
STATUTORY INSTRUMENTS

2000 No. 1346

CIVIL AVIATION

The Air Navigation (Jersey) Order 2000

Made - - - - *17th May 2000*

Coming into force - - *1st June 2000*

At the Court at Buckingham Palace, the 17th day of May, 2000

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 60 (other than subsection (3) (r)), 61, 77, 101, and 102 of and Schedule 13 to the Civil Aviation Act 1982(1), as extended to the Bailiwick of Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990(2), and section 35 of the Airports Act 1986(3), as extended to the Bailiwick of Jersey by the Airports Act 1986 (Jersey) Order 2000(4), is pleased by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. This Order may be cited as the Air Navigation (Jersey) Order 2000 and shall come into force on 1st June 2000.

2. The Air Navigation (Jersey) Order 1972(5) is hereby revoked, but any Regulations made by virtue of that Order shall remain in force as if they had been made by virtue of the corresponding provisions of this Order.

3. In this Order, the expression “Jersey” means the Bailiwick of Jersey and the territorial waters adjacent thereto.

4. The Air Navigation (No.2) Order 1995(6), as amended by the Air Navigation Order 1996(7), the Air Navigation (Second Amendment) Order 1997(8), the Air Navigation (Third Amendment) Order 1998(9), the Air Navigation (Fourth) Amendment) Order 1999(10) and the Air Navigation

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- (1) 1982 c. 16.
(2) S.I. 1990/2145.
(3) 1986 c. 31.
(4) S.I. 2000/1111.
(5) S.I. 1972/452.
(6) S.I. 1995/1970.
(7) S.I. 1996/1301.
(8) S.I. 1997/287.
(9) S.I. 1998/753.
(10) S.I. 1999/1123.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(Fifth Amendment) Order 1999(11), shall apply in relation to Jersey with the exceptions and modifications specified in the Schedule to this Order

A. K. Galloway
Clerk of the Privy Council

SCHEDULE

Article 4

EXCEPTIONS TO AND MODIFICATIONS OF THE AIR NAVIGATION (NO. 2) ORDER 1995 (AS AMENDED BY THE AIR NAVIGATION (AMENDMENT) ORDER 1996, THE AIR NAVIGATION (SECOND AMENDMENT) ORDER 1996, THE AIR NAVIGATION (THIRD AMENDMENT) ORDER 1998, THE AIR NAVIGATION (FOURTH AMENDMENT) ORDER 1999 AND THE AIR NAVIGATION (FIFTH AMENDMENT) ORDER 1999)

1. In article 1 (Citation and commencement), omit the words “and shall come into force on 29th August 1995”.
2. Omit article 2 (Revocation).
3. In article 3 (Aircraft to be registered)—
 - (a) in paragraph (1), for the words “the United Kingdom” where they first occur substitute “Jersey”;
 - (b) in paragraph (2)(**12**), omit sub-paragraphs (a) and (b); and
 - (c) in paragraph (3), for the words “the United Kingdom” where they first occur substitute “Jersey”.
4. Omit article 4 (Registration of aircraft in the United Kingdom).
5. In article 7 (Issue of police air operators' certificates), in paragraph (1) for the words “a chief officer of police for any area of the United Kingdom” substitute “the Chief Officer of the States of Jersey Police Force”.
6. In article 8(**13**) (Certificate of airworthiness to be in force), in paragraph (2)—
 - (a) for the words “the United Kingdom” substitute “Jersey”, and
 - (b) omit sub-paragraphs (a) and (d).
7. In article 15(**14**) (Radio equipment of aircraft), in paragraph (5) omit the words “, except in the case of a glider which is permitted by article 3(2) of this Order to fly unregistered,”.
8. In article 21(**15**) (Members of flight crew—requirement for licence), in paragraph (10)(b) for the words “the United Kingdom” in the second place where they occur substitute “Jersey”.
9. For article 23(**16**) (Validation of licences) substitute—

23. A certificate of validation issued by the Authority under article 23 of this Order as it has effect in the United Kingdom shall render valid for the purposes of this Order the flight crew licence to which it relates.”.
10. Omit article 26 (Glider pilot—minimum age).
11. In article 32 (Public transport—operating conditions), in paragraph (5) omit sub-paragraph (e).
12. In article 34 (**17**) (Public transport aircraft not registered in the United Kingdom—aerodrome operating minima)—
 - (a) in paragraph (2), for the words “the United Kingdom” substitute “Jersey”; and
 - (b) in paragraph (5), for the words “the United Kingdom” substitute “Jersey”.

(12) Amended by S.I. 1998/753.

(13) Amended by S.I. 1999/1123.

(14) Amended by S.I. 1999/1123.

(15) Amended by S.I. 1996/1301, 1998/753, 1999/1123 and 2059.

(16) Amended by S.I. 1999/2059.

(17) Substituted by S.I. 1997/287.

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- 13.** For article 46 (Towing of gliders) substitute—
- “**46.** An aircraft in flight shall not tow a glider.”.
- 14.** In article 47 (Towing, picking up and raising of persons and articles)—
- (a) in paragraphs (1) and (3), omit the words “, other than a glider,”;
 - (b) in paragraph (5), for the words “a congested area of a city, town or settlement” substitute “Jersey”; and
 - (c) in paragraph (7)—
 - (i) immediately before sub-paragraph (c) insert the word “or”, and
 - (ii) omit sub-paragraph (d) and the word “; or” immediately before it.
- 15.** In article 48 (Dropping of articles and animals)—
- (a) in paragraph (2), for the words “the United Kingdom” substitute “Jersey”; and
 - (b) in paragraph (3), in sub-paragraphs (f) and (g) for the word “Authority” substitute “Committee”.
- 16.** In article 49 (Dropping of persons)—
- (a) in paragraph (1)—
 - (i) for the words “United Kingdom” substitute “Jersey”; and
 - (ii) for the word “Authority” substitute “Committee”; and
 - (b) in paragraphs (4) and (5), for the word “Authority” substitute “Committee”.
- 17.** In article 50 (Issue of aerial application certificates), for the word “Authority”, wherever it occurs, substitute “Committee”.
- 18.** In article 53 (Method of carriage of persons), in paragraph (1) omit the words “, other than a glider or flying machine,”.
- 19.** In article 61**(18)** (Flying displays)—
- (a) in paragraph (1), and in paragraphs (4), (5) and (7), wherever it occurs, for the word “Authority” substitute “Committee”; and
 - (b) omit paragraph (8).
- 20.** In article 71 (Revocation, suspension and variation of certificates, licences and other documents), in paragraphs (1), (2) and (5) after the word “Authority”, wherever it occurs, insert the words “or, as the case may be, the Committee”.
- 21.** In the heading to article 72 (Revocation, suspension and variation of permissions, etc. granted under article 102 or article 104), and in paragraph (7) of that article, omit the words “or article 104”.
- 22.** In article 74 (Rules of the air)—
- (a) in paragraph (1), for the words from “Secretary of State” to “prescribing” substitute “Committee may by Order prescribe” and after sub-paragraph (d) add—

“; and the provisions of any such Order are hereinafter referred to in this Order as “the Rules of the Air”.”;
 - (b) in paragraph (3), immediately before sub-paragraph (b) insert the word “or” and omit sub-paragraph (c) and the word “; or” immediately before it; and
 - (c) in paragraph (4), for the words from “competent authority” to the end of the paragraph substitute “Committee”.

(18) Substituted by S.I. [1999/1123](#).

- 23.** In article 75 (Power to prohibit or restrict flying)—
- (a) in sub-paragraph (a) of paragraph (1)—
 - (i) for the words “Secretary of State”, wherever they occur, substitute “Committee”;
 - (ii) for the words “make regulations prohibiting, restricting or imposing” substitute “by Order prohibit, restrict or impose”;
 - (iii) for the words “the United Kingdom”, in the second place where they occur, substitute “Jersey”;
 - (iv) omit the words “or in the neighbourhood of an offshore installation”; and
 - (v) omit paragraph (bb) and the word “; and” immediately before it;
 - (b) in sub-paragraph (b) of paragraph (1), for “Regulations” substitute “An Order”;
 - (c) in paragraph (2), for the words “any regulations” substitute “an Order”;
 - (d) in paragraph (3)—
 - (i) for the words “any regulations which have” substitute “an Order which has”; and
 - (ii) for the words “regulations relate” substitute “Order relates”;
 - (e) in paragraph (4), for the words “regulations have” substitute “an Order has”.
- 24.** In article 76 (Balloons, kites, airships, gliders and parascending parachutes)—
- (a) in paragraph (1), for the words “the United Kingdom” substitute “Jersey”;
 - (b) in paragraph (2), in sub-paragraph (b) for the word “Authority” substitute “Committee” and—
 - (i) in paragraph (i) omit the words “glider or”;
 - (ii) omit the word “and” immediately before paragraph (vi); and
 - (iii) after paragraph (vi) add—
 - “; and
 - (vii) a glider shall not be launched by winch and cable or by ground tow;”;
 - (c) in paragraph (3), for the word “Authority” substitute “Committee”;
 - (d) for paragraph (4) substitute—
 - “(4) A controllable balloon shall not be flown in free controlled flight over Jersey, except during the day, in visual meteorological conditions and with the permission in writing of the Committee.”;
 - (e) for paragraph (5) substitute—
 - “(5) A controllable balloon shall not be flown in tethered flight in Jersey, except with the permission in writing of the Committee and in accordance with any conditions subject to which that permission may have been granted.”;
 - (f) for paragraphs (7) and (8) substitute—
 - “(7) No airship shall be moored or flown over Jersey, except with the permission in writing of the Committee and in accordance with any conditions subject to which that permission may have been granted.”;
 - (g) for paragraph (10) substitute—
 - “(10) A person shall not cause or permit a group of small balloons greater than 100 in number to be simultaneously released at a single site without the permission in writing of the Committee and other than in accordance with any conditions subject to which such permission may have been granted.”; and
 - (h) omit paragraph (11).

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25. In article 76A(19) (Regulation of small aircraft), in paragraph (2) for sub-paragraphs (a) to (e) and the colon immediately before sub-paragraph (a) substitute “without the permission in writing of the Committee and subject to any conditions subject to which that permission may have been granted”.

26. In articles 77, 78 and 79 for the word “Authority”, wherever it occurs, substitute “Committee”.

27. Omit articles 87, 88 and 89.

28. In article 90 (Aerodromes—public transport of passengers and instruction in flying)—

(a) for paragraph (1) substitute—

“(1) An aircraft to which this paragraph applies shall not take-off or land at a place in Jersey other than an aerodrome licensed under this Order for the take-off and landing of such aircraft and in accordance with any conditions subject to which the aerodrome may have been licensed.”;

(b) in paragraph (2), in sub-paragraph (d) omit the words from “(other” to the end of the paragraph; and

(c) in paragraph (4), in sub-paragraph (a) for the words “the United Kingdom” substitute “Jersey”.

29. For article 91 and its heading substitute—

“Use of Government aerodromes

91. The Committee may cause to be notified subject to such conditions as it thinks fit any aerodrome owned or managed by it as a Government aerodrome available for the take-off and landing of aircraft engaged on flights for the purpose of the public transport of passengers or for the purpose of instruction in flying or of any classes of such aircraft.”.

30. In article 92 (Licensing of aerodromes), for the word “Authority”, wherever it occurs, substitute “Committee” and for the words “the United Kingdom” substitute “Jersey”.

31. In article 93—

(a) in paragraphs (1) to (4), for the word “Authority”, wherever it occurs, substitute “Committee”; and

(b) in paragraph (5), for the words “Authority or the Secretary of State” substitute “Committee”.

32. In article 94—

(a) in paragraphs (1), (3) and (6), for the word “Authority”, wherever it occurs, substitute “Committee”; and

(b) in paragraph (8), for the words “Authority or the Secretary of State” substitute “Committee”.

33. In article 95, for the words “Secretary of State”, in both places where they occur, substitute “Committee”.

34. In article 96 (Use of aerodromes by aircraft of Contracting States and of the Commonwealth), for the words “the United Kingdom”, where they first occur, substitute “Jersey”.

35. For article 97 (Noise and vibration caused by aircraft and aerodromes) substitute—

(19) Inserted by S.I. 1996/1301.

“97. The States of Jersey may make regulations prescribing the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on Government aerodromes, licensed aerodromes or on aerodromes at which the manufacture, repair or maintenance of aircraft is carried out by persons carrying on business as manufacturers or repairers of aircraft, and section 77(2) of the Civil Aviation Act 1982(20), as extended to Jersey, shall apply to any aerodrome in relation to which the States of Jersey have prescribed conditions as aforesaid.”.

36. In article 98 (Aeronautical lights)—

- (a) for the word “Authority”, wherever it occurs, substitute “Committee”; and
- (b) in paragraph (1), for sub-paragraph (a) substitute—
 - “(a) an aeronautical beacon within Jersey; or”.

37. In article 99 (Dangerous lights)—

- (a) in paragraph (1), for the words “the United Kingdom” substitute “Jersey”;
- (b) in paragraph (2), for the word “Authority”, wherever it occurs, substitute “Committee”; and
- (c) omit paragraph (4).

38. For article 100 (Customs and Excise airports) substitute—

“100.—(1) The Committee may, with the concurrence of the Finance and Economics Committee of the States of Jersey and subject to such conditions as the Committee thinks fit, by Order designate any aerodrome to be a place for the landing or departure of aircraft for the purpose of the enactments for the time being in force relating to customs and excise.

(2) Any such Order may be revoked with the concurrence of the Finance and Economics Committee of the States of Jersey.”.

39. In article 101 (Aviation fuel at aerodromes)—

- (a) in paragraph (1), for the words “the United Kingdom” substitute “Jersey”; and
- (b) in paragraphs (3) and (4), for the word “Authority”, wherever it occurs, substitute “Committee”.

40. In article 102 (Restriction with respect to carriage for valuable consideration in aircraft registered outside the United Kingdom)—

- (a) in paragraph (1), for the words “the United Kingdom”, in the second place where they occur, substitute “Jersey” and omit the words from “unless” to the end of the paragraph; and
- (b) after paragraph (2), add the following paragraph—

“(3) The provisions of this article are without prejudice to the provisions of the Air Transport Permits (Jersey) Law 1998.”.

41. In article 104 (Restriction with respect to aerial photography, aerial survey and aerial work in aircraft outside the United Kingdom)—

- (a) in paragraph (1), for the words “the United Kingdom”, in the second place where they occur, substitute “Jersey” and for the words “Secretary of State” substitute “Committee”; and
- (b) in paragraph (2), omit the words “of article 72 of this Order or”.

(20) 1982 c. 16; extended to Jersey by S.I. 1990/2145.

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- 42.** In article 105 (Flights over any foreign country)—
- (a) in paragraph (1), for the words “the United Kingdom”, in the second place where they occur, substitute “Jersey”; and
 - (b) in paragraph (3), for the words “the United Kingdom”, in the second place where they occur, substitute “Jersey”.
- 43.** In article 106 (Mandatory reporting), in paragraph (2)(**21**) at the end of sub-paragraph (b) add the words “nor shall any accident of which notice has been given under article 5 of the Civil Aviation (Investigation of Accidents and Incidents) (Jersey) Order 2000(**22**)”.
- 44.** In article 107 (Power to prevent aircraft flying)—
- (a) in paragraphs (1) and (2), after the word “Authority”, wherever it occurs, insert the words “, the Committee”; and
 - (b) in paragraphs (3) and (4), for the words “Secretary of State”, wherever they occur, substitute “Committee”.
- 45.** In article 108 (Right of access to aerodromes and other places)—
- (a) in paragraph (1), omit the words “Subject to paragraph (2),” and after the word “Authority” insert the words “, the Committee”; and
 - (b) omit paragraph (2).
- 46.** In article 111(**23**) (Penalties)—
- (a) in each of paragraphs (1) and (2), for the words “, of any regulations” substitute “of an Order or any regulations”;
 - (b) in paragraph (4)—
 - (i) for the words “, of any regulations” substitute “of an Order or any regulations”; and
 - (ii) omit the words “on summary conviction”; and
 - (c) in paragraphs (5) and (6), omit the words “on summary conviction” wherever they occur.
- 47.** For article 112 (Extra-territorial effect of the Order) and its heading substitute—

“Territorial extent of the Order

112. The provisions of this Order shall apply to all aircraft within Jersey.”.

48. Omit article 113.

49. In article 114 (Application of Order to British-controlled aircraft not registered in the United Kingdom), after the word “Authority” insert the words “or the Committee” and after the words “and of” insert “an Order or”.

50. In the heading to article 115 (Application of the Order to the Crown and visiting forces, etc.), omit the words “and visiting forces, etc.” and, in that article, omit paragraphs (2), (3) and (4).

51. Renumber article 116 (Exemption from the Order) as paragraph (1) of that article and add the following paragraph—

“(2) In the case of any provision of this Order or of an Order or any regulations made thereunder in respect of which the Committee discharges any function which in the United Kingdom is discharged by the Authority, paragraph (1) of this article shall have effect as if for the reference to the Authority there were substituted a reference to the Committee.”.

(21) Substituted by S.I. 1999/1123.

(22) S.I. 2000/1345.

(23) Amended by S.I. 1999/1123.

52. For the heading to article 117 (Appeal to County Court or Sheriff Court) substitute—

“Appeal to the Royal Court”;

and in that article—

- (a) in paragraph (1)(24), for the words “Subject to paragraphs (2) and (3), an appeal shall lie to a county court” substitute the words “Subject to paragraph (2), where the appellant resides or has his registered or principal office in Jersey, an appeal shall lie to the Royal Court” and for the word “satisfield” substitute “satisfied”;
- (b) omit paragraph (3);
- (c) at the end of paragraph (4), add the words “and the appellant shall notify the Authority in writing of any appeal that he brings to the Royal Court”; and
- (d) omit paragraph (6).

53. In article 118(25) (Interpretation)—

- (a) in paragraph (1)—
 - (i) for the definition of “Aerodrome traffic zone” substitute the following definition—

““Aerodrome traffic zone” in relation to any aerodrome, means the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome and within a distance of 1½ nautical miles of its boundaries, except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Order as being the controlling aerodrome;”;
 - (ii) in the definition of “Air traffic control unit” for the word “Authority” substitute “Committee”;
 - (iii) for the definition of “Authorised person” substitute—

““Authorised person” means:

 - (a) any police officer;
 - (b) in paragraphs (3) and (4) of article 107, any person authorised by the Committee (whether by name or by class or description) either generally or in relation to a particular case or class of cases; and
 - (c) in paragraphs (1) and (2) of article 107, and in any article other than article 107, any person authorised by the Authority or the Committee (whether by name or by class or description) either generally or in relation to a particular case or class of cases;”;
 - (iv) in the definition of “the Authority”, after the word “Authority” add the words “constituted in accordance with section 2 of the Civil Aviation Act 1982”;
 - (v) omit the definition of “Chief Officer of Police for any area of the United Kingdom”;
 - (vi) after the definition of “Commander” insert the following definition—

““the Committee” means the Harbours and Airport Committee of the States of Jersey or such other Committee to which the functions of that Committee may from time to time be assigned any Act of the States of Jersey;”;
 - (vii) in the definition of “Director” for “section 53(1) of the Companies Act 1989” substitute “Article 1(1) of the Companies (Jersey) Law 1991, as amended”;

(24) Amended by S.I. 1999/1123.

(25) Amended by S.I. 1996/1301, 1997/287, 1998/783, 1999/1123 and 2059.

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- (viii) omit the definitions of “EEA Agreement” and “EEA State”;
 - (ix) omit the definition of “General lighthouse authority”;
 - (x) for the definition of “Government aerodrome” substitute the following definition—
 “Government aerodrome” means any aerodrome in the occupation of an administration of the States of Jersey;”;
 - (xi) omit the definition of “International headquarters”;
 - (xii) after the definition of “JAR” insert the following definition—
 “Jersey” means the Bailiwick of Jersey and the territorial waters adjacent thereto;”;
 - (xiii) for the definition of “Police officer” substitute the following definition—
 “Police officer” means a member of the Honorary Police, the States of Jersey Police Force or the Airport Director;”
 - (xiv) in the definition of “Prescribed” after the word “State” insert the words “or by the States of Jersey or by Order by the Committee”;
 - (xv) after the definition of “Special VFR flight” insert the following definition—
 “Standard scale” means the standard scale of fines for the time being set out in the Schedule to the Criminal Justice (Standard Scale of Fines) (Jersey) Law 1993, as amended;”; and
 - (xvi) omit the definition of “Visiting force”;
 - (b) in paragraph (6), for the words “different parts of the United Kingdom” substitute “Jersey”;
and
 - (c) after paragraph (6) add the following paragraph—
 “(7) The Subordinate Legislation (Jersey) Law 1960 shall apply to Orders made by the Committee under this Order.”.
- 54.** In article 119 (Public transport and aerial work)—
- (a) in paragraph (2), after the word “Authority”, wherever it occurs, insert the words “or the Committee”;
 - (b) in paragraph (3), omit sub-paragraph (b);
 - (c) in paragraph (5), in sub-paragraph (b) for the words “section 736 of the Companies Act 1985” substitute “Article 2 of the Companies (Jersey) Law 1991, as amended”;
 - (c) in paragraph (6)—
 - (i) in sub-paragraph (a), for the word “Authority”, wherever it occurs, substitute “Committee”; and
 - (ii) in sub-paragraph (b), for “paragraph (4)(a)(ii)(dd)” substitute “sub-paragraph (a)(ii)(dd)”;
 - (d) in paragraph (7), for the word “Authority” substitute “Committee”; and
 - (e) in paragraph (11), for the word “Authority”, whenever it occurs, substitute “Committee”.
- 55.** In article 120—
- (a) in paragraph (1), after the words “Order or” insert the words “an Order or”; and
 - (b) in paragraph (2), after the word “Authority” insert the words “or the Committee, as the case may be,”.
- 56.** In article 122 (Approval of persons to furnish reports), after the word “Authority” insert the words “or the Committee, as the case may be,”.

57. In Schedule 12(26) (Penalties), in Part A omit the entries relating to articles 88 and 89.
58. Omit Schedule 13.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Air Navigation (Jersey) Order 1972 (S.I. [1970/452](#)). It extends to Jersey, with modifications, most of the provisions of the Air Navigation (No. 2) Order 1995 (S.I. [1995/1970](#)), as amended by the Air Navigation (Amendment) Order 1996 (S.I. [1996/1301](#)), the Air Navigation (Second Amendment) Order 1997 (S.I. [1997/287](#)), the Air Navigation (Third Amendment) Order 1998 (S.I. [1998/753](#)), the Air Navigation (Fourth Amendment) Order 1999 (S.I. [1997/1123](#)) and the Air Navigation (Fifth Amendment) Order 1999 (S.I. [1999/2059](#)).