

2008 No. 2562

CIVIL AVIATION

The Air Navigation (Jersey) Order 2008

Made - - - - *9th October 2008*

Coming into force in accordance with article 1

At the Court at Buckingham Palace, the 9th day of October 2008

Present,

The Queen's Most Excellent Majesty in Council

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

Citation and commencement

1. This Order may be cited as the Air Navigation (Jersey) Order 2008 and comes into force on the day on which the Civil Aviation (Jersey) Law 2008(e) comes into force in its entirety.

Revocation

2. The Air Navigation (Jersey) Order 2000(f), the Air Navigation (Jersey) (Amendment) Order 2000(g) and the Air Navigation (Jersey) (Amendment No. 2) Order 2002(h) are revoked but the regulations and Orders made under those Orders remain in force as if they had been made under this Order.

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- (a) 1982 c. 16. Section 60 was amended by the Airports Act 1986 (c. 31), section 83(5) and Schedule 6, Part II, the Aviation and Maritime Security Act 1990 (c. 31), sections 47 and 53(2), the Airports (Northern Ireland) Order 1994 (S.I. 1994/426), article 71(4) and Schedule 10, the Statute Law (Repeals) Act 1995 (c. 44), section 1(1) and Schedule 1, Part V and the Civil Aviation Act 2006 (c. 34), section 8(1) and (5).
- (b) S.I. 1990/2145, amended by S.I. 1998/748.
- (c) 1986 c. 31.
- (d) S.I. 2000/1111.
- (e) Adopted by the States of Jersey on 13 May 2008 and being put forward to be sanctioned by Order of Her Majesty in Council at the same time as this Order.
- (f) S.I. 2000/1346.
- (g) S.I. 2000/3246.
- (h) S.I. 2002/1078.

Interpretation

3. In this Order, “Jersey” means the Bailiwick of Jersey and its adjacent territorial sea.

Application of the Air Navigation Order 2005

4.—(1) The provisions of the Air Navigation Order 2005(a) listed in Part 1 of the Schedule to this Order apply, with the modifications specified in Part 2 of that Schedule, to Jersey.

(2) Any amendments made to the Air Navigation Order 2005 after the coming into force of this Order do not apply to Jersey.

Application of Interpretation (Jersey) Law 1954

5. The Interpretation (Jersey) Law 1954(b) applies to this Order as if it were an enactment under Article 1(1) of that Law.

Judith Simpson
Clerk of the Privy Council

SCHEDULE

Article 4

PART 1

Provisions applied

Article 1 (Citation and Commencement)

Article 3 (Aircraft to be registered)

Article 5 (Nationality and registration marks)

Article 8 (Certificate of airworthiness to be in force)

Article 19 (Equipment of aircraft)

Article 20 (Radio equipment of aircraft)

Article 25 (Composition of crew of aircraft)

Article 26 (Members of flight crew – requirement for licence)

Article 36 (Instruction in flying)

Article 46 (Public transport operations at night or in Instrument Meteorological Conditions by aeroplanes with one power unit which are registered elsewhere than in the United Kingdom)

Article 48 (Public transport aircraft registered elsewhere than in the United Kingdom – aerodrome operating minima)

Article 49 (Non-public transport aircraft – aerodrome operating minima)

(a) S.I. 2005/1970, as amended by S.I. 2006/1384, S.I. 2006/2316, S.I. 2007/274 and S.I. 2007/3467. S.I. 2005/1970 was also amended by S.I. 2008/1782, those amendments not being relevant to the subject matter of this Order.

(b) Law 17 of 1954, amended by the Bankruptcy (Désastre) (Jersey) Law 1990 (L. 8/1990), the Companies (Jersey) Law 1991 (L. 30/1991), the Police Court (Change of Name) (Jersey) Law 1996 (L. 38/1996), the Interpretation (Amendment) (Jersey) Law 2003 (L. 16/2003) and the States of Jersey Law 2005 (L. 8/2005). A revised version of the Law, as amended by the foregoing Laws, is published as Chapter 15.360 of the Revised Edition of the Laws of Jersey.

Article 50 (Pilots to remain at controls)

Article 55 (Operation of radio in aircraft)

Article 60 (Area navigation and required navigation performance capabilities-aircraft registered elsewhere than in the United Kingdom)

Article 61 (Use of airborne collision avoidance system)

Article 62 (Use of flight recording systems and preservation of records)

Article 63 (Towing of gliders)

Article 64 (Operation of self-sustaining gliders)

Article 65 (Towing, picking up and raising of persons and articles)

Article 66 (Dropping of articles and animals)

Article 67 (Dropping of persons and grant of parachuting permissions)

Article 69 (Carriage of weapons and munitions of war)

Article 70 (Carriage of dangerous goods)

Article 71 (Method of carriage of persons)

Article 73 (Endangering safety of an aircraft)

Article 74 (Endangering safety of any person or property)

Article 75 (Drunkenness in aircraft)

Article 77 (Authority of commander of an aircraft)

Article 78 (Acting in a disruptive manner)

Article 79 (Stowaways)

Article 80 (Flying displays)

Article 86 (Documents to be carried)

Article 88 (Production of documents and records)

Article 89 (Production of air traffic service equipment documents and records)

Article 90 (Power to inspect and copy documents and records)

Article 91 (Preservation of documents, etc)

Article 92 (Revocation, suspension and variation of certificates, licences and other documents)

Article 93 (Revocation, suspension and variation of permissions, etc granted under article 138 or article 140)

Article 94 (Offences in relation to documents and records)

Article 95 (Rules of the Air)

Article 96 (Power to prohibit or restrict flying)

Article 97 (Balloons, kites, airships, gliders and parascending parachutes)

Article 98 (Regulation of small aircraft)

Article 99 (Regulation of rockets)

Article 100 (Requirement for an air traffic control approval)

Article 101 (Duty of person in charge to satisfy himself as to competence of controllers)

Article 102 (Manual of air traffic services)

Article 103 (Provision of air traffic services)

Article 105 (Making of a direction for airspace policy purposes)

Article 106 (Use of radio call signs at aerodromes)

Article 107 (Prohibition of unlicensed air traffic controllers and student air traffic controllers)

Article 108 (Grant and renewal of air traffic controller's and student air traffic controller's licences)

Article 109 (Privileges of an air traffic controller's licence and a student air traffic controller's licence)

Article 110 (Maintenance of validity of ratings and endorsements)

Article 112 (Requirement for medical certificate)

Article 113 (Appropriate licence)

Article 114 (Incapacity of air traffic controllers)

Article 115 (Fatigue of air traffic controllers – air traffic controllers' responsibilities)

Article 116 (Prohibition of acting under the influence of drink or a drug)

Article 117 (Failing exams)

Article 120 (Acting as an air traffic controller and a student air traffic controller)

Article 124 (Air traffic service equipment)

Article 125 (Air traffic service equipment records)

Article 126 (Aerodromes – public transport of passengers and instruction in flying)

Article 128 (Licensing of aerodromes)

Article 129 (Charges at aerodromes licensed for public use)

Article 130 (Use of aerodromes by aircraft of Contracting States and of the Commonwealth)

Article 131 (Noise and vibration caused by aircraft on aerodromes)

Article 132 (Aeronautical lights)

Article 135 (Dangerous lights)

Article 136 (Customs and Excise aerodromes)

Article 137 (Aviation fuel at aerodromes)

Article 138 (Restriction on carriage for valuable consideration in aircraft registered elsewhere than in the United Kingdom)

Article 140 (Restriction on aerial photography, aerial survey and aerial work in aircraft registered elsewhere than in the United Kingdom)

Article 142 (Mandatory reporting of occurrences)

Article 143 (Mandatory reporting of birdstrikes)

Article 144 (Power to prevent aircraft flying)

Article 145 (Right of access to aerodromes and other places)

Article 146 (Obstruction of persons)

Article 147 (Directions)

Article 148 (Penalties)

Article 149 (Extra-territorial effect of the Order)

Article 152 (Application of Order to the Crown and visiting forces, etc)

Article 153 (Exemption from Order)

Article 154 (Appeal to County Court or Sheriff Court)

Article 155 (Interpretation)

Article 156 (Meaning of aerodrome traffic zone)

Article 157 (Public transport and aerial work – general rules)

Article 158 (Public transport and aerial work – exceptions – flying displays etc)

Article 159 (Public transport and aerial work – exceptions – charity flights)

Article 160 (Public transport and aerial work – exceptions – cost sharing)

Article 161 (Public transport and aerial work – exceptions – recovery of direct costs)

Article 162 (Public transport and aerial work – exceptions – jointly owned aircraft)

Article 163 (Public transport and aerial work – exceptions – parachuting)

Article 164 (Exceptions from application of provisions of the Order for certain classes of aircraft)

Article 165 (Approval of persons to furnish reports)

Article 166 (Certificates, authorisations, approvals and permissions)

Article 168 (Saving)

Schedule 2 (Classification and marking of aircraft and dealer certification)

Schedule 5 (Radio communication and radio navigation equipment to be carried in aircraft)

Schedule 11 (Air traffic controllers – licences, ratings, endorsements and maintenance of licence privileges)

Schedule 12 (Air traffic service equipment – records required and matters to which the CAA may have regard)

Schedule 13 (Aerodrome manual)

Schedule 14 (Penalties)

PART 2

Modifications

1. In article 1, omit “and shall come into force on 20th August 2005”.
2. For article 3 substitute—

“3.—(1) Subject to paragraph (2), an aircraft shall not fly in or over Jersey unless it is registered in—

- (a) some part of the Commonwealth;
- (b) a Contracting State; or
- (c) some other country in relation to which there is in force an agreement between Her Majesty’s Government in the United Kingdom and the Government of that country which makes provision for the flight over Jersey of aircraft registered in that country.

(2) Paragraph (1) shall not apply to any kite or captive balloon.”.

3. In article 5—

- (a) omit paragraphs (2) and (4);
- (b) in paragraph (3), omit “Subject to paragraph (4),”.

4. For article 8 substitute—

“8. An aircraft shall not fly unless—

- (a) there is in force in respect thereof a certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered or the State of the operator and any conditions subject to which the certificate was issued or rendered valid are complied with; and
- (b) the aircraft satisfies the minimum standards established under Annex 8 to the Chicago Convention.”.

5.—(1) Article 19 is modified as follows.

(2) In paragraph (1)—

- (a) for “regulations” substitute “Order”;
- (b) after “registered” insert “and the minimum standards established under Annex 6 to the Chicago Convention”.

(3) Omit paragraphs (2) to (10).

6. In article 20—

- (a) in paragraph (1), for regulations substitute “Order”;
- (b) in paragraph (4), omit “registered in the United Kingdom”;
- (c) omit paragraphs (3), (5) and (6).

7. In article 25, omit paragraphs (2) to (15).

8. For article 26 substitute—

“26.—(1) A person shall not act as a member of the flight crew of an aircraft unless he is the holder of an appropriate licence granted or rendered valid by the law of the country in which the aircraft is registered or the State of the operator and satisfying the minimum standards established under Annex 1 to the Chicago Convention.

(2) An appropriate licence for the purposes of this article means a licence which entitles the holder to perform the functions which he undertakes in relation to the aircraft concerned and the flight on which it is engaged.”.

9. In article 36—

- (a) in paragraph (1)(a), omit “, granted or rendered valid under this Order or a JAA licence,”;
- (b) in paragraph (2), omit “or glider”.

10. In the heading to article 46, omit “which are registered elsewhere than in the United Kingdom”.

11. In article 46, omit “is registered elsewhere than in the United Kingdom and”.
12. In the heading to article 48, omit “registered elsewhere than in the United Kingdom”.
13. In article 48—
- (a) in paragraph (1), omit “registered elsewhere than in the United Kingdom”;
 - (b) in paragraphs (2) and (5), for “the United Kingdom” substitute “Jersey”;
 - (c) for paragraph (4) substitute—
“(4) An aircraft to which this article applies shall not take off when the relevant runway visual range is less than 150 metres.”;
 - (d) in paragraphs (6) and (7), for “paragraphs (4) and (5)” substitute “paragraph (5)”;
 - (e) for paragraph (8) substitute—
“(8) In this article, “specified” means specified by the operator in the aerodrome operating minima made available to the flight crew under paragraph (2).”.
14. In article 49—
- (a) for paragraph (2) substitute—
“(2) An aircraft to which this article applies shall not take off when the relevant runway visual range is less than 150 metres.”;
 - (b) omit paragraphs (3), (6) and (8);
 - (c) in paragraphs (4) and (5), omit “Without prejudice to paragraph (2).”.
15. For article 50 and its heading substitute—

“Responsibilities of aircraft operator

50. The operator of an aircraft shall ensure that the aircraft is operated in accordance with—

- (a) the law of the country in which the aircraft is registered;
- (b) the law of the State of the operator, and
- (c) the minimum standards established under Annex 6 to the Chicago Convention.”.

16. In article 55, omit paragraph (6).
17. In the heading to article 60, omit “-aircraft registered elsewhere than in the United Kingdom”.
- 18.—(1) Article 60 is modified as follows.
- (2) In paragraph (1)—
 - (a) omit “registered elsewhere than in the United Kingdom”;
 - (b) omit “in the United Kingdom”.
 - (3) In paragraph (3), omit “United Kingdom”.

19. For article 61 substitute—

“61. On any flight in which an airborne collision avoidance system is required by article 20 and Schedule 5 to be carried in an aeroplane, the system shall be operated in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.”.

20. In article 62—

- (a) in paragraph (1), omit “by paragraph 5(4), (5), (6) or (7) of Schedule 4”;
- (b) omit paragraphs (2), (4) and (5);
- (c) in paragraph (3), omit “by paragraph 5(16) of Schedule 4”.

21. For article 63 and its heading substitute—

“Aircraft in flight not to tow glider

63. An aircraft in flight shall not tow a glider.”.

22. In article 65—

- (a) in paragraphs (1) and (3), omit “, other than a glider,”;
- (b) in paragraph (5), for “ a congested area of a city, town or settlement” substitute “Jersey”;
- (c) in paragraph (7), omit sub-paragraphs (c) and (d).

23.—(1) Article 66 is modified as follows.

(2) In paragraph (2)—

- (a) omit “except under and in accordance with the terms of an aerial application certificate granted under Article 68,”;
- (b) for “the United Kingdom” substitute “Jersey”.

(3) In paragraph (3)(d), omit “or with the provisions of this Order”.

(4) In paragraph (3)(f), after “for the purposes of” insert “fire fighting,”.

(5) In paragraph (3)(f) and (3)(g), for “CAA” substitute “DCA”.

24.—(1) Article 67 is modified as follows.

(2) In paragraph (1)—

- (a) for “the United Kingdom” substitute “Jersey”;
- (b) for “either a police air operator’s certificate or a parachuting” substitute “a”.

(3) In paragraphs (1) and (4)(a) and in both places in which it appears in paragraph (5), for “CAA” substitute “DCA”.

(4) Omit paragraph (4)(b).

25. In article 69—

- (a) in paragraph (1)(a) and (1)(b), for “CAA” substitute “DCA”;
- (b) in paragraph (1)(b), omit “subject to paragraph (2),”;
- (c) omit paragraph (2);
- (d) in paragraphs (3) and (4), omit “Subject to paragraph (5),”;
- (e) omit paragraph (5);
- (f) in paragraph (6), omit “registered in a country other than the United Kingdom”.

26.—(1) Article 70 is modified as follows.

(2) In paragraph (1)—

- (a) for “Secretary of State” substitute “Minister”;
- (b) for “make regulations prescribing” substitute “by Order prescribe”.

(3) In paragraph (1)(g), for “CAA” substitute “DCA”.

(4) In paragraphs (1)(h), (2) and (3), for “regulations” substitute “Order”.

27. In article 71—

- (a) in paragraph (1)(a), for “paragraphs (2) and (3)” substitute “paragraph (2)”;
- (b) in paragraph (1)(b), omit “, other than a glider or a flying machine,”;
- (c) omit paragraph (3).

28. In article 80—

- (a) in paragraph (1), in both places in which it appears in paragraph (5) and in both places in which it appears in paragraph (6), for “CAA” substitute “DCA”;
- (b) in paragraph (5) and in both places in which it appears in paragraph (6), for “it” substitute “the DCA”;
- (c) omit paragraphs (8) to (11A);
- (d) omit paragraph (13).

29. After article 80, insert—

“Air races and contests

80A. No person may take part in any air race or contest in Jersey as the pilot of an aircraft unless—

- (a) he has the permission of the DCA; and
- (b) he acts in accordance with any conditions subject to which the permission was granted.”.

30. In article 86—

- (a) in paragraph (1), for “the law of the country in which it is registered.” substitute:
 - “(a) the law of the country in which it is registered or the State of the operator; and
 - (b) Article 29 of, and the minimum standards established under Annex 6 to, the Chicago Convention.”;
- (b) Omit paragraphs (2) and (3).

31.—(1) Article 88 is modified as follows.

(2) In paragraph (1)—

- (a) for “within a reasonable time after” substitute “upon”;
- (b) for “cause to be produced” substitute “produce”.

(3) Omit paragraphs (2) to (4).

32. In article 90, for “regulations” substitute “Order”.

33. In article 91—

- (a) in paragraph (1), for “paragraphs (2), (3), (4) and (5)” substitute “paragraph (2)”;
- (b) in paragraphs (1) and (2), for “personal representative” substitute “executor or administrator”;
- (c) in paragraph (2), omit the words from “preserved” to “in force or”;
- (d) omit paragraphs (3) to (5).

34.—(1) Article 92 is modified as follows.

(2) in paragraph (1)—

- (a) for “paragraphs (5) and (6)” substitute “paragraph (5)”;
- (b) for “it” substitute “he”.

(3) In paragraph (1) and in both places in which it appears in paragraph (3), for “CAA” substitute “DCA”.

(4) In paragraph (3), for “under this Order” substitute “by the DCA”.

(5) In paragraph (4), for “or which has effect” substitute “by the DCA”.

(6) Omit paragraph (6).

35. In the heading to article 93, omit “or article 140”.

36. In article 93—

- (a) in paragraph (1), for “to which this article applies” substitute “granted under article 138”;
- (b) in paragraph (2), after “permit holder” insert “and the Minister”;
- (c) in paragraph (8), omit “or article 140”.

37.—(1) Article 94 is modified as follows.

- (2) In paragraphs (1)(a), (1)(b) and (2), omit “or by or under Part 21, 66, 145, 147 or M”.
- (3) For paragraph (5) substitute—
 - “(5) A person shall not purport to issue any certificate for the purposes of this Order or of any Order made thereunder unless that person is authorised to do so under this Order.”.

38. In article 95—

- (a) in paragraph (1), for the words from “Secretary of State” to “prescribing” substitute “Minister may by Order prescribe”;
- (b) after paragraph (1), insert—
 - “(1A) An Order made under paragraph (1) is called in this Order “the Rules of the Air”.”;
- (c) omit paragraph (3)(c);
- (d) omit paragraph (4).

39.—(1) Article 96 is modified as follows.

- (2) In paragraph (1)—
 - (a) for “Secretary of State” in both places in which it appears substitute “Minister”;
 - (b) for “regulations” substitute “an Order”;
 - (c) for “aircraft specified in paragraph (2) flying in the circumstances specified in paragraph (2)” substitute “any aircraft in or over Jersey”.
- (3) Omit paragraph (2).
- (4) In paragraph (3), for “Regulations” substitute “An Order”.
- (5) In paragraph (4) and in both places in which it appears in paragraph (5), for “regulations” substitute “Order”.
- (6) In paragraph (5), for “relate” substitute “relates”.
- (7) In paragraph (6), omit “or within airspace notified as a Danger Area”.

40. In the heading to article 97, omit “, gliders”.

41.—(1) Article 97 is modified as follows.

- (2) Omit paragraph (1).
- (3) In paragraph (3)—
 - (a) for “CAA” substitute “DCA”;
 - (b) in sub-paragraph (a), omit “glider or”;
 - (c) at the end of sub-paragraph (a), insert “or, if launched from a boat at sea, 60 metres above sea level”;
 - (d) in sub-paragraphs (b) and (d), for the words from “a notified aerodrome” to “that aerodrome” substitute “Jersey Airport”;
 - (e) in sub-paragraph (f), for the words from “a notified airport” to the end substitute “Jersey airport during the notified operating hours of that airport; and”.
 - (f) after sub-paragraph (f), insert—
 - “(g) an uncontrollable balloon in captive or released flight shall not be flown.”.
- (4) Omit paragraph (4).
- (5) For paragraph (5) substitute—

“(5) A controllable balloon shall not be flown in free controlled flight except during daylight hours and in visual meteorological conditions.”

(6) Omit paragraph (6).

(7) For paragraph (8) substitute—

“(8) An airship shall not be moored other than at Jersey Airport except with the permission of the DCA.”.

(8) Omit paragraph (9).

(9) For paragraph (11) substitute—

“(11) A person shall not cause or permit a group of small balloons exceeding 100 in number to be simultaneously released at a single point unless—

(a) he has the permission of the DCA; and

(b) he acts in accordance with any conditions subject to which the permission was granted.”.

(10) Omit paragraph (12).

42. For article 98(2) substitute—

“(2) The person in charge of a small aircraft which weighs more than 7kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight must not fly the aircraft unless—

(a) he has the permission of the DCA; and

(b) he acts in accordance with any conditions subject to which the permission was granted.”.

43. In article 99—

(a) for paragraph (1) substitute—

“(1) This article applies to a rocket of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds.”;

(b) omit paragraph (2);

(c) for paragraph (3) substitute—

“(3) No person shall launch a rocket to which this article applies unless—

(a) he has the prior permission of the DCA; and

(b) he acts in accordance with any conditions subject to which the permission was granted.”;

(d) omit paragraphs (4) to (6).

44.—(1) Article 100 is modified as follows.

(2) In paragraph (1)—

(a) for “United Kingdom” and, in the first place it appears, “the United Kingdom” substitute “Jersey”;

(b) for “the United Kingdom has” substitute “the States of Jersey have”.

(3) In paragraphs (1) and (2), for “CAA” substitute “DCA”.

(4) In paragraph (2)—

(a) for “it” substitute “he”;

(b) for “his” substitute “the applicant’s”.

45. For article 102 substitute—

“**102.** A person shall not provide an air traffic control service in Jersey unless the service is provided in accordance with the standards and procedures specified in a manual of air traffic services which has been approved by the DCA.”.

46. For article 103 substitute—

“**103.**—(1) In the case of an aerodrome in respect of which there is equipment for providing aid for holding, aid for let-down or aid for an approach to landing by radio or radar, the person in charge of the aerodrome shall—

- (a) inform the DCA in advance of the periods during and the times at which any such equipment is to be in operation for the purposes of providing such aid as is specified by the said person; and
- (b) during any period and at such times as are notified, cause an approach control service to be provided.

(2) The DCA may, in the interests of safety, direct the person in charge of an aerodrome that there shall be provided in respect of that aerodrome such air traffic control service, aerodrome flight information service or means of two-way radio communication as the DCA considers appropriate.

(3) The DCA may specify in a direction under this article the periods during which, the times at which, the manner in which and the airspace within which such service or such means shall be provided.

(4) The person who has been so directed shall cause such a service or means to be provided in accordance with the direction.”.

47.—(1) Article 105 is modified as follows.

(2) In paragraph (1)—

- (a) for “Secretary of State” substitute “Minister”;
- (b) for “United Kingdom airspace” substitute “Jersey airspace”;
- (c) for “outside the United Kingdom” substitute “outside Jersey”;
- (d) for “the United Kingdom has” substitute “the States of Jersey have”.

(3) In paragraphs (1), (2)(b) and (3), for “CAA” substitute “DCA”.

48.—(1) Article 107 is modified as follows.

(2) in paragraph (1)—

- (a) for “paragraphs (3) and (4)” substitute “paragraph (3)”;
- (b) for sub-paragraphs (a) and (b) substitute—
 - “(a) a valid student air traffic controller’s licence granted by a competent authority in a Member State of the European Union and approved under this Order by the DCA;
 - (b) an appropriate air traffic controller’s licence granted by a competent authority in a Member State of the European Union and approved under this Order by the DCA; or”;
- (c) in sub-paragraph (c), after “granted” insert “ and approved”.

(3) Omit paragraph (4).

49. For article 108 and its heading substitute—

“Approval of air traffic controller’s and student air traffic controller’s licences

108.—(1) The DCA may approve licences issued by competent authorities in Member States of the European Union, subject to any conditions he thinks fit, authorising the holder to act as an air traffic controller or a student air traffic controller.

(2) In approving such a licence, the DCA may include, subject to such conditions as he thinks fit, any of the ratings and endorsements specified in Part B of Schedule 11, upon his being satisfied that the holder is qualified to act in the capacity to which the rating or endorsement relates, and such rating or endorsement shall be deemed to form part of the licence.”.

50. In article 109—

- (a) for “granted” in both places in which it appears substitute “approved”;
- (b) for “paragraph 1(3)” substitute “paragraph 1”;
- (c) for “paragraph 2(3)” substitute “paragraph 2”.

51.—(1) Article 110 is amended as follows.

(2) For “unit licence endorsement” in both places in which it appears substitute “unit endorsement”.

(3) In paragraph (2), for “CAA” substitute “DCA”.

(4) At the end insert—

“(3) Subject to paragraph (4), a unit endorsement is valid for an initial period of 12 months.

(4) The validity of a unit endorsement may be extended by the DCA or a person approved by the DCA for a further 12 months on application by the holder of the air traffic controller’s licence if the air navigation service provider for whom the licence holder provides services demonstrates that—

- (a) the licence holder has, during the 12 months preceding the application, been exercising the privileges of the endorsement for the minimum number of hours specified in a scheme approved by the DCA detailing the method by which an air traffic control unit must maintain the competence of licence holders;
- (b) the air navigation service provider has assessed the licence holder’s competence and is satisfied that the licence holder is competent to exercise the privileges of the endorsement; and
- (c) the holder’s licence includes a valid medical certificate.

(5) When considering an application for an extension under paragraph (4) made by an on the job training instructor, the DCA or a person approved by him may reduce the minimum number of hours required to maintain the validity of the unit endorsement under paragraph (4)(a), in proportion to the time spent by the licence holder instructing trainees on the working positions to which his unit endorsement relates.

(6) A unit endorsement which has ceased to be valid may be revalidated provided that the condition in paragraph (7) is satisfied.

(7) The condition referred to in paragraph (6) is that the licence holder has completed training, to the satisfaction of the DCA or a person approved by him, under the supervision of an on the job training instructor and in accordance with a plan approved by the DCA that details the training procedures and requirements of the air traffic control unit to which the unit endorsement relates.

(8) The holder of a rating or rating endorsement who has not provided air traffic control services associated with that rating or rating endorsement for four years may not commence unit training in that rating or rating endorsement until—

- (a) the DCA or a person approved by him has assessed whether the holder continues to satisfy the conditions of the rating or endorsement; and
- (b) following the assessment, the DCA or the person approved by him is satisfied—
 - (i) that the holder continues to satisfy the conditions of the rating or endorsement; and
 - (ii) that the holder has successfully completed any training requirements identified under the assessment.

(9) The DCA or a person approved by him must grant an instructor endorsement to a holder of an air traffic controller’s licence on application by the licence holder if —

- (a) the holder has provided an air traffic service for a continuous period of at least one year preceding the application (or such longer period as the DCA may specify, having regard to the ratings and endorsements for which instruction is given); and

- (b) the holder has passed an approved on the job training instructor course as a part of which the required knowledge and skills were assessed through examinations.”.

52. For article 112 substitute—

“112.—(1) The holder of an air traffic controller’s licence approved under this Order by the DCA shall not act in Jersey as an air traffic controller unless his licence includes a current medical certificate issued by the competent authority.

(2) The holder of a student air traffic controller’s licence approved under this Order by the DCA shall not act in Jersey as a student air traffic controller unless his licence includes a current medical certificate issued by the competent authority.”.

53. In article 113, omit “, at the aerodrome or place,”.

54.—(1) Article 114 is modified as follows.

(2) In paragraph (1)—

- (a) for “granted under article 108” substitute “approved under this Order by the DCA”;
- (b) for “CAA” substitute “DCA”.

(3) For paragraph (2) substitute—

“(2) The holder of an air traffic controller’s licence or student air traffic controller’s licence approved under this Order by the DCA must notify his employer if he—

- (a) becomes aware of any decrease in medical fitness; or
- (b) is under the influence of any psychoactive substance or medicines which might render him unable to exercise the privileges of his licence properly.”.

55. After article 117, insert—

“Keeping records

117A. An air navigation service provider must make and keep, for such period and in such form as the DCA may specify, a record of—

- (a) the hours worked; and
- (b) the sectors and working positions in which the hours were worked,

in respect of each holder of a student air traffic controller’s licence or air traffic controller’s licence who provides services for the air navigation service provider and must make such records available to the DCA on request within such reasonable time as is specified in the request.

Approval of competence examiners and assessors

117B.—(1) No person may examine or assess under article 110 or Schedule 11 the competence of a person to provide an air traffic control service unless he has been approved for that purpose by the DCA.

(2) Approval by the DCA under this article is subject to revocation by the DCA, is valid for a period of 3 years and may be renewed.”.

56. After article 120, insert—

“Interpretation of Part 10 and Schedule 11

120A. In this Part and in Schedule 11—

- (a) “air navigation service provider” means any public or private entity providing air navigation services for general air traffic;

- (b) “air traffic controller” means a person who has been granted a licence under this Order to provide air traffic control services;
- (c) “general air traffic” means all movements of civil aircraft as well as all movements of State aircraft when these movements are carried out in accordance with the Chicago Convention;
- (d) “ICAO location indicator” means the four letter code group formulated in accordance with rules prescribed by the International Civil Aviation Organisation in its manual DOC 7910 and assigned to the location of an aeronautical fixed station;
- (e) “instructor endorsement” means the authorisation included in and forming part of a licence, indicating the competence of the holder to give on the job training instruction;
- (f) “language endorsement” means the authorisation included in and forming part of a licence indicating the language proficiency of the holder;
- (g) “licence” means a certificate issued and endorsed in accordance with this Order entitling the holder to provide air traffic control services in accordance with the ratings and endorsements contained in the licence;
- (h) “on the job training instructor” means a person who holds an instructor endorsement;
- (i) “rating” means the authorisation entered on and forming part of a licence under paragraph 3 of Schedule 11;
- (j) “rating endorsement” means the authorisation entered on and forming part of a licence indicating the conditions, privileges or limitations attaching to the rating under paragraph 3 of Schedule 11;
- (k) “sector” means part of a control area or part of a flight information region or upper region;
- (l) “student air traffic controller” means a person who has been granted a licence under this Order to provide air traffic control services under the supervision of an air traffic controller;
- (m) “unit endorsement” means the authorisation entered into and forming part of a licence, indicating the particular sector, group of sectors or working positions (by indicating the ICAO location indicator) in which the holder of a licence is competent to provide air traffic control services under the responsibility of an air traffic control unit.”.

57. In article 124—

- (a) in paragraph (1), for “the United Kingdom” substitute “Jersey”;
- (b) in paragraphs (1), (2), (5) and (6), for “CAA” substitute “DCA”;
- (c) omit paragraph (8).

58. In article 125—

- (a) in paragraphs (1), (3), (4)(d), (5), (6)(a) and (9), for “CAA” substitute “DCA”;
- (b) in paragraphs (10) and (11), for “personal representative” substitute “executor or administrator”;
- (c) omit paragraph (13).

59. For Article 126 and its heading substitute—

“Aerodromes

126. An aircraft shall not take off or land in Jersey other than at an aerodrome licensed under this Order for the take-off and landing of aircraft and in accordance with any conditions subject to which the aerodrome may have been licensed.”.

- 60.**—(1) Article 128 is modified as follows.
- (2) In paragraphs (1), (1A), (2), (6) and (8)(a) and (b), for “CAA” substitute “DCA”.
- (3) In paragraph (1)—
- (a) for “the United Kingdom” substitute “Jersey”;
 - (b) for “it” substitute “he”.
- (4) In paragraph (4), omit “in relation to an aircraft flying on a flight specified in Article 126(2)”.
- (5) In paragraph (11)(b), omit from “, or, in the case of” to the end.
- 61.** In article 129, for “Secretary of State” in both places in which it appears substitute “DCA”.
- 62.** For article 130 substitute—
- “130.** The person in charge of any aerodrome in Jersey which is open to public use by aircraft shall cause the aerodrome and all of its air navigation facilities to be available for use by all aircraft registered in any Contracting State or in any part of the Commonwealth and the same terms and conditions of use shall apply to all such aircraft.”.
- 63.**—(1) Article 131 is modified as follows.
- (2) For paragraph (1) substitute—
- “(1) The Minister may by Order prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on licensed aerodromes.”.
- (3) In paragraph (2)—
- (a) after “1982” insert “(as extended to Jersey by the Civil Aviation Act 1982 (Jersey) Order 1990(a))”;
 - (b) for “Secretary of State” substitute “Minister”.
- 64.** In article 132—
- (a) in paragraphs (1), (2) and (3), for “CAA” substitute “DCA”;
 - (b) in paragraph (1)(a), for “within the United Kingdom” substitute “in Jersey”.
- 65.** In article 135—
- (1) in paragraph (1), for “the United Kingdom” substitute “Jersey”;
 - (2) in paragraph (2) in both places in which it appears and in paragraph (4), for “CAA” substitute “DCA”;
 - (3) in paragraph (4), omit “general”.
- 66.**—(1) Article 136 is modified as follows.
- (2) In paragraphs (1) and (2)—
- (a) for “Secretary of State” substitute “Minister”;
 - (b) for “Commissioners of Revenue and Customs” substitute “Minister for Treasury and Resources”;
 - (c) for “order” substitute “Order”.
- 67.** In article 137—
- (a) in paragraph (1), for “the United Kingdom” substitute “Jersey”;
 - (b) in paragraph (3) and in paragraph (5) in all three places in which it appears, for “CAA” substitute “DCA”.
- 68.** At the beginning of Part 14, before article 138, insert—

(a) S.I. 1990/2145, amended by S.I. 1998/748.

“DCA to specify units of measurement

137A.—(1) The DCA must specify the units of measurement to be used by any person participating in air and ground operations.

(2) But the use of a unit of measurement which is not specified by the DCA in respect of an air or ground operation is not an offence under article 148.

DCA to publish and take into account requirements relevant to making a determination

137B. Where, under this Order, the DCA is required to satisfy himself of certain matters before the granting, issuing or validating of a licence, certificate, approval, authorisation or permission (in this article “making a determination”), he must, before making any determination—

- (a) publish the requirements which he considers relevant to making the determination; and
- (b) take those requirements into account in making the determination.

DCA to ensure provision of meteorological service, aeronautical charts, search and rescue services etc

137C.—(1) For the purposes of compliance with Annex 3 to the Chicago Convention, the DCA is the meteorological authority for Jersey.

(2) The DCA must—

- (a) ensure the provision of a meteorological service to meet the needs of international air navigation, with due regard to regional air navigation agreements and for that purpose shall designate a person whom he considers appropriate to provide such service;
- (b) ensure the availability of aeronautical charts;
- (c) designate search and rescue services for Jersey and for the areas of the high seas that are the responsibility of Jersey under regional air navigation agreements;
- (d) provide an aeronautical information service, agree with one or more Contracting States for the provision of a joint service or delegate the provision of the service to a non-governmental agency.

(3) The DCA must publish the details of the services provided or designated and the arrangements entered into under paragraph (2) in the Aeronautical Information Publication relating to Jersey.”.

69. In article 138—

- (a) in the second place in which it appears in paragraph (1), for “the United Kingdom” substitute “Jersey”;
- (b) omit paragraph (1)(b);
- (c) after paragraph (1), insert—
“(1A) The Secretary of State must consult the Minister before granting a permission under this article.”.

70. In the heading to article 140, omit “in aircraft registered elsewhere than in the United Kingdom”.

71. In article 140(1)—

- (a) omit “registered in a Contracting State other than the United Kingdom, or in a foreign country,”;
- (b) for “the United Kingdom” substitute “Jersey”;

(c) for “Secretary of State” substitute “DCA”.

72.—(1) Article 142 is modified as follows.

(2) Omit paragraph (4).

(3) In all three places in which it appears in paragraph (5), in paragraph (6), in all three places in which it appears in paragraph (7) and in paragraphs (9), (10), (11), (14), (15), (19), (20) and (21), for “CAA” substitute “DCA”.

(4) In paragraph (5)(a), omit “which has a certificate of airworthiness issued by the CAA”.

(5) In paragraph (5)(b), omit “granted by the CAA”.

(6) Omit paragraphs (5)(c), (5)(d), (5)(f), (5)(g), (12) and (13).

(7) In paragraph (5)(e), omit “, operated under an air operator’s certificate granted by the CAA,”.

(8) In paragraph (5)(h), omit “or as a flight information service officer”.

(9) In paragraph (5)(i), omit the words from “or a manager” to the end.

(10) In paragraph (5)(k), omit the words from “at an airport” to the end.

(11) In paragraph (11), for “the other Member States and the Commission” substitute “the United Kingdom or the Republic of France”.

(12) In paragraph (14)—

(a) for “within the Community” substitute “in the United Kingdom and the Republic of France”;

(b) for “(13)” substitute “(11)”.

(13) In paragraph (15), after “Accidents” insert “for Jersey”.

(14) In paragraph (17), omit the words from “as required” to “civil aviation,”.

73.—(1) Article 143 is modified as follows.

(2) In paragraphs (1), (2) and (3), for “CAA” substitute “DCA”.

(3) In paragraph (1), for “the United Kingdom” substitute “Jersey or within any airspace in which the States of Jersey have agreed to provide air traffic services under an international agreement”.

74.—(1) Article 144 is modified as follows.

(2) In all four places in which it appears in paragraph (1) and in paragraph (2), for “CAA” substitute “DCA”.

(3) In paragraph (1)(a), omit “6,”.

(4) After paragraph (1)(a), insert—

“(aa) for the purpose of public transport in circumstances in which—

(i) the aircraft is registered in any part of the British Isles or in a British Overseas Territory; and

(ii) there is no air operator’s certificate in force in respect of the aircraft or the flight would breach the terms of the air operator’s certificate;”.

(5) In paragraph (1)(b) and (c), for “regulations made thereunder or of Part 21, 145 or M” substitute “Order made thereunder”.

(6) In all four places in which it appears in paragraph (3) and in paragraph (4), for “Secretary of State” substitute “DCA”.

(7) In paragraph (3), for “138, 140 or 141” substitute “138 or 140”.

75. In article 145—

(a) in paragraph (1), for “Subject to paragraph (2), the CAA” substitute “The DCA”;

(b) omit paragraph (2).

76. In article 147(1) and (2), for “regulations” substitute “Order”.

77.—(1) Article 148 is modified as follows.

(2) In paragraphs (1), (2), (3) and (4), for “regulations made thereunder or of Part 21, 145 or M” substitute “Order made thereunder”.

(3) In paragraphs (4) and (5), omit “on summary conviction”.

(4) In paragraph (4), for “level 3” substitute “level 2”.

(5) In paragraph (5), for “level 4” substitute “level 3”.

(6) In paragraphs (6) and (7), omit “on summary conviction to a fine not exceeding the statutory maximum and on conviction on indictment”.

78. After article 148, insert—

“Aiders and abettors etc

148A. A person who aids, abets, counsels or procures the commission of an offence under this Order shall be guilty of an offence and liable to the penalty provided for that offence in the same manner as the principal offender.”.

79. For article 149 and its heading substitute—

“Territorial extent

149. The provisions of this Order apply to all persons and aircraft within Jersey. ”.

80. In article 152, omit paragraphs (3) to (6).

81. In article 153—

- (a) for “CAA” substitute “DCA”;
- (b) omit “85, 87,” “,139” and “, 141”;
- (c) for “regulations” substitute “Order”;
- (d) for “it” substitute “he”.

82. For article 154 and its heading substitute—

“Appeals

154.—(1) An appeal lies to the Royal Court from any decision of the DCA not to approve a licence under article 108, or from any decision to enter or not to enter a unit endorsement in a licence under article 110, in respect of a person who resides or which has its registered or principal office in Jersey .

(2) The DCA shall be a respondent to any appeal under this article.

(3) For the purposes of any provisions relating to the time within which an appeal may be brought, the decision shall be deemed to have been taken on the date on which a statement of the reasons for the decision was furnished to the applicant.

(4) The power to make Rules of Court under Article 13 of the Royal Court (Jersey) Law 1948(a) shall be taken to include power to make Rules for the purposes of this Order.”.

83.—(1) Article 155(1) is modified as follows.

(2) Omit the following definitions—

- (a) “A Conditions”;
- (b) “Automated reservation system”;

(a) Law 8 of 1948, published as Chapter 07.770 of the Revised Edition of the Laws of Jersey.

- (c) “B Conditions”;
- (d) “Basic EASA Regulation”;
- (e) “Certificate of maintenance review”;
- (f) “Certificate of revalidation”;
- (g) “Certificate of release to service issued under this Order”;
- (h) “Certificate of validation”;
- (i) “Certificate of validity”;
- (j) “Certificated for single pilot operation”;
- (k) “Class rating”;
- (l) “Conditional sale agreement”;
- (m) “Crew”;
- (n) “Departure control system”;
- (o) “EASA certificate of airworthiness”;
- (p) “EASA permit to fly”;
- (q) “EASA restricted certificate of airworthiness”;
- (r) “Flight information service”;
- (s) “Flight information service unit”;
- (t) “General lighthouse authority”;
- (u) “Government aerodrome”;
- (v) “Hire-purchase agreement”;
- (w) “Hostile environment”;
- (x) “Instructor’s rating”;
- (y) “International headquarters”;
- (z) “international safety standards”;
- (aa) “JAR-FCL1”;
- (bb) “JAR-FCL2”;
- (cc) “JAR-FCL licence”;
- (dd) “JAR-OPS 1”;
- (ee) “JAR-OPS 3”;
- (ff) “Large rocket”;
- (gg) “Legal personal representative”;
- (hh) “Log book”;
- (ii) “Maximum approved passenger seating configuration”;
- (jj) “Microlight aeroplane”;
- (kk) “Military rocket”;
- (ll) “North Atlantic Minimum Navigation Performance Specification airspace”;
- (mm) “Offshore service”;
- (nn) “Part 21”;
- (oo) “Part 66”;
- (pp) “Part 145”;
- (qq) “Part 147”;
- (rr) “Part M”;
- (ss) “Performance Class 1 operations”;

- (tt) “Performance Class 2 operations”;
- (uu) “Performance Class 3 operations”
- (vv) “Police air operator’s certificate”;
- (ww) “Police authority”;
- (xx) “Public electronic communications network”;
- (yy) “Record”;
- (zz) “Reduced vertical separation minimum airspace”;
- (aaa) “Small rocket”;
- (bbb) “Special tasks service”;
- (ccc) “SSEA”;
- (ddd) “Type rating” (both in respect of aeroplanes and in respect of helicopters);
- (eee) “United Kingdom licence”;
- (fff) “United Kingdom licence for which there is a JAR-FCL equivalent”;
- (ggg) “United Kingdom licence for which there is no JAR-FCL equivalent”;
- (hhh) “United Kingdom reduced vertical separation minimum airspace”;
- (iii) “Visiting force”;
- (jjj) “With the surface in sight”.

(3) In the definitions of “Aerodrome control service” and “Air traffic service equipment”, for “CAA” substitute “DCA”.

(4) In the definition of “Authorised person” —

- (a) for “constable” substitute “police officer”;
- (b) in sub-paragraph (b), after “Secretary of State” insert “or the DCA”;
- (c) in sub-paragraph (c), for “CAA” substitute “DCA”;
- (d) omit sub-paragraph (d).

(5) For the definition of “Air traffic control service” substitute—

““Air traffic control service” means a service provided for the purpose of preventing collisions between aircraft and, on the manoeuvring area, between aircraft and obstructions and for the purpose of expediting and maintaining an orderly flow of air traffic;”.

(6) In the definition of “Competent authority”, for “means, subject to article 167 in relation to the United Kingdom, the CAA” substitute “means, in relation to Jersey, the DCA,”.

(7) After the definition of “Danger Area”, insert—

““DCA” means the Director of Civil Aviation appointed under Article 3 of the Civil Aviation (Jersey) Law 2008(a);”.

(8) In the definition of “Director”, for “section 53(1) of the Companies Act 1989” substitute “Article 1(1) of the Companies (Jersey) Law 1991(b)”.

(9) In the following definitions, for “Rules of the Air Regulations 1996” substitute “Rules of the Air (Jersey) Order 2000(c)—

- (a) “Instrument Flight Rules”;
- (b) “Notified aerodrome”;

(a) Adopted by the States of Jersey on 13 May 2008 and being put forward to be sanctioned by Order of Her Majesty in Council at the same time as this Order.

(b) Law 30 of 1991, amended by the Collective Investment Funds (Amendment No.4) (Jersey) Law 2008 (L.14/2008), the Companies (Amendment No.9) (Jersey) Law 2008 (L.27/2008) and the Companies (Amendment No.2) (Jersey) Regulations 2008 (R & O 6/2008). A revised version of the Law, as amended by the foregoing Laws and Regulations, is published as Chapter 13.125 of the Revised Edition of the Laws of Jersey.

(c) R & O 128/2000, published as Chapter 03.105.60 of the Revised Edition of the Laws of Jersey.

(c) “Special VFR flight”;

(d) “Visual Flight Rules”.

(10) After the definition of “Manoeuvring area”, insert—

““Manual Doc 9835” means the Manual on the Implementation of the ICAO Language Proficiency Requirements published by the International Civil Aviation Organisation as Doc 9835;”.

(11) In the definition of “Military aircraft”, omit the words from “under a contract” to the end.

(12) After the definition of “Minimum descent height”, insert—

““Minister” means the Chief Minister;”.

(13) In the definition of “Occurrence”, for “Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996” substitute “Civil Aviation (Investigation of Air Accidents and Incidents) (Jersey) Order 2000(a)”.

(14) For the definition of “Police officer” substitute—

““Police officer” means a member of the Honorary Police, the States of Jersey Police Force or the Airport Director;”.

(15) In the definition of “Seaplane”, at the end insert “, as extended to Jersey by the Civil Aviation 1982 (Jersey) Order 1990”.

(16) After the definition of “Special VFR flight”, insert—

““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(b);”.

84. After article 155(6), insert—

“(7) The Subordinate Legislation (Jersey) Law 1960(c) shall apply to any Order made by the Minister under this Order.”.

85. For article 156 substitute—

“**156.** The aerodrome traffic zone of an aerodrome means the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within an area bounded by a circle centred on the notified mid-point of the runway and having a radius of 2 nautical miles.”.

86.—(1) Article 157 is modified as follows.

(2) In paragraph (3)(b)—

(a) omit “and, in the case of the CAA, the members of the CAA”;

(b) for “CAA” in the next place in which it appears substitute “DCA”.

(3) In paragraph (3)(c), omit “(other than articles 19(2) and 20(2))”.

(4) Omit paragraph (5).

(5) In paragraph (6)(a)—

(a) omit “subject to sub-paragraph (b),”;

(b) omit “; and”.

(6) Omit paragraph (6)(b).

(a) Order in Council No.18 of 2000, published as Chapter 03.525 of the Revised Edition of the Laws of Jersey.

(b) Law 29 of 1993, amended by the Criminal Justice (Standard Scale of Fines) (Amendment) (Jersey) Law 1998 (L. 43/1998). A revised version of the Law, as amended by the foregoing Law, is published as Chapter 8.360 of the Revised Edition of the Laws of Jersey.

(c) Law 13 of 1960, amended by the Subordinate Legislation (Amendment) (Jersey) Law 1976 (L. 14/1976), Subordinate Legislation (Amendment No. 2) (Jersey) Law 2001 (L. 2/2001) and the Subordinate Legislation (Amendment No. 3) (Jersey) Law 2003 (L. 13/2003). A revised version of the Law, as amended by the foregoing Laws, is published as Chapter 15.720 of the Revised Edition of the Laws of Jersey.

(7) In paragraph (8)(b), for “section 736 of the Companies Act 1985” substitute “Article 2 of the Companies (Jersey) Law 1991”.

87. In article 158(2)(b), for “CAA” substitute “DCA”.

88. In article 159—

(a) in paragraph (1), for “CAA” substitute “DCA”;

(b) in paragraph (2), omit “(other than articles 19(2) and 20(2))”.

89. In article 160(4), omit “(other than articles 19(2) and 20(2))”.

90. In article 161(2), omit “(other than articles 19(2) and 20(2))”.

91. In article 162—

(a) in paragraph (2)(a) and (b), for “5%” substitute “2%”;

(b) in paragraph (2)(a)(ii), for “CAA” substitute “DCA”.

92. In both places in which it appears in article 163, for “CAA” substitute “DCA”.

93. In article 164, omit “68,”.

94. In article 165, for “CAA” substitute “DCA”.

95. In all 3 places in which it appears in article 166, for “CAA” substitute “DCA”.

96. In article 168—

(a) in paragraph (1), for “regulations” substitute “Order”;

(b) in paragraph (2), for “CAA” substitute “DCA”.

97. In Schedule 2, omit Parts B and C.

98.—(1) Schedule 5 is modified as follows.

(2) In the table in paragraph 2—

(a) in sub-paragraphs (1), (1A), (2), (3) and (7)(c), for “the United Kingdom” substitute “Jersey”;

(b) omit sub-paragraphs (1)(d), (2A), (4)(d), (5), (5A) and (7)(a) and (b);

(c) in sub-paragraph (6), omit “registered in the United Kingdom, wherever they may be, and all aeroplanes wherever registered” and, in the second place in which it appears, for “the United Kingdom,” substitute “Jersey”.

(3) In paragraph 3(1), omit “(2A)” and “(5)(e) and (5A)”.

99. For Schedule 11 substitute—

“SCHEDULE 11

Article 108

AIR TRAFFIC CONTROLLERS - LICENCES, RATINGS, ENDORSEMENTS AND MAINTENANCE. OF LICENCES

Part A

Air traffic controller’s licence

Air traffic controller’s licence

1. The privileges of an Air Traffic Controller’s Licence are to—

- (a) act as an air traffic controller for any sector or operational position for which a valid rating and endorsement and current unit endorsement are included in the licence; and
- (b) exercise the privileges of a Student Air Traffic Controller's Licence.

Student Air Traffic Controller's Licence

2. The privileges of a Student Air Traffic Controller's Licence are to act as an air traffic controller under the supervision of another person who is present at the time and who —

- (a) is the holder of an air traffic controller's licence entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller; and
- (b) is an on the job training instructor.

Part B

Ratings, Rating Endorsements and Licence Endorsements

Inclusion of ratings, rating endorsements and licence endorsements

1.—(1) A licence approved by the DCA in accordance with article 108 may contain the ratings, rating endorsements and licence endorsements of the classes contained in paragraphs 3 and 4.

(2) Subject to the provisions of this Order and of the licence, the inclusion of a rating, rating endorsement or licence endorsement has the meaning respectively specified.

Exercise of more than one function

2.—(1) Subject to sub-paragraphs (2) and (3), the holder of a licence which includes ratings of two or more of the classes specified in paragraph 3 shall not at any one time perform the functions specified in respect of more than one of those ratings.

(2) The functions of the following ratings may be exercised at the same time—

- (a) an Aerodrome Control Instrument Rating and an Approach Control Procedural Rating; and
- (b) an Aerodrome Control Instrument Rating and an Approach Control Surveillance Rating, provided that the holder shall not exercise the functions of any Radar Endorsement, Surveillance Radar Approach Rating Endorsement or Precision Approach Radar Rating Endorsement included in the Approach Control Surveillance Rating.

(3) When a surveillance radar approach terminating at a point less than 2 nautical miles from the point of intersection of the glide path with the runway is being provided under an Approach Control Surveillance Rating, no other function under the Approach Control Surveillance Rating may be exercised at the same time.

Ratings and Rating Endorsements

3.—(1) There are the following classes of aerodrome control ratings and endorsements—

- (a) the Aerodrome Control Visual Rating (ADV) which indicates that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has no published instrument approach or departure procedures;
- (b) the Aerodrome Control Instrument Rating (ADI) which indicates that the holder of the licence is competent to provide an air traffic control service to aerodrome traffic at an aerodrome that has published instrument approach or departure

procedures and which must be accompanied by at least one of the following rating endorsements—

- (i) the Tower Control Rating Endorsement (TWR) which indicates that the holder of the licence is competent to provide a control service where aerodrome control is provided from one working position;
- (ii) the Ground Movement Control Endorsement (GMC) which indicates that the holder of the licence is competent to provide ground movement control;
- (iii) the Ground Movement Surveillance Rating Endorsement (GMS) granted in addition to the Ground Movement Control Endorsement or Tower Control Endorsement, which indicates that the holder of the licence is competent to provide ground movement control with the help of aerodrome surface movement guidance systems;
- (iv) the Air Control Endorsement (AIR) which indicates that the holder of the licence is competent to provide air control;
- (v) the Aerodrome Radar Control Endorsement (RAD) granted in addition to the Air Control Endorsement or Tower Control Endorsement, which indicates that the holder of the licence is competent to provide aerodrome control with the help of surveillance radar equipment.

(2) There shall be the following classes of approach control ratings and endorsements—

- (a) the Approach Control Procedural Rating (APP) which indicates that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft without the use of any surveillance equipment;
- (b) the Approach Control Surveillance Rating (APS) which indicates that the holder of the licence is competent to provide an air traffic control service to arriving, departing or transiting aircraft with the use of surveillance equipment and which must be accompanied by at least one of the following rating endorsements—
 - (i) the Radar Endorsement (RAD) which indicates that the holder of the licence is competent to provide an approach control service with the use of primary or secondary radar equipment;
 - (ii) the Surveillance Radar Approach Endorsement (SRA) granted in addition to the Radar Endorsement, which indicates that the holder of the licence is competent to provide ground-controlled non-precision approaches with the use of surveillance equipment to aircraft of the final approach to the runway;
 - (iii) the Precision Approach Radar Endorsement (PAR) granted in addition to the Radar Endorsement, which indicates that the holder of the licence is competent to provide ground-controlled precision approaches with the use of precision approach radar to aircraft on the final approach to the runway;
 - (iv) the Terminal Control Endorsement (TCL) granted in addition to the Radar or Automatic Dependent Surveillance Endorsements, which indicates that the holder of the licence is competent to provide an air traffic control service with the use of any surveillance equipment to aircraft operating in a specified terminal area or adjacent sectors;
 - (v) the Automatic Dependent Surveillance Endorsement (ADS), which indicates that the holder of the licence is competent to provide an approach control service with the use of automatic dependent surveillance;
 - (vi) the Special Tasks Rating Endorsement which entitles the holder of a Radar Endorsement to provide a special tasks service.

(3) There are the following classes of area control ratings and endorsements—

- (a) the Area Control Procedural Rating (ACP) which indicates that the holder of the licence is competent to provide an air traffic control service to aircraft without the use of surveillance equipment;

- (b) the Area Control Surveillance Rating (ACS) which indicates that the holder of the licence is competent to provide an air traffic control service to aircraft with the use of surveillance equipment and which must be accompanied by at least one of the following rating endorsements—
 - (i) the Radar Endorsement (RAD) which indicates that the holder of the licence is competent to provide an area control service with the use of surveillance radar equipment;
 - (ii) the Terminal Control Endorsement (TCL) granted in addition to the Radar or Automatic Dependent Surveillance Endorsements, which indicates that the holder of the licence is competent to provide an air traffic control service with the use of any surveillance equipment to aircraft operating in a specified terminal area or adjacent sectors;
 - (iii) the Automatic Dependent Surveillance Endorsement (ADS) which indicates that the holder of the licence is competent to provide an area control service with the use of automatic dependent surveillance;
 - (iv) an Offshore Rating Endorsement entitles the holder of a Radar Endorsement to provide an offshore service;
 - (v) the Special Tasks Rating Endorsement which entitles the holder of a Radar Endorsement to provide a special tasks service.

Licence Endorsements

4.—(1) An Examiner Licence Endorsement entitles the licence holder to sign a unit endorsement in respect of—

- (a) the air traffic control service that his air traffic controller licence entitles him to provide; or
- (b) such other air traffic control services as the DCA may authorise for that licence holder.

(2) An Instructor Endorsement entitles the holder to act as an on the job training instructor and must indicate that the holder of the licence is competent to provide training and supervision at a working position for areas covered by a valid rating.

(3) A Unit Endorsement indicates that the licence holder is competent to provide an air traffic control service for a particular sector, group of sectors or working positions (by indicating the ICAO location indicator) under the responsibility of an air traffic control unit.

(4) A Language Endorsement specifies the English language proficiency of the holder as identified in Part II of Appendix A of the Manual Doc 9835.”.

100. In the heading to Schedule 12, in Part A(3) of Schedule 12 and in the Heading to Part C of Schedule 12, for “CAA” substitute “DCA”.

101. In Schedule 14—

- (a) in part A, omit the entries relating to articles 14(1)(a), 14(1)(b), 15, 16, 17, 18(7) and (8), 21, 22, 23, 28, 30(2) and 31(1), 29 and 31(2), 30(1), 32(1), 32(4), 33(1), 38, 39, 40, 42, 44 and 45, 47, 52A, 53, 54, 54A, 56, 57, 58, 59, 62A, 68, 72, 72A, 82(3), 83(2), 84, 104, 121, 123, 133 and 134;
- (b) After the entry relating to article 63, insert—
“64 Operation of self-sustaining gliders”;
- (c) After the entry relating to article 80, insert—
“80A Air races and contests etc”;
- (d) in Part B, omit the entries relating to articles 6, 7, 8, 82(1), 82(2), 83(1), 85, 87, 141 and 144A.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and replaces the Air Navigation (Jersey) Order 2000 (S.I.2000/1346), the Air Navigation (Amendment) (Jersey) Order 2000 (S.I.2000/3246) and the Air Navigation (Amendment No. 2) (Jersey) Order 2002 (S.I.2002/1078). It applies in Jersey, with the modifications specified in the Schedule to the Order, most of the provisions of the Air Navigation Order 2005 (S.I. 2005/1970), as amended up to the date of the making of this Order.

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STATUTORY INSTRUMENTS

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