff or staff specifically sub-contracted for this activity by the DCA. All staff undertaking such aircraft surveys shall identify themselves and show their identification prior to the commencement of any aircraft SAFA/SANA inspection. Although not part of the programme, inspections are conducted to the standards and processes of the EASA SAFA system. Findings are dealt with in the same manner as in EASA SAFA/SANA inspections.

### **Safety data collection, analysis, and exchange**

8.4 The ODCA gathers data from several sources including, but not limited to, aircraft owners and operators, airport operators, the CAA and other aviation stakeholders and service providers. The data provides an insight into trends and significant safety incidents, all of which are acted upon with the relevant service providers/individuals.

### **Safety Promotion**

8.6 Members of DCA staff and those in sub-contracted positions are assessed for required levels of competency and knowledge. Gaps are identified on induction and then addressed via bespoke training plans.

8.7 Due to the small number of direct employees, the focus of communication and dissemination activity is between the DCA and sub-contracted organisations. Each has a regular meeting to discuss safety indicators and trends and to plan oversight activity.

8.8 An annual meeting is held between the DCAs of the Isle of Man, Gibraltar and the Channel Islands and the CAA to share safety and security information and to co-ordinate actions where possible.

### **External training, communication, and dissemination of safety information**

8.9 Quarterly regulatory meetings are held with regulated parties to conduct analysis of safety performance and trends. This includes aviation safety, security and updates on regulatory matters including ICAO State Letters.

### **ICAO (International Civil Aviation Organisation)**

8.10 The laws of Jersey and Guernsey each require the DCA to ensure that the jurisdictions comply so far as possible with the 1944 Chicago Convention. For brevity, the requirement is referred to in this document as “ICAO compliance”.

8.11 The aviation laws of each Bailiwick have been drafted with the aim of ICAO compliance. Where this is not possible, a difference will be filed.

8.12 Differences are notified in the relevant section of the UK AIP under the MOU with the UK.

8.13 The UK provides regular updates, briefing and analysis through the UK’s ICAO “focal point”. This includes forwarding communications from ICAO that are generally of the following types:

- State Letters
- Surveys
- Bulletins
- Reports on the sessions of the General Assembly and Technical Groups

8.14 State letters are the normal vehicle for disseminating proposed changes to ICAO annexes. Where a response is required, the Focal Point will collate comments and provide a consolidated response from the UK, including comments from Jersey and Guernsey noting any differences from the UK if appropriate.

8.15 Where local consultation is necessary, the DCA will forward the appropriate documents to interested stakeholders. Stakeholders are required to make a written submission to the DCA which will be taken into consideration when providing a formal response to the UK.

8.16 Parties wishing to identify themselves as stakeholders should make a written request to the DCA.

8.17 It is the policy of the DCA to submit a joint response from the Channel Islands, but where necessary the DCA will submit separate responses from Jersey and Guernsey.

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## 9 RULES OF THE AIR

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9.1 Standardized European Rules of the Air (SERA) are in force in Jersey and Guernsey.

9.2 For the purposes of SERA. 5005(4) and SERA. 5010, helicopters engaged in medical flights, search and rescue operations, law enforcement operations and firefighting operations are hereby exempted from the cloud and visibility requirements on condition that a letter of agreement is in place between the operator and the relevant air traffic control unit.

9.3 VFR flight at night under SERA.5005I is hereby authorised in Jersey and Guernsey.

9.4 SVFR flight at night under SERA. 5010(a) is hereby authorised in Jersey and Guernsey.

9.5 For the avoidance of doubt, UK exemptions, permissions and derogations do not apply to the Channel Islands.

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## 10 BALLOON FLIGHTS

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10.1 Each Bailiwick has specific, independent provisions relating to balloon flights, details of which are contained within the following Regulations:

- Air Navigation (Rules of the Air) (Jersey)(Amendment) Regulations, 2017
- Air Navigation (Bailiwick of Guernsey) (Single European Rules of the Air) Regulations, 2019

There is presently no additional DCA policy.

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## 11 FLYING DISPLAYS

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11.1 Organizers of flying displays require permission from the DCA, the following Regulations apply:

**The Air Navigation (Jersey) Law 2014 – Part 15**

**Air Navigation (Bailiwick of Guernsey) Law, 2012**

Further detail is provided in ODCA Procedures.

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## 12 OPERATION OF AIRCRAFT

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12.1 The requirements for Jersey are set out in ANL 2014. These include the general requirements for aircraft operating in Bailiwick airspace.

The requirements for Guernsey are set out in ANL 2012. These include the general requirements for aircraft operating in Bailiwick airspace as well as those specific to Guernsey-registered aircraft. Reference should also be made to the Guernsey Aircraft Requirements.

### **General Aviation**

12.2 Under both Jersey and Guernsey law, there is no requirement for exemptions for holders of NPPL, LAPL or similar licenses. Pilots are required only to ensure that they comply with the national regulations of the State of registration.

12.3 The DCA retains the power to direct that additional crew members be carried in any given case.

12.4 Operators should note that in both Guernsey and Jersey, ICAO Annex 6, part II is fully implemented by means of JAR 91/125 and GAR 91/125. It should be noted that for complex, motor-powered aircraft registered in both Guernsey and Jersey but where its operator has its principal place of business or resides in an EU member state, EASA Part-NCC may also apply.

### **Other aircraft**

12.5 There are no additional DCA policies for kites, gliders, airships, parascending, and parachuting. Reference should be made to the respective air navigation laws.

## **13 AIR TRAFFIC SERVICES (INCLUDING LICENSING OF AIR TRAFFIC CONTROLLERS)**

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13.1 Routine oversight of ATS Domestic services in the Channel Islands is undertaken by the ODCA, using the services of the UK CAAi and EASA under contract to the DCA.

13.2 Both Ports of Jersey and Guernsey Ports and ANSP's are under direct EASA oversight for service provision outside of Domestic Airspace (under a memorandum of understanding between EASA and the DCA).

13.3 The DCA has statutory authority to issue licenses, however at present this is not exercised.

## **14 AERODROMES**

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14.1 Routine oversight of aerodromes is undertaken by the ODCA using CAAi under contract to the DCA. Inspectors from the CAA conduct a programme of audits, with findings reported to the DCA.

## **15 UNMANNED AERIAL SYSTEMS**

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15.1 Jersey and Guernsey have each adopted law that regulate the operation of small, unmanned aircraft or UAS (colloquially known as "drones"). Aircraft with surveillance or data gathering capability (most commonly a camera) that are used for non-private operations are subjected to more stringent rules.

15.2 Comprehensive guides for UAS operators are published by both Jersey and Guernsey airports respective websites as well as through the DCA website. Operators are strongly urged to make use of these resources.

15.3 Private use of UAS is permitted subject to the primary statutory requirements. Attention is drawn to the requirements for operators to ensure that UASs are always operated in a safe manner in Jersey and Guernsey.

15.4 Non-private use of UASs requires an aerial work certificate. For the avoidance of doubt, non-private use is any use of an UAS during a business, club, association, charity, governmental body or where any transaction is affected or promised in respect of the flight – this includes where materials obtained during the flight (such as photographs or video recordings) are used by a commercial or charitable undertaking.

15.5 Operators wishing to obtain an aerial work certificate should apply to the DCA using the application forms that are available on the DCA Website ([www.cidca.aero](http://www.cidca.aero)) Permits are issued under the Aviation Permit system.

15.6 Operators will be required to submit evidence of a pilot qualification, an operation manual (which must include a safety management process including flight risk assessments) and proof of insurance cover.

15.7 Temporary or short-term operations by non-Channel Islands-based operators will be permitted where the operator can provide evidence of appropriate certification from an acceptable jurisdiction. In such cases a temporary permit will be issued by the DCA.

15.8 No permissions are given or implied in respect of compliance with the Data Protection (Jersey) Law 2018 or the Data Protection (Bailiwick of Guernsey) Law 2017 and operators are strongly advised to seek advice from the Office of the Data Protection/Information Commissioner ([www.dataci.gg](http://www.dataci.gg) or [www.dataci.je](http://www.dataci.je)) where any flight involves the use of surveillance equipment.

15.9 Changes to terminology with the introduction of the terms ‘remote pilot’ and ‘UAS operator’ in place of the previously used term ‘person in charge’

(a) The “remote pilot”, in relation to a small, unmanned aircraft, is an individual who –

- (i) operates the flight controls of the small, unmanned aircraft by manual use of remote controls, or;
- (ii) when the small, unmanned aircraft is flying automatically, monitors its course and can intervene and change its course by operating its flight controls,

(b) The “UAS operator”, in relation to a small, unmanned aircraft, is the person who has the management of the small, unmanned aircraft.

## **16 AVIATION METEOROLOGICAL SERVICES**

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16.1 The DCA has a statutory obligation to regulate, Jersey Meteorological Services provided to international aviation.

16.2 At present Meteorological Aerodrome Reports (METARs) are produced by both Guernsey and Jersey ATC whereas Warnings, Terminal Aerodrome Forecasts (TAFs) and Forecasts are overseen by the Jersey Meteorological Department.

## **17 MEDICAL STANDARDS FOR LICENSED PERSONNEL**

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17.1 Licence holders must ensure that they adhere to the required medical standards of the issuing jurisdiction and maintain a current medical certificate.

17.2 The DCA has No Operational Objection to flights of UK registered aircraft being conducted to, from and within the Channel Islands by holders of UK issued flight crew and pilot licenses and who have made UK CAA Pilot Medical Declarations, subject to such flights being conducted in accordance with the privileges and any other conditions imposed by the UK CAA.

## **18 AERONAUTICAL INFORMATION MANAGEMENT**

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18.1 The Channel Islands Airspace in addition to Jersey, Guernsey and Alderney airports are included in the United Kingdom Aeronautical Information Publication (AIP) hence the standards applied are those required by the UK under CAP 779.

## **19 AVIATION SECURITY**

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19.1 Jersey and Guernsey are recognised by the EU as applying security standards equivalent to the EU common basic standards.

19.2 In addition, the UK “More Stringent Measures” are voluntarily applied to maintain UK “domestic airport status” for matters of aviation security. Oversight of security standards is provided by the CAA through memorandums of understanding between each of the Bailiwicks and the DfT. Inspectors from the CAA conduct a programme of audits and provide advice as required in line with that undertaken in the UK. Additionally, An Aviation Security Regulator is employed within the Office of the DCA.

19.3 The ODCA Aviation Security Regulator (ASR) is responsible for:

- Maintenance of the CICASP.
- Provision of regulatory oversight of civil aviation operations under “Direction” operating within the Channel Islands (audits, inspections, security testing, investigations, surveys and project support).
- Liaising with the UK DfT and CAA.
- Liaising with other government law enforcement agencies.
- Facilitation of CAA inspections on behalf of the UK DfT.

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## 20 THE AVIATION PERMIT SYSTEM

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20.1 Permissions and approvals pertaining to airworthiness and flight operations are managed by the aircraft Registry (in Guernsey reference should be made to the relevant GAR) and this includes AOCs and Section 77s. Where any other permission, exemption or approval is required under the law an “aviation certificate” will be issued by the DCA.

20.2 Applications for certificates must be submitted on the application form provided by the DCA. This can be found online or is available on request from the DCA.

20.3 Foreign carriers (third country operators) are required to obtain a Foreign Carrier Permit to embark and disembark passengers in either Jersey or Guernsey. Charges for Foreign Carrier Permits were introduced in 2019. Payment details and an application form are available on the DCA website.

## 21 DATA POLICY

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21.1 The DCA is registered as a “Data Controller” in both Guernsey and Jersey.

21.2 Data is held in a cloud storage service. When submitting any information to the DCA it should be noted that transit services (such as “OneDrive” and “Dropbox”) may store information on a temporary and/or permanent basis in other jurisdictions, which may include the transmission of data to the United States.

21.3 The DCA processes data only for the purposes of discharging obligations set out in the aviation laws<sup>41</sup> of Jersey and Guernsey. Individuals are deemed to consent to processing of any supplied data when contacting the DCA.

21.4 Data gathered is only that required to discharge the functions of the DCA.

21.5 Data may be shared with other regulatory authorities where the DCA believes that it is appropriate to do so on safety or security grounds. Information submitted for the purposes of aircraft registration is a matter of public record by law in Jersey and Guernsey and is available on request.

21.6 Unless notified to the contrary, personal data no longer required by the DCA will be deleted after five years.

## 22 SPECIAL PERMISSIONS AND ACCESS TO AIRSPACE

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22.1 The airspace around Sark is protected by a restricted area (“R095”) that prohibits all flight below an altitude of 2500’ except in designated circumstances or with the permission of the DCA. The DCA has established a memorandum of understanding (MoU) with Chief Pleas (through the Policy and Performance Committee) that sets out how requests will be considered and establishes criteria to ensure that the Sark authorities can maintain a measure of control.

22.2 Requests to enter R095 should be made to the DCA in writing with at least two weeks’ notice. Aircraft will only be granted permission to enter in R095 in exceptional circumstances.

22.3 UAS flights will be permitted on Sark only following application to the DCA (who provide oversight of the specific documentation required) and an application to Sark Chief Pleas for a Permit to operate.

## **23 LANDING AT SITES OTHER THAN AERODROMES**

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23.1 Take-off and landing of aircraft at sites other than licensed aerodromes is prohibited without express permission from the DCA.

## **24 AIRCRAFT INSPECTION PROGRAMME**

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24.1 All aircraft operating to, from and within the Channel Islands are subject to inspections. Further checks will be risk-based and determined based on previous inspection findings from the operator concerned.

24.2 Inspections are carried out to EASA "SAFA" standards and using the same pre-determined findings. However, the reports are not submitted to the SAFA database and will be shared only with the operator and the state of registration.

## **25 COMMERCIAL AIR TRANSPORT & AERIAL WORK – JOINTLY OWNED A/C EXCEPTION**

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25.1 A flight shall be deemed to be a private flight if the aircraft falls within the prerequisites below and the only reward given or promised in respect of the flight:

25.1.1 If it is owned jointly by persons (each of whom is a natural person) who each hold not less than a 5% 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 Civil Aviation of the names of all the persons beneficially entitled to a share in the aircraft, or,
- (iii) 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% of the shares in that company.

(iv) No information concerning the flight shall have been published or advertised prior to the commencement of the flight other than, in the case of an aircraft operated by a flying club, advertising wholly within the premises of such a flying club in which case all the persons carried on such a flight who are aged 18 years or over shall be members of that flying club.

25.2 However, reward falls into this category if it is either:

- (i) 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
- (ii) registered shareholders of the company which owns the aircraft, or
- (iii) in respect of the annual costs and given by one or more of such joint owners or shareholders or falls within both paragraphs.

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## 26 HOLDERS OF UK INSTRUMENT RATING (RESTRICTED) (IRR)

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26.1 Holders of UK IRR may exercise the privileges of those ratings in CICZ.

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## 27 CARRIAGE OF DANGEROUS GOODS – JERSEY

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27.1 The Director of Civil Aviation (the "**DCA**"), in pursuance both of his functions under the Civil Aviation (Jersey) Law 2008 (the "**2008 Law**") and his powers under the Air Navigation (Jersey) Law 2014 (the "**2014 Law**") (and in particular under Articles 53 (*Operation of aircraft*), 82 (*Prohibition on carriage of dangerous goods*) and 165 (*Arrangements for giving effect to the Convention on International Civil Aviation*) thereof) **gives the following directions and instructions for the avoidance of all doubt which shall be treated as part of the "specified requirements" for the purposes of the 2014 Law:**

27.2 In order to ensure that Jersey carries out arrangements as are necessary, requisite or expedient for carrying out the Convention on International Civil Aviation 1944 (the "**Chicago Convention**") and implementing Annexes or amendments to the Chicago Convention or made in accordance with the Chicago Convention, and to ensure safety of international air navigation in accordance with the 2008 Law, the DCA directs, instructs, and requires that regard be had to the English language edition of the Technical Instructions for the Safe Transport of Dangerous Goods by Air, approved and published by decision of the Council of the International Civil Aviation Organisation (the "**Technical Instructions**") and, in particular (and without any limitation to the foregoing), hereby directs, instructs, and requires that any articles or substances that are identified in the Technical Instructions as "dangerous goods" are identified as such for the purposes of Part 12 of the 2014 Law.

This procedure will be made available for access to all visitors to the ODCA Website and will be reviewed annually.



David Cowan

21<sup>st</sup> September 2023

For and on behalf of the Director of Civil Aviation