

BILLET D'ÉTAT No. XXV, 2012

12th DECEMBER 2012

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The Air Navigation (Bailiwick of Guernsey) Law, 2012

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PROJET DE LOI

ENTITLED

The Air Navigation (Bailiwick of Guernsey) Law, 2012

THE STATES, in pursuance of their Resolution of in pursuance of their Resolutions of the 30th September, 2011^a and 31st October, 2012^b, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

PART I

PROVISIONS RELATING TO AIR NAVIGATION

CHAPTER I

REGISTRATION AND MARKING OF AIRCRAFT

Aircraft to be registered.

1. (1) Subject to subsection (2), an aircraft shall not fly in or over the Bailiwick 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 the Bailiwick of aircraft registered in that country.

^a Article XVI of Billet d'État No. XV of 2011.

^b Article V of Billet d'État No. XXI of 2012.

- (2) Any aircraft may fly unregistered on any flight which -
 - (a) begins and ends in the Bailiwick without passing over any other country, and
 - (b) is in accordance with the conditions of a permit to fly issued by the Director of Civil Aviation under the provisions of section 6.
- (3) Subsection (1) does not apply to any kite or captive balloon.
- (4) If an aircraft flies over the Bailiwick in contravention of subsection (1) in such manner or circumstances that if the aircraft had been registered in Guernsey an offence against this Law or any Ordinance or subordinate legislation made hereunder would have been committed, the like offence shall be deemed to have been committed in respect of that aircraft.

Nationality and registration marks.

2. (1) An aircraft (other than an aircraft permitted by or under this Law to fly without being registered) shall not fly unless it bears painted on it, or affixed to it, in the manner required by the law of the country in which it is registered, the nationality and registration marks required by that law.

(2) The nationality mark to be borne by aircraft registered in Guernsey shall consist of the number two, as an Arabic numeral, and the registration mark shall consist of a group of four capital letters in Roman character and both the nationality mark and the registration mark shall comply with requirements published by the Director of Civil Aviation under section 135.

- (3) An aircraft shall not bear any marks that purport to indicate -

- (a) that the aircraft is registered in a country in which it is not in fact registered, or
- (b) that the aircraft is a State aircraft of a particular country if it is not in fact such an aircraft, unless the appropriate authority of that country has sanctioned the bearing of such marks.

(4) Marks approved by the Director of Civil Aviation for the purposes of flight in accordance with a permit to fly shall be deemed not to purport to indicate that the aircraft is registered in a country in which it is not in fact registered.

CHAPTER II

AIRWORTHINESS AND EQUIPMENT OF AIRCRAFT

Type Acceptance Certificate.

3. (1) A certificate of airworthiness for an aircraft registered in Guernsey shall not be issued in accordance with section 5 unless there is in force a Type Acceptance Certificate issued by the Director of Civil Aviation for that aircraft type.

(2) Any person who intends to operate an aircraft to be registered in Guernsey of a type for which a Type Acceptance Certificate has not been issued shall apply or cause an application to be made to the Director of Civil Aviation for the issue of a Type Acceptance Certificate for that aircraft type in accordance with this section and the published requirements of the Director of Civil Aviation.

(3) A Type Acceptance Certificate with respect to an aircraft means a document issued by the Director of Civil Aviation on the basis of a Type Certificate issued by a Contracting State acceptable to the Director of Civil Aviation.

(4) For the purposes of this section a "**Type Certificate**" means a document issued by a Contracting State to define the design of an aircraft type and to certify that this design meets the appropriate airworthiness requirements of that State.

Certificate of airworthiness to be in force.

4. (1) An aircraft shall not fly unless 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.

(2) The prohibition contained in subsection (1) does not apply to flights made wholly within the Bailiwick, of -

- (a) a glider, if it is not being used for the commercial air transport of passengers or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in a glider owned or operated by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members,
- (b) a kite, or
- (c) an aircraft flying in accordance with a permit to fly issued by the Director of Civil Aviation under section 6.

(3) In the case of an aircraft registered in Guernsey the certificate of airworthiness referred to in subsection (1) is a certificate issued under section 5.

Issue, re-issue and validity of certificates of airworthiness.

5. (1) The Director of Civil Aviation shall issue in respect of any aircraft a certificate of airworthiness if he is satisfied that the aircraft is fit to fly having regard to and on the basis of -

- (a) the design, construction, workmanship and materials of the aircraft (including in particular any engines fitted therein), and of any equipment carried in the aircraft which he considers necessary for the airworthiness of the aircraft,
- (b) the results of flying trials, and such other tests of the aircraft as he may require, and
- (c) a certificate of release to service having been issued under and in accordance with the provisions of section 9.

(2) A certificate of release to service is not required in respect only of the reissue of a certificate of airworthiness under subsection (1).

(3) The Director of Civil Aviation may issue the certificate of airworthiness subject to such other conditions relating to the airworthiness of the aircraft as he thinks fit.

(4) The flight manual or equivalent document specified in section 7(1)(d) specifies the operational limitations within which the aircraft is to be operated for the purposes of the requirements referred to in sections 39, 65 and 66, provided that for the purposes of section 39(a) an aircraft flying clear of cloud and with the surface in sight shall be deemed to be flying in accordance with the Visual Flight Rules.

(5) A certificate of airworthiness issued in respect of an aircraft ceases to be in force -

- (a) if the aircraft, or such of its equipment as is necessary for the airworthiness of the aircraft, is overhauled, repaired or modified or if any part of the aircraft or of such equipment is removed or is replaced, otherwise than in a manner and with material of a type approved by the Director of Civil Aviation

or by a person or organisation approved by the Director of Civil Aviation for the purpose either generally or in relation to a class of aircraft or to the particular aircraft,

- (b) until the satisfactory completion of any inspection made for the purpose of ascertaining whether the aircraft remains airworthy or maintenance of the aircraft or of any such equipment described in paragraph (a) which is or has been -
 - (i) classified as mandatory by the Director of Civil Aviation,
 - (ii) required by a maintenance programme approved by the Director of Civil Aviation in relation to that aircraft, or
- (c) until the completion to the satisfaction of the Director of Civil Aviation of any modification of the aircraft or of any of its equipment, being a modification required by the Director of Civil Aviation for the purpose of ensuring that the aircraft remains airworthy.

(6) The Director of Civil Aviation may issue a certificate of validation rendering valid for the purposes of this Law a certificate of airworthiness issued in respect of any aircraft registered elsewhere than in Guernsey under the law of any country other than the Bailiwick.

(7) Nothing in this Law shall oblige the Director of Civil Aviation to accept an application for the issue of a certificate of airworthiness or certificate of validation or for the variation or re-issue of any such certificate when the application is not supported by such reports from such persons approved under section 134 as the Director of Civil Aviation may specify (either generally or in a particular case or class of cases).

Issue, re-issue etc of permits to fly.

6. (1) The Director of Civil Aviation may issue in respect of any aircraft a permit to fly if he is satisfied that the aircraft is fit to fly having regard to the airworthiness of the aircraft and the conditions to be attached to the permit.

(2) The Director of Civil Aviation may refuse to issue a permit to fly in respect of an aircraft if it appears to him that the aircraft is eligible for and ought to fly under and in accordance with a certificate of airworthiness.

(3) An aircraft flying in accordance with a permit to fly shall not fly for the purpose of commercial air transport or aerial work but may be flown for the purpose of flying displays, associated practice, test, modification approval and positioning flights or for the exhibition or demonstration of the aircraft.

(4) With the permission of the Director of Civil Aviation, an aircraft flying in accordance with a permit to fly may fly for the purpose of aerial work which consists of the giving of instruction in flying or the conduct of flying tests.

(5) No person shall be carried during flights under a permit to fly except the minimum flight crew unless the prior permission of the Director of Civil Aviation has been obtained.

(6) A permit to fly issued in respect of an aircraft ceases to be in force -

- (a) if any conditions associated with the permit are not complied with,
- (b) until the completion of any inspection, modification or maintenance of the aircraft, or any of its equipment, required for ascertaining whether the aircraft remains airworthy and which is -

- (i) classified as mandatory by the Director of Civil Aviation, or
- (ii) required as a condition of the permit to fly, or
- (c) if the aircraft, engines or propellers, or such of its equipment as is necessary for the airworthiness of the aircraft, are modified or repaired; unless the repair, or modification has been approved by the Director of Civil Aviation or by a person or organisation approved by the Director of Civil Aviation for the purpose.

(7) The Director of Civil Aviation may impose a condition that a placard shall be affixed to any aircraft, flying in accordance with a permit to fly, in full view of the occupants, which shall be worded as follows -

"Occupant Warning - This aircraft has not been certificated to internationally accepted certification standards".

(8) An aircraft flying in accordance with a permit to fly shall only be flown in accordance with such conditions specified by the Director of Civil Aviation as shall be appropriate having regard to all of the circumstances.

(9) Nothing in this Law shall oblige the Director of Civil Aviation to accept an application for the issue, variation or renewal of a permit to fly when the application is not supported by such reports from such authorised or approved persons as the Director of Civil Aviation may specify (either generally or in a particular case or class of cases).

Continuing airworthiness.

7. (1) An aircraft registered in Guernsey in respect of which a certificate of airworthiness is in force shall not fly unless –

- (a) the aircraft's continued airworthiness, (including that of its engines, equipment and radio station), is managed by a person or organisation approved by the Director of Civil Aviation in accordance with a maintenance programme under a maintenance control manual or equivalent document approved by the Director of Civil Aviation in relation to that aircraft,
- (b) all airworthiness directives or equivalent issued by the State responsible for the certification standard of the aircraft have been complied with,
- (c) all inspections required in respect of the aircraft under the provisions of this Law have been completed, and
- (d) there is a flight manual or equivalent document that is carried on, and available in, the aircraft for use by the flight crew containing the limitations within which the aircraft is considered airworthy, together with such additional instructions and information as may be necessary to secure compliance with the specified performance and operational requirements relating to that aircraft.

(2) For the purposes of this section a "**maintenance control manual**" means a manual established in respect of an aircraft describing how the operator of that aircraft or approved organisation will comply with the provisions of the approved maintenance programme and ensure the continuing airworthiness of that aircraft.

(3) The operator, owner or, where an aircraft is leased, the lessee of an aircraft registered in Guernsey of which the maximum total weight authorised exceeds 2,700kg and that is not operated for commercial air transport purposes shall appoint a technical coordinator, acceptable to the Director of Civil Aviation, who shall ensure that

arrangements for continuing airworthiness are put in place in accordance with the Director of Civil Aviation's requirements.

(4) A person appointed as technical coordinator under subsection (3) shall ensure and shall verify that –

- (a) maintenance has been carried out on an aircraft in accordance with the maintenance programme approved for that aircraft,
- (b) inspections and modifications required by the Director of Civil Aviation as provided in section 5(5)(b) and (c) have been completed as certified in the relevant certificate of release to service issued under this Law,
- (c) defects entered in the technical log of the aircraft in accordance with section 8 have been rectified or the rectification thereof has been deferred in accordance with procedures approved by the Director of Civil Aviation,
- (d) certificates of release to service have been issued under this Law and for this purpose the operator of the aircraft shall make available to that person such information as is necessary, and
- (e) any technical assessments required by the manufacturer of the aircraft or as specified by the Director of Civil Aviation are undertaken and reports of the continued airworthiness status of the aircraft are provided in accordance with arrangements acceptable to the Director of Civil Aviation.

Aircraft records.

8. (1) The following aircraft records shall be kept in respect of an aircraft registered in Guernsey –

- (a) a technical log,
- (b) an aircraft logbook,
- (c) a separate logbook in respect of each engine fitted in the aircraft, and
- (d) a separate logbook in respect of each variable pitch propeller fitted to the aircraft.

(2) A technical log shall be kept in respect of every aircraft registered in Guernsey in respect of which a certificate of airworthiness is in force.

(3) In the case of an aircraft of which the maximum total weight authorised is 2,700kg or less a record in a form acceptable to the Director of Civil Aviation may be kept instead of a technical log.

(4) At the end of every flight by an aircraft to which the provisions of this section apply the pilot-in-command of the aircraft shall enter in a technical log or approved record, as the case may be –

- (a) the times when the aircraft took off and landed,
- (b) particulars of any defect which is known to him and which affects the airworthiness or safe operation of the aircraft, or if no such defect is known to him, an entry to that effect, and

- (c) such other particulars in respect of the airworthiness or operation of the aircraft as the Director of Civil Aviation may require,

and shall sign and date such entries.

(5) In the case of a number of consecutive flights each of which begins and ends –

- (a) within the same period of 24 hours,
- (b) at the same aerodrome, except where each such flight is for the purpose of dropping or projecting any material for agricultural, public health or similar purposes, and
- (c) with the same person as pilot-in-command of the aircraft,

the pilot-in-command may, except where he becomes aware of a defect during an earlier flight, make the entries specified in subsection (4) at the end of the last of such consecutive flights.

(6) Upon the rectification of any defect which has been entered in a technical log in accordance with subsections (4) and (5) a person issuing a certificate of release to service under this Law in respect of that defect shall enter the certificate in the technical log or approved record in such a position as to be readily identifiable with the defect to which it relates.

(7) The technical log referred to in this section shall be carried in the aircraft when section 105 so requires and copies of the entries referred to in this section shall be kept on the ground.

(8) In the case of a helicopter, if it is not reasonably practicable for the copy of the technical log or approved record to be kept on the ground it may be carried in the helicopter in a container approved by the Director of Civil Aviation for that purpose.

(9) The logbooks referred to in paragraphs (b), (c) and (d) of subsection (1) shall include the particulars prescribed by the Director of Civil Aviation and shall be kept in a manner specified by him.

(10) Any document or electronic record that has been incorporated by reference in a logbook shall be deemed, for the purposes of this Law, to be part of the logbook.

(11) It shall be the duty of the operator of every aircraft, in respect of which technical logs and logbooks are required to be kept, to keep them or cause them to be kept in accordance with the requirements specified by the Director of Civil Aviation.

Requirement for a certificate of release to service.

9. (1) This section applies to any aircraft registered in Guernsey in respect of which a certificate of airworthiness has been or is to be issued under section 5.

(2) An aircraft to which this section applies shall not fly unless there is in force a certificate of release to service issued under this Law if the aircraft or any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced, modified, maintained, or has been inspected as provided in section 5(5)(b), as the case may be.

(3) A certificate of release to service is not required to be in force in respect of an aircraft, of which the maximum total weight authorised does not exceed 2,700kg and that is not operated for the purpose of commercial air transport or aerial work, in respect of which a certificate of airworthiness is in force if it flies in the circumstances specified in subsection (4).

- (4) The circumstances referred to in subsection (3) are -
- (a) the only repairs or replacements in respect of which a certificate of release to service is not in force are of a description as specified by the Director of Civil Aviation,
 - (b) such repairs or replacements have been carried out personally by the holder of a pilot's licence granted or rendered valid under this Law who is the owner or operator of the aircraft,
 - (c) the person carrying out the repairs or replacements shall keep in the aircraft log book kept in respect of the aircraft under section 8 a record which identifies the repairs or replacement and shall sign and date the entries,
 - (d) any equipment or parts used in carrying out such repairs or replacements shall be of a type approved by the Director of Civil Aviation either generally or in relation to a class of aircraft or one particular aircraft.
- (5) Neither -
- (a) equipment provided in compliance with section 12, nor
 - (b) radio apparatus provided for use in an aircraft or in any survival craft carried in an aircraft, whether or not the apparatus is provided in compliance with this Law,

shall be installed or placed on board for use in an aircraft to which this section applies after being maintained, overhauled, repaired, modified or inspected, unless there is in force in respect thereof at the time when it is installed or placed on board a certificate of release to service issued under this Law.

(6) A certificate of release to service issued under this Law shall certify that the aircraft or any part thereof or its equipment has been inspected, overhauled, repaired, replaced, modified or maintained, as the case may be, in a manner and with material of a type approved by the Director of Civil Aviation either generally or in relation to the particular aircraft and shall identify the inspection, overhaul, repair, replacement, modification or maintenance to which the certificate relates and shall include particulars of the work done.

(7) A certificate of release to service issued under this Law may be issued only by -

- (a) the holder of an aircraft maintenance engineer's licence granted under this Law, being a licence which entitles him to issue that certificate for aircraft that do not exceed a maximum total weight authorised of 2,700 kg and are not operated for the purpose of commercial air transport or aerial work,
- (b) the holder of an aircraft maintenance engineer's licence granted under the law of a country other than the Bailiwick and rendered valid under this Law, in accordance with the privileges endorsed on the licence and as authorised by the Director of Civil Aviation to issue that certificate,
- (c) the holder of an aircraft maintenance engineer's licence granted under this Law, in accordance with the privileges endorsed on the licence and as authorised by the Director of Civil Aviation to issue that certificate,
- (d) the holder of an authorisation to issue that certificate granted by an organisation approved by the Director of Civil Aviation,
or

- (e) a person whom the Director of Civil Aviation has authorised to issue that certificate in a particular case, and in accordance with that authority.

Licensing and certification of maintenance engineers.

10. (1) The Director of Civil Aviation may grant an aircraft maintenance engineer's licence upon being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence and skill in aeronautical engineering, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Director of Civil Aviation may require of him.

(2) An aircraft maintenance engineer's licence authorises the holder, subject to such conditions as may be specified in the licence, to issue certificates of release to service under this Law in respect of such repairs, replacements, modifications, maintenance and inspections of such aircraft and such equipment as may be so specified.

(3) A licence shall, subject to section 111, remain in force for the period specified therein, not exceeding 5 years, but may be renewed by the Director of Civil Aviation from time to time upon his being satisfied as to the continued fitness and qualifications of the applicant.

(4) The Director of Civil Aviation may issue a certificate rendering valid for the purposes of this Law any licence as an aircraft maintenance engineer granted under the law of any country other than the Bailiwick.

(5) A licence or certificate granted under this section shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(6) The Director of Civil Aviation may, for the purposes of this section, either absolutely or subject to such conditions as he thinks fit -

- (a) approve any course of training or instruction,
- (b) authorise a person to conduct such examinations or tests as he may specify, and
- (c) approve a person to provide or conduct any course of training or instruction.

(7) The holder of an aircraft maintenance engineer's licence shall not exercise the privileges of such a licence if he knows or suspects that his physical or mental condition renders him unfit to exercise such privileges.

(8) The holder of an aircraft maintenance engineer's licence shall not, when exercising the privileges of a licence, be under the influence of alcohol, any drug or any psychoactive substance, including prescribed or proprietary medication, so as to render that person unable safely and properly to exercise such privileges or so as to create a risk to the licence holder or any other person.

Maintenance approval.

11. (1) No person intending to engage in -

- (a) any stage of the maintenance of aircraft, aircraft components or aircraft materials,
- (b) the manufacture of parts for the purpose of maintenance, or
- (c) training activities associated therewith,

shall do so without first obtaining from the Director of Civil Aviation a certificate of approval or validation in respect of any of those activities.

(2) The Director of Civil Aviation shall issue an approval to a person, or organisation that complies with his requirements.

(3) A certificate of approval or validation shall be in such form, be subject to such conditions and limitations and contain such particulars as may be determined by the Director of Civil Aviation.

Equipment of aircraft.

12. (1) An aircraft shall not fly unless it is so equipped as to -

(a) comply with the law of -

(i) the country in which it is registered, or

(ii) the State of the operator,

(b) enable lights and markings to be displayed, and

(c) enable signals to be made,

in accordance with the provisions of this Law.

(2) In the case of any aircraft registered in Guernsey the equipment to be provided (in addition to any other equipment required by or under this Law) shall -

(a) be in accordance with instructions given by the Director of Civil Aviation under section 39(d) and with the requirements published by him under section 135 as applicable to the purpose and the circumstances of the flight,

(b) be of a type approved by the Director of Civil Aviation either generally or in relation to a class of aircraft or in relation to that aircraft, and

(c) be installed in a manner so approved.

(3) In any particular case or class of cases the Director of Civil Aviation may give instructions that an aircraft registered in Guernsey shall carry such additional equipment or supplies (including radio equipment) as he may specify for the purpose of -

(a) facilitating the navigation of the aircraft,

(b) the carrying out of search and rescue operations, or

(c) securing the safety and the survival of the persons carried in the aircraft.

(4) The equipment carried in compliance with this section shall be installed or stowed and kept stowed, and maintained and adjusted so as to be readily accessible and capable of being used by the person for whose use it is intended.

(5) The position of equipment provided for emergency use shall be indicated by clear markings in or on the aircraft.

(6) All equipment installed or carried in an aircraft, whether or not in compliance with this section, shall be installed or stowed and maintained and adjusted so as not to be a source of danger in itself or to impair the airworthiness of the aircraft or the proper functioning of any equipment or services necessary for the safety of the aircraft.

Radio equipment of aircraft.

13. (1) An aircraft shall not fly unless it is equipped with radio communication and radio navigation equipment so as -

(a) to comply with -

- (i) the law of the country in which the aircraft is registered, or
 - (ii) the law of the State of the Operator, and
- (b) to enable communications to be made, and the aircraft to be navigated, in accordance with the provisions of this Law.

(2) In the case of an aircraft registered in Guernsey the radio equipment that is required to be provided shall be in accordance with the instructions given by the Director of Civil Aviation under section 39(d) and with the requirements published by him under section 135 as applicable to the purpose and circumstances of the flight and shall be of a type approved by the Director of Civil Aviation generally or in relation to a class of aircraft or in relation to that aircraft and be installed in a manner so approved.

(3) Subject to such exceptions as may be prescribed, the radio communication and radio navigation equipment provided in compliance with this section shall always be maintained in serviceable condition.

Minimum equipment requirements.

14. (1) An aircraft registered in Guernsey shall not commence a flight if any of the equipment (including radio apparatus) required by or under this Law to be carried in the circumstances of the intended flight is not carried or is not in a fit condition for use unless -

- (a) the aircraft does so under and in accordance with the terms of an approval under subsection (2) which has been granted to the operator, and
- (b) in the case of an aircraft to which any provision of section 61 or 77 applies, the respective operations manual required thereby contains the particulars of that approval.

(2) The Director of Civil Aviation may grant in respect of any aircraft or class of aircraft registered in Guernsey an approval permitting such aircraft to commence a flight in specified circumstances notwithstanding that any specified item of equipment required by or under this Law to be carried in the circumstances of the intended flight is not carried, or is not in a fit condition for use.

Aircraft weight schedule.

15. (1) Every aircraft in respect of which a certificate of airworthiness or permit to fly issued under this Law is in force shall be weighed, and the position of its centre of gravity determined, at such times and in such manner as the Director of Civil Aviation may require or approve in the case of that aircraft.

(2) Upon the aircraft being weighed the operator of the aircraft shall prepare a weight schedule showing -

- (a) either the basic weight of the aircraft, that is to say, the empty weight of the aircraft established in accordance with the type certification basis of the aircraft, or such other weight as may be approved by the Director of Civil Aviation in the case of that aircraft, and
- (b) either the position of the centre of gravity of the aircraft at its basic weight or such other position of the centre of gravity as may be approved by the Director of Civil Aviation in the case of that aircraft.

(3) Subject to section 109, the weight schedule shall be preserved by the operator of the aircraft until the expiration of a period of six months following the next occasion on which the aircraft is weighed for the purposes of this section.

Access and inspection for airworthiness purposes.

16. The Director of Civil Aviation may cause such inspections, investigations, tests, experiments and flight trials to be made as he deems necessary for the purposes of this Chapter and any person authorised to do so in writing by the Director of Civil Aviation may at any reasonable time inspect any part of, or material intended to be incorporated in or used in the manufacture of any part of, an aircraft or its equipment or any document relating thereto and may for that purpose go upon any aerodrome or enter any aircraft factory or other premises including premises used for any of the purposes of the maintenance, overhaul, repair or modification of an aircraft or of any of the material, parts or equipment installed or to be installed in an aircraft.

CHAPTER III

AIRCRAFT CREW AND LICENSING

Composition of crew of aircraft.

17. (1) An aircraft shall not fly unless it carries a flight crew of the number and description required by the law of the country in which it is registered.

(2) An aircraft registered in Guernsey -

- (a) shall carry a flight crew adequate in number and description to ensure the safety of the aircraft,
- (b) which has a flight manual, shall carry a flight crew of at least the number and description specified in the flight manual,
- (c) which does not have a flight manual shall carry a flight crew of at least the number and description specified by the Director of Civil Aviation in the Certificate of Airworthiness or Permit to Fly.

(3) An aircraft registered in Guernsey, which is required by section 13 to be equipped with radio communications apparatus, shall carry a flight radiotelephony operator as a member of the flight crew.

(4) The Director of Civil Aviation may in the interests of safety direct the operator of any aircraft registered in Guernsey that all or any aircraft operated by him when flying in circumstances specified in the direction shall carry, in addition to the crew required to be carried by the foregoing provisions of this section, such additional persons as members of the flight crew or the cabin crew as he may specify in the direction.

Members of flight crew - requirement for licence.

18. (1) Subject to the provisions of this section, a person shall not act as a member of the flight crew of an aircraft registered in Guernsey unless he is the holder of an appropriate licence granted or rendered valid under this Law.

(2) A person may within the Bailiwick without being the holder of an appropriate licence -

- (a) subject to section 22(5) of this Law, act as pilot-in-command of an aircraft for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if -
 - (i) he is at least 16 years of age,
 - (ii) he is the holder of a valid medical certificate to the effect that he is fit so to act issued by a person approved by the Director of Civil Aviation,
 - (iii) he complies with any conditions subject to which that medical certificate was issued,

- (iv) no other person is carried in the aircraft,
 - (v) the aircraft is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests, and
 - (vi) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Law, being a licence which includes a flying instructor's rating entitling him to give instruction in flying the type of aircraft being flown,
- (b) act as a flight radiotelephony operator if he does so as a person being trained in an aircraft registered in Guernsey to perform duties as a member of the flight crew of an aircraft, and is authorised to operate the radiotelephony station by the holder of the licence granted in respect of that station under any enactment,
- (c) subject to section 22(5) of this Law, act as pilot of an aircraft in respect of which the flight crew required to be carried by or under this Law does not exceed one pilot for the purpose of becoming qualified for the grant or renewal of a pilot's licence or the inclusion or variation of any rating in a pilot's licence if
-
- (i) the aircraft is not flying for the purpose of commercial air transport or aerial work other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests,

- (ii) he so acts in accordance with instructions given by a person holding a pilot's licence granted under this Law, being a licence which includes a flying instructor rating entitling him to give instruction in flying the type of aircraft being flown,
- (iii) the aircraft is fitted with dual controls and he is accompanied in the aircraft by the said instructor who is seated at the other set of controls or the aircraft is fitted with controls designed for and capable of use by two persons and he is accompanied in the aircraft by the said instructor who is seated so as to be able to use the controls.

(3) A person shall not act as a member of the flight crew required by or under this Law to be carried in an aircraft registered in a country other than Guernsey unless -

- (a) in the case of an aircraft flying for the purpose of commercial air transport or aerial work, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or the State of the operator, or
- (b) in the case of any other aircraft, he is the holder of an appropriate licence granted or rendered valid under the law of the country in which the aircraft is registered or under this Law, and the Director of Civil Aviation does not in the particular case give a direction to the contrary.

(4) A person may, unless the certificate of airworthiness in force in respect of the aircraft otherwise requires, act as pilot of an aircraft registered in Guernsey

for the purpose of undergoing training or tests for the grant or renewal of a pilot's licence or for the inclusion, renewal or extension of a rating therein without being the holder of an appropriate licence, if the conditions specified in subsection (5) are complied with.

(5) The conditions referred to in subsection (4) are -

(a) no other person shall be carried in the aircraft or in an aircraft being towed thereby except -

(i) a person carried as a member of the flight crew in compliance with this Law,

(ii) a person authorised by the Director of Civil Aviation to witness the training or tests or to conduct the tests, or

(iii) if the pilot in command of the aircraft is the holder of an appropriate licence, a person carried for the purpose of being trained or tested as a member of the flight crew of an aircraft, and

(b) the person acting as the pilot of the aircraft without being the holder of an appropriate licence either -

(i) within the period of six months immediately preceding was serving as a qualified pilot of an aircraft in any of Her Majesty's naval, military or air forces, and his physical condition has not, so far as he is aware, so deteriorated during that period as to render him unfit for the licence for which he intends to qualify, or

(ii) holds a pilot's, a flight navigator's or a flight engineer's licence granted under section 19 and the

purpose of the training or test is to enable him to qualify under this Law for the grant of a pilot's licence or for the inclusion of an additional type in the aircraft rating in his licence and he acts under the supervision of a person who is the holder of an appropriate licence.

(6) A person may act as a member of the flight crew (otherwise than as a pilot) of an aircraft registered in Guernsey for the purposes of undergoing training or tests for the grant or renewal of a flight navigator's or a flight engineer's licence or for the inclusion, renewal or extension of a rating therein, without being the holder of an appropriate licence if he acts under the supervision and in the presence of another person who is the holder of the type of licence or rating for which the person undergoing the training or tests is being trained or tested.

(7) A person may act as a member of the flight crew of an aircraft registered in Guernsey without being the holder of an appropriate licence if, in so doing, he is acting in the course of his duty as a member of any of Her Majesty's naval, military or air forces.

(8) An appropriate licence for the purposes of this section means a licence that 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) The holder of a licence granted or rendered valid under this Law, being a licence endorsed to the effect that the holder does not satisfy in full the relevant international standard, shall not act as a member of the flight crew of an aircraft registered in Guernsey in or over the territory of a Contracting State other than the Bailiwick except in accordance with permission granted by the competent authorities of that State.

(10) The holder of a licence granted or rendered valid under the law of a Contracting State other than the Bailiwick, being a licence endorsed as provided in subsection (9), shall not act as a member of the flight crew of any aircraft in or over the

Bailiwick except in accordance with permission granted by the Director of Civil Aviation, whether or not the licence is or is deemed to be rendered valid under this Law.

Grant, renewal and effect of flight crew licences.

19. (1) The Director of Civil Aviation shall grant licences of any of the classes specified in Schedule 2 authorising the holder to act as a member of the flight crew of an aircraft registered in Guernsey upon being satisfied that the applicant -

- (a) is a fit person to hold the licence,
- (b) is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates, and
- (c) complies with his requirements,

and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests and undertake such course of training as the Director of Civil Aviation may require of him.

(2) A licence granted under this section shall not be valid unless it bears thereon the ordinary signature of the holder in ink.

(3) Subject to section 111, a licence shall remain in force for the period indicated in the licence and may be renewed by the Director of Civil Aviation from time to time upon his being satisfied as to the continued fitness and qualifications of the applicant and if no period is indicated in the licence it shall remain in force for the lifetime of the holder.

(4) A licence of any class shall not be granted to any person who is under the minimum age specified for that class of licence.

(5) The Director of Civil Aviation may include in a licence a rating of any of the classes specified in requirements published by him, upon his being satisfied that the applicant is qualified to act in the capacity to which the rating relates, and such rating shall be deemed to form part of the licence.

(6) Subject to any conditions of the licence and to the provisions of this Law, a licence of any class shall entitle the holder to perform the functions specified in that licence and a rating of any class shall entitle the holder of the licence in which such rating is included to perform the functions specified in respect of that rating.

Maintenance of privileges of aircraft ratings in licences.

20. (1) The holder of a pilot's licence or a flight engineer's licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the licence bears a valid certificate of test or a valid certificate of experience in respect of the rating, which certificate shall in either case be appropriate to the functions he is to perform on that flight in accordance with the requirements of the Director of Civil Aviation and shall otherwise comply with those requirements.

(2) The holder of a Private Pilot's Licence shall not be entitled to exercise the privileges of an aircraft rating contained in the licence on a flight unless the certificate of test or certificate of experience required by subsection (1) is included in the personal flying log book required to be kept by him under section 25.

Maintenance of privileges of other ratings in licences.

21. A person shall not be entitled to perform the functions to which an instrument rating (aeroplanes), an instrument rating (helicopters), or a flying instructor's rating, relates unless his licence bears a valid certificate of test, which certificate shall be appropriate to the functions to which the rating relates in accordance with the requirements of the Director of Civil Aviation and shall otherwise comply with those requirements.

Medical requirements for licence holders.

22. (1) The holder of a licence granted under section 19, other than a Flight Radiotelephony Operator's Licence, shall not be entitled to perform any of the functions to which his licence relates unless it includes an appropriate valid medical certificate.

(2) Every applicant for or holder of a licence granted under section 19 shall upon such occasions as the Director of Civil Aviation may require submit himself to medical examination by a person approved by the Director of Civil Aviation, either generally or in a particular case or class of cases, who shall make a report to the Director of Civil Aviation in such form as the Director of Civil Aviation may require.

(3) Where the medical examination referred to in subsection (2) has been conducted in the Bailiwick, the Director of Civil Aviation or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as he thinks fit to the effect that he has assessed the holder of the licence as meeting the requirements specified in respect of the certificate and the certificate shall, without prejudice to subsection (6), be valid for such period as is therein specified and shall be deemed to form part of the licence.

(4) Where a medical examination is conducted outside the Bailiwick the person conducting the examination shall, in addition to making a report to the Director of Civil Aviation, issue a certificate certifying, if such is in his opinion the case, that the holder of the licence is fit to perform the functions to which the licence relates and the said certificate may be deemed by the Director of Civil Aviation to be a medical certificate for the purposes of this section, and if so shall be valid for such period as may be specified therein in writing by the person conducting the examination.

(5) A person shall not be entitled to act as a member of the flight crew of an aircraft registered in Guernsey if he knows or suspects that his physical or mental condition renders him temporarily or permanently unfit to perform such functions or to act in such capacity.

- (6) Every holder of a medical certificate issued under this section who -
 - (a) suffers any personal injury involving incapacity to undertake his functions as a member of the flight crew,
 - (b) suffers any illness involving incapacity to undertake those functions throughout a period of 21 days or more, or
 - (c) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Director of Civil Aviation in writing of such injury, illness or pregnancy, as soon as possible in the case of injury or pregnancy, and as soon as the period of 21 days has expired in the case of illness.

(7) The medical certificate shall be deemed to be suspended upon the occurrence of such injury or the expiry of such period of illness or the confirmation of the pregnancy, and -

- (a) in the case of injury or illness the suspension shall cease upon the holder being medically examined under arrangements made by the Director of Civil Aviation and pronounced fit to resume his functions as a member of the flight crew or upon the Director of Civil Aviation exempting, subject to such conditions as he thinks fit, the holder from the requirement of a medical examination, and
- (b) in the case of pregnancy, the suspension may be lifted by the Director of Civil Aviation for such period and subject to such conditions as he thinks fit and shall cease upon the holder being medically examined under arrangements made by the Director of Civil Aviation after the pregnancy has ended and

pronounced fit to resume her functions as a member of the flight crew.

Miscellaneous licensing provisions.

23. (1) A person who, on the last occasion when he took a test for the purposes of sections 20 or 21, failed that test shall not be entitled to fly in the capacity for which that test would have qualified him had he passed it.

(2) Nothing in this Law shall prohibit the holder of a pilot's licence from acting as pilot of an aircraft certificated for single pilot operation when, with the permission of the Director of Civil Aviation, he is testing any person for the purposes of sections 19(1), 19(5), 20, or 21, even if -

- (a) the type of aircraft in which the test is conducted is not specified in an aircraft rating included in his licence, or
- (b) the licence or personal flying log book, as the case may be, does not include a valid certificate of test, experience or revalidation in respect of the type of aircraft.

(3) Where any requirement permits a test to be conducted in a flight simulator approved by the Director of Civil Aviation, that approval may be granted subject to such conditions as he thinks fit.

(4) Without prejudice to any other provision of this Law the Director of Civil Aviation may, for the purpose of this Chapter -

- (a) approve any course of training or instruction,
- (b) authorise a person to conduct such examinations or tests as he may specify, and

- (c) approve a person to provide any course of training or instruction.

Validation of licences.

24. (1) The Director of Civil Aviation may, subject to such conditions as he thinks fit, issue a certificate of validation rendering valid for the purposes of this Law any flight crew licence granted under the law of any country other than the Bailiwick.

(2) For the purposes of this Chapter a licence granted under the law of a Contracting State other than the United Kingdom or the Bailiwick, purporting to authorise the holder thereof to act as a member of the flight crew of an aircraft, not being a licence purporting to authorise him to act as a student pilot only, shall, unless the Director of Civil Aviation in the particular case gives a direction to the contrary, be deemed to be a licence rendered valid under this Law but does not entitle the holder -

- (a) to act as a member of the flight crew of any aircraft flying for the purpose of commercial air transport or aerial work or on any flight in respect of which he receives remuneration for his services as a member of the flight crew,
- (b) in the case of a pilot's licence, to act as pilot of any aircraft flying in controlled airspace in circumstances requiring compliance with the Instrument Flight Rules, or
- (c) to give any instruction in flying.

Personal flying logbook.

25. (1) Every member of the flight crew of an aircraft registered in Guernsey and every person who engages in flying for the purpose of qualifying for the grant or renewal of a licence under this Law shall keep a personal flying logbook in which the following particulars shall be recorded -

- (a) the name and address of the holder of the log book,
- (b) particulars of the holder's licence (if any) to act as a member of the flight crew of an aircraft, and
- (c) the name and address of his employer (if any).

(2) Particulars of each flight during which the holder of the log book acted either as a member of the flight crew of an aircraft or for the purpose of qualifying for the grant or renewal of a licence under this Law, as the case may be, shall be recorded in the logbook at the end of each flight or as soon thereafter as is reasonably practicable, including -

- (a) the date, the places at which the holder embarked on and disembarked from the aircraft and the time spent during the course of a flight when he was acting in either capacity,
- (b) the type and registration marks of the aircraft,
- (c) the capacity in which the holder acted in flight,
- (d) particulars of any special conditions under which the flight was conducted, including night flying and instrument flying, and
- (e) particulars of any test or examination undertaken whilst in flight.

(3) For the purposes of this section, a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

(4) Particulars of any test or examination undertaken whilst in a flight simulator shall be recorded in the logbook, including -

- (a) the date of the test or examination,
- (b) the type of simulator,
- (c) the capacity in which the holder acted, and
- (d) the nature of the test or examination.

Instruction in flying.

26. (1) A person shall not give any instruction in flying to which this section applies unless -

- (a) he holds a licence, granted or rendered valid under this Law, entitling him to act as pilot-in-command of the aircraft for the purpose and in the circumstances under which the instruction is to be given, and
- (b) his licence includes an instructor's rating entitling the holder to give the instruction.

(2) This section applies to instruction in flying given to any person flying or about to fly a flying machine or glider for the purpose of becoming qualified for -

- (a) the grant of a pilot's licence, and
- (b) the inclusion or variation of any rating in his licence.

Glider pilot-minimum age.

27. A person under the age of 16 years shall not act as pilot-in-command of a glider.

CHAPTER IV

PROTECTION OF CREW

Application and interpretation of Chapter IV.

28. (1) Subject to subsection (2), sections 29 and 30 apply in relation to any aircraft registered in Guernsey that is either -

- (a) operated by an air transport undertaking, or
- (b) operated by a person or organisation to which section 76 applies.

(2) Sections 29 and 30 shall not apply in relation to a flight made only for the purpose of instruction in flying given by or on behalf of a flying club or flying school, or a person who is not an air transport undertaking.

(3) For the purposes of this Chapter -

- (a) "**flight time**", in relation to any person, means all time spent by that person in -
 - (i) a civil aircraft whether or not registered in Guernsey (other than an aircraft of which the maximum total weight authorised does not exceed 1,600 kg and which is not flying for the purpose of commercial air transport or aerial work), or
 - (ii) a military aircraft,

while it is in flight and he is carried as a member of the crew thereof,

- (b) "day" means a continuous period of 24 hours beginning at midnight Co-ordinated Universal Time, and
- (c) a helicopter shall be deemed to be in flight from the moment the helicopter first moves under its own power for the purpose of taking off until the rotors are next stopped.

Fatigue of crew – operator's responsibilities.

29. (1) The operator of an aircraft to which this section applies shall not cause or permit that aircraft to make a flight unless -

- (a) he has established a scheme or fatigue management programme for the regulation of flight times for every person flying in that aircraft as a member of its crew, and
- (b) subject to subsection (4) the scheme or programme is approved by the Director of Civil Aviation, and
- (c) either -
 - (i) the scheme or programme is incorporated in the operations manual required by either section 61 or section 77, or
 - (ii) in any case where an operations manual is not required by either of those sections, the scheme or programme is incorporated in a document, a copy of which has

been made available to every person flying in that aircraft as a member of its crew, and

- (d) he has taken all such steps as are reasonably practicable to ensure that the provisions of the scheme or programme will be complied with in relation to every person flying in that aircraft as a member of its crew.

(2) The operator of an aircraft to which this section applies shall not cause or permit any person to fly therein as a member of its crew if he knows or has reason to believe that the person is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue while he is so flying as may endanger the safety of the aircraft or of its occupants.

(3) The operator of an aircraft to which this section applies shall not cause or permit any person to fly therein as a member of its flight crew unless the operator has in his possession an accurate and up-to-date record in respect of that person and in respect of the 28 days immediately preceding the flight showing -

- (a) all his flight times, and
- (b) brief particulars of the nature of the functions performed by him in the course of his flight times.

(4) Subsection (1)(b) shall not apply to the operator of an aircraft registered in Guernsey of the classes or used in the cases identified in section 75(2).

Fatigue of crew - responsibilities of crew.

30. A person shall not act as a member of the crew of an aircraft to which this section applies -

- (a) if he knows or suspects that he is suffering from, or, having regard to the circumstances of the flight to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of the aircraft or of its occupants, or
- (b) unless he has ensured that the operator of the aircraft is aware of his flight times during the period of 28 days preceding the flight.

Flight times – responsibilities of flight crew.

31. (1) Subject to subsection (2), a person shall not act as a member of the flight crew of an aircraft registered in Guernsey if at the beginning of the flight the aggregate of all his previous flight times -

- (a) during the period of 28 consecutive days expiring at the end of the day on which the flight begins exceeds 100 hours, or
- (b) during the period of twelve months expiring at the end of the previous month exceeds 900 hours.

(2) This section shall not apply to a flight that is a private flight in an aircraft of which the maximum total weight authorised does not exceed 1,600 kg.

Protection of aircrew from cosmic radiation.

32. (1) A relevant undertaking shall take appropriate measures to -

- (a) assess the exposure to cosmic radiation when in flight of those aircrew who are liable to be subject to cosmic radiation in excess of 1 milliSievert per year,

- (b) take into account the assessed exposure when organising work schedules with a view to reducing the doses of highly exposed aircrew, and
- (c) inform the workers concerned of the health risks their work involves.

(2) A relevant undertaking shall ensure that in relation to a pregnant aircrew member, the conditions of exposure to cosmic radiation when she is in flight are such that the equivalent dose to the foetus will be as low as reasonably achievable and is unlikely to exceed 1 milliSievert during the remainder of the pregnancy.

(3) Nothing in subsection (2) shall require the undertaking concerned to take any action in relation to an aircrew member until she has notified the undertaking in writing that she is pregnant.

(4) In this section and in section 33 –

- (a) "**aircrew**" means every person employed or engaged in an aircraft in flight on the business of the aircraft, and
- (b) "**undertaking**" includes a natural or legal person and "**relevant undertaking**" means an undertaking which operates aircraft and is established in the Bailiwick.

Keeping and production of records of exposure to cosmic radiation.

33. (1) A relevant undertaking shall keep a record for the period and in the manner specified by the Director of Civil Aviation of the exposure to cosmic radiation of aircrew assessed under section 32 and the names of the aircrew concerned.

(2) A relevant undertaking shall, within a reasonable period after being requested to do so by an authorised person, produce to that person the record required to be kept under subsection (1).

(3) A relevant undertaking shall, within a reasonable period after being requested to do so by a person, in respect of whom a record is required to be kept under subsection (1), supply a copy of that record to that person.

CHAPTER V

MOVEMENT OF AIRCRAFT

Rules of the Air.

34. (1) Without prejudice to any other provision of this Law, the Director of Civil Aviation may make, amend, vary or revoke, regulations under this section (hereinafter referred to in this Law as "**the Rules of the Air**") prescribing -

- (a) the manner in which aircraft may move or fly including in particular provision for requiring aircraft to give way to military aircraft,
- (b) the lights and other signals to be shown or made by aircraft or persons,
- (c) the lighting and marking of aerodromes, and
- (d) any other provisions for securing the safety of aircraft in flight and in movement and the safety of persons and property on the surface.

(2) The rules set out in Schedule 4 shall have effect as if made by the Director under subsection (1).

(3) Subject to subsection (4), it shall be an offence to contravene, to permit the contravention of, or to fail to comply with, the Rules of the Air.

(4) It shall be lawful for the Rules of the Air to be departed from to the extent necessary -

- (a) for avoiding immediate danger,
- (b) for complying with the law of any country other than the Bailiwick within which the aircraft then is, or
- (c) for complying with any enactment relating to an aircraft of which the pilot-in-command is acting in the course of his duty as a member of any of Her Majesty's forces.

(5) If any departure from the Rules of the Air is made for the purpose of avoiding immediate danger, the pilot-in-command of the aircraft shall cause written particulars of the departure, and of the circumstances giving rise to it, to be given within 10 days thereafter to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas to the Director of Civil Aviation.

(6) Nothing in the Rules of the Air shall exonerate any person from the consequences of any neglect in the use of lights or signals or of the neglect of any precautions required by ordinary aviation practice or by the special circumstances of the case.

Power to prohibit or restrict flying.

35. (1) Where the Director of Civil Aviation deems it necessary in the public interest to restrict or prohibit flying by reason of -

- (a) the intended gathering or movement of a large number of persons,

- (b) the intended holding of an aircraft race or contest or of a flying display, or
- (c) the need to safeguard the security of the British Islands, or any other reason affecting the public interest,

he may make regulations prohibiting, restricting or imposing conditions on flights by aircraft specified in subsection (2) and flying in the circumstances specified therein.

(2) The aircraft and circumstances referred to in subsection (1) are aircraft, whether or not registered in Guernsey, in any airspace over the Bailiwick.

(3) For the avoidance of doubt, regulations made under this section may apply either generally or in relation to any class of aircraft.

(4) It shall be an offence to contravene or permit the contravention of or fail to comply with any regulations made hereunder.

(5) If the pilot-in-command of an aircraft becomes aware that the aircraft is flying in contravention of any regulations which have been made for any of the reasons referred to in subsection (1)(c) he shall, unless otherwise instructed under subsection (6), cause the aircraft to leave the area to which the regulations relate by flying to the least possible extent over such area and the aircraft shall not begin to descend while over such an area.

(6) The pilot-in-command of an aircraft flying either within an area for which regulations have been made for any of the reasons referred to in subsection (1)(c) or within airspace notified as a Danger Area shall forthwith comply with instructions given by radio by the appropriate air traffic control unit or by, or on behalf of, the person responsible for safety within the relevant airspace.

Balloons, kites, airships, gliders and parascending parachutes.

36. (1) The provisions of this section apply only to or in relation to aircraft within the Bailiwick.

(2) A balloon in captive or tethered flight shall not be flown within 60 metres of any vessel, vehicle or structure except with the permission of the person in charge of any such vessel, vehicle or structure.

(3) Without the permission of the Director of Civil Aviation -

- (a) a glider or parascending parachute shall not be launched by winch and cable or by ground tow to a height of more than 60 metres above ground level,
- (b) a balloon in captive flight shall not be flown within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,
- (c) a balloon in captive or tethered flight shall not be flown at a height measured to the top of the balloon of more than 60 metres above ground level,
- (d) a kite shall not be flown at a height of more than 30 metres above ground level within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,
- (e) a kite shall not be flown at a height of more than 60 metres above ground level, and
- (f) a parascending parachute shall not be launched by winch and cable or by ground tow within the aerodrome traffic zone of a

notified aerodrome during the notified operating hours of that aerodrome.

(4) An uncontrollable balloon shall not be flown in airspace notified for the purposes of this subsection without the permission in writing of the Director of Civil Aviation.

(5) A controllable balloon shall not be flown in free controlled flight -

- (a) within airspace notified for the purposes of this subsection, or
- (b) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,

except during the day and in Visual Meteorological Conditions.

(6) A controllable balloon shall not be flown in tethered flight -

- (a) within airspace notified for the purposes of this subsection, or
- (b) within the aerodrome traffic zone of a notified aerodrome,

except with the permission of the appropriate air traffic control unit.

(7) A balloon when in captive flight shall be securely moored and shall not be left unattended unless it is fitted with a device which ensures its automatic deflation if it breaks free of its moorings.

(8) An airship with a capacity exceeding 3,000 cubic metres shall not be moored other than at a notified aerodrome except with the permission in writing of the Director of Civil Aviation.

(9) An airship with a capacity not exceeding 3,000 cubic metres, unless it is moored on a notified aerodrome, shall not be moored -

(a) within 2 km of a congested area, or

(b) within the aerodrome traffic zone of a notified aerodrome,

except with the permission in writing of the Director of Civil Aviation.

(10) An airship when moored in the open shall be securely moored and shall not be left unattended.

(11) A person shall not cause or permit -

(a) a group of small balloons exceeding 1,000 in number to be simultaneously released at a single site wholly or partly within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome unless that person has given to the Director of Civil Aviation not less than 28 days previous notice in writing of the release,

(b) a group of small balloons exceeding 2,000 but not exceeding 10,000 in number to be simultaneously released at a single site

-

(i) within airspace notified for the purposes of this subsection, or

(ii) within the aerodrome traffic zone of a notified aerodrome during the notified operating hours of that aerodrome,

without the permission of the Director of Civil Aviation,

- (c) a group of small balloons greater than 10,000 in number to be simultaneously released at a single site except with the permission in writing of the Director of Civil Aviation.

(12) For the purposes of this section -

- (a) "**simultaneously released at a single site**" shall mean the release of a specified number of balloons during a period not exceeding 15 minutes from within an area not exceeding 1 km square,
- (b) "**a notified aerodrome**" is an aerodrome notified for the purposes of rule 45 of the Rules of the Air and the "**notified operating hours**" means the times notified in respect of an aerodrome during which that rule applies.

Regulation of small unmanned aircraft.

37. (1) A person shall not cause or permit any article or animal (whether or not attached to a parachute) to be dropped from a small unmanned aircraft so as to endanger persons or property.

(2) The person in charge of a small unmanned aircraft may only fly the aircraft if reasonably satisfied that the flight can safely be made.

(3) The person in charge of a small unmanned aircraft must maintain direct, unaided visual contact with the aircraft sufficient to monitor its flight path in relation to other aircraft, persons, vehicles, vessels and structures for the purpose of avoiding collisions.

(4) The person in charge of a small aircraft which has a mass of more than 7 kg 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 -

- (a) in Class A, C, D or E airspace unless the permission of the appropriate air traffic control unit has been obtained,
- (b) within an aerodrome traffic zone during the notified hours of watch of the air traffic control unit (if any) at that aerodrome unless the permission of any such air traffic control unit has been obtained, or
- (c) at a height exceeding 400 feet above the surface unless it is flying in airspace described in paragraphs (a) or (b) and in accordance with the requirements thereof.

(5) The person in charge of a small unmanned aircraft must not fly the aircraft for the purposes of aerial work except in accordance with a permission granted by the Director of Civil Aviation.

(6) A person in charge of a small unmanned surveillance aircraft must not fly the aircraft in any of the circumstances described in subsection (7) except in accordance with a permission issued by the Director of Civil Aviation.

(7) The circumstances referred to in subsection (6) are -

- (a) over or within 150 metres of any congested area,
- (b) over or within 150 metres of an organised open-air assembly of more than 1,000 persons,

- (c) within 50 metres of any vessel, vehicle or structure which is not under the control of the person in charge of the aircraft, or
- (d) subject to subsections (8) and (9), within 50 metres of any person.

(8) Subject to subsection (9), during take-off or landing, a small unmanned surveillance aircraft may be flown within 50 metres but not within 30 metres of any person.

(9) Subsections (7)(d) and (8) do not apply to the person in charge of the small unmanned surveillance aircraft or a person under the control of the person in charge of the aircraft.

(10) In this section –

- (a) **"a small unmanned aircraft"** means any unmanned aircraft, other than a balloon or kite, having a mass of not more than 20kg without its fuel but including any articles or equipment installed in or attached to the aircraft at the commencement of its flight, and
- (b) **"a small unmanned surveillance aircraft"** means a small unmanned aircraft that is equipped to undertake any form of surveillance or data acquisition

Regulation of rockets.

38. (1) Subject to subsection (2), this section applies to -

- (a) small rockets of which the total impulse of the motor or combination of motors exceeds 160 Newton-seconds, and

(b) large rockets.

(2) This section does not apply to -

(a) an activity to which the Outer Space Act 1986^c, as it has effect in the Bailiwick, applies, or

(b) a military rocket.

(3) No person shall launch a small rocket to which this section applies unless the condition in subsection (4), and any of the conditions in subsection (5) which are applicable, are satisfied.

(4) The condition first mentioned in subsection (3) is that he has reasonably satisfied himself that -

(a) the flight can be safely made, and

(b) the airspace within which the flight will take place is, and will throughout the flight, remain clear of any obstructions including any aircraft in flight.

(5) The conditions mentioned secondly in subsection (3) are that -

(a) for a flight within controlled airspace, he has obtained the permission of the appropriate air traffic control unit for aircraft flying in that airspace,

(b) for a flight within an aerodrome traffic zone at any of the times specified in Column 2 of the Table in rule 45(1) of the Rules of the Air -

^c An Act of Parliament (Chap. 38) extended to the Bailiwick by UK SI 1990 No. 248.

- (i) he has obtained the permission of the air traffic control unit at the aerodrome,
- (ii) where there is no air traffic control unit, he has obtained from the aerodrome flight information service unit at that aerodrome information to enable the flight within the zone to be conducted safely, or
- (iii) where there is no air traffic control unit and no aerodrome flight information service unit, he has obtained information from the air/ground communications service unit at that aerodrome to enable the flight to be conducted safely, or
- (c) for a flight for aerial work purposes the flight is carried out under and in accordance with a permission granted by the Director of Civil Aviation.

(6) No person shall launch a large rocket unless he does so under and in accordance with a permission granted by the Director of Civil Aviation.

CHAPTER VI

OPERATION OF AIRCRAFT

Operation of aircraft.

39. A person may not operate an aircraft registered in Guernsey, or an aircraft registered elsewhere than in Guernsey in or over the Bailiwick, unless that person complies with -

- (a) the aircraft flight manual or equivalent document except as provided in section 5(4),

- (b) the Rules of the Air and any supplemental Rules of the Air made by the Director of Civil Aviation under section 34(1),
- (c) such instructions as shall be given and published by the Director of Civil Aviation in respect of the operation and safety of aircraft and the safety of persons and property carried therein, and
- (d) such instructions as shall be given by the Director of Civil Aviation in respect of the instruments and equipment to be installed therein or carried thereon.

Non-commercial air transport aircraft - aerodrome operating minima.

40. (1) This section applies to any aircraft that is not operating for the purposes of commercial air transport.

(2) An aircraft to which this section applies shall not conduct a Category II operation, an Other than Standard Category II operation or an approach and landing using minima lower than those for a Category II operation unless –

- (a) the aircraft is certificated for operations with decision heights below 200 feet, or no decision height, and is equipped for such operations, and
- (b) the operation is conducted under the terms of an approval so to do,

in accordance with the law of the country in which it is registered.

(3) An aircraft to which this section applies shall not –

- (a) take off when the relevant runway visual range is less than the specified runway visual range, or
- (b) conduct an approach and landing when the visibility or relevant runway visual range is less than that specified for a Category I operation,

otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(4) In the case of an aircraft registered in Guernsey, an approval referred to in subsections (2) and (3) shall be one issued by the Director of Civil Aviation.

(5) Without prejudice to the provisions of subsection (2) an aircraft to which this section applies, when making a descent at an aerodrome to a runway in respect of which there is a notified instrument approach procedure, shall not descend from a height of 1,000 feet or more above the aerodrome to a height less than 1,000 feet above the aerodrome if the reported visibility or relevant runway visual range for that runway is at the time less than the specified minimum for landing.

(6) Without prejudice to the provisions of subsection (2) an aircraft to which this section applies when making a descent to a runway in respect of which there is a notified instrument approach procedure shall not -

- (a) continue an approach to landing at such a runway by flying below the relevant specified decision height,
- (b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(7) If, according to the information available, an aircraft would as regards any flight be required by the Rules of the Air to be flown in accordance with the Instrument Flight Rules at the aerodrome of intended landing, the pilot-in-command of the aircraft shall select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(8) A flight to be conducted in accordance with the Instrument Flight Rules to an aerodrome when no alternate aerodrome is available shall not be commenced unless -

- (a) a designated instrument approach procedure is available for the aerodrome of intended landing, and
- (b) available current meteorological information indicates that Visual Meteorological Conditions will exist at the aerodrome of intended landing from two hours before to two hours after the estimated time of arrival.

(9) A flight shall not be continued towards the aerodrome of intended landing unless the latest available information indicates that conditions at that aerodrome, or at least one alternate aerodrome, will, at the estimated time of arrival, be at or above the specified aerodrome operating minima.

(10) In this section -

- (a) "**specified**" in relation to aerodrome operating minima means the particulars of aerodrome operating minima as have been notified in respect of the aerodrome or if the relevant minima have not been notified such minima as are ascertainable by reference to the notified method for calculating the aerodrome operating minima,

- (b) **"Category I operation", "Category II operation" and "Other than Standard Category II operation"** have the same meaning as in section 68(9), and
- (c) **"designated"** in relation to an instrument approach procedure means notified, prescribed or otherwise designated by the relevant competent authority.

Pilots to remain at controls.

41. (1) The pilot-in-command of a flying machine or glider registered in Guernsey shall cause one pilot to remain at the controls at all times while it is in flight.

(2) If the flying machine or glider is required by or under this Law to carry two pilots, the pilot-in-command shall cause both pilots to remain at the controls during take-off and landing.

(3) If the flying machine or glider carries two or more pilots (whether or not it is required to do so) and is engaged on a flight for the purpose of the commercial air transport of passengers, the pilot-in-command shall remain at the controls during take-off and landing.

(4) An operator shall not permit a helicopter rotor to be turned under power for the purpose of making a flight unless there is a person at the controls entitled to act as pilot-in-command of the helicopter in accordance with the provisions of section 18.

(5) Each pilot at the controls shall be secured in his seat by either a safety belt with or without one diagonal shoulder strap, or a safety harness except that during take-off and landing a safety harness shall be worn if it is required by section 12 to be provided.

Wearing of survival suits by crew.

42. (1) Each member of the crew of an aircraft registered in Guernsey shall wear a survival suit if such a suit is required by section 12 to be carried.

(2) This section does not apply to any member of the crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate.

Pre-flight action by pilot-in-command of an aircraft.

43. The pilot-in-command of an aircraft shall reasonably satisfy himself before the aircraft takes off -

- (a) that the flight can safely be made, taking into account the latest information available as to the route and aerodrome to be used, the weather reports and forecasts available and any alternative course of action which can be adopted in case the flight cannot be completed as planned,
- (b) that -
 - (i) the equipment (including radio apparatus) required by or under this Law to be carried in the circumstances of the intended flight is carried and is in a fit condition for use, or
 - (ii) that the flight may commence under and in accordance with the terms of a permission granted to the operator under section 14,
- (c) that the aircraft is in every way fit for the intended flight,

- (d) that the load carried by the aircraft is of such weight, and is so distributed and secured, that it may safely be carried on the intended flight,
- (e) in the case of a flying machine or airship, that sufficient fuel, oil and engine coolant (if required) are carried for the intended flight, and that a safe margin has been allowed for contingencies, and, in the case of a flight for the purpose of commercial air transport, that the instructions in the operations manual relating to fuel, oil and engine coolant have been complied with,
- (f) in the case of an airship or balloon, that sufficient ballast is carried for the intended flight,
- (g) in the case of a flying machine that, having regard to the performance of the flying machine in the conditions to be expected on the intended flight, and to any obstructions at the places of departure and intended destination and on the intended route, it is capable of safely taking off, reaching and maintaining a safe height thereafter and making a safe landing at the place of intended destination, and
- (h) that any pre-flight check system established by the operator and set forth in the operations manual or elsewhere has been complied with by each member of the crew of the aircraft.

Passenger briefing by pilot in command.

44. The pilot-in-command of an aircraft registered in Guernsey shall take all reasonable steps to ensure -

- (a) before the aircraft takes off on any flight, that all passengers are made familiar with the position and method of use of emergency exits, safety belts (with diagonal shoulder strap where required to be carried), safety harnesses and (where required to be carried) oxygen equipment, lifejackets and the floor path lighting system and all other devices required by or under this Law and intended for use by passengers individually in the case of an emergency occurring to the aircraft, and
- (b) that in an emergency during a flight, all passengers are instructed in the emergency action which they should take.

Survival equipment.

45. (1) This section applies to any aircraft registered in Guernsey.

(2) The pilot-in-command of an aircraft to which this section applies shall reasonably satisfy himself before take-off that the aircraft carries such additional equipment as he shall reasonably consider necessary for the purpose of facilitating the survival of the persons carried in the aircraft.

(3) In satisfying himself as required by subsection (2) the pilot-in-command shall have regard to the circumstances of the intended flight, including in particular the likelihood of ditching and the availability of search and rescue facilities.

Use of oxygen.

46. (1) This section applies to any aircraft registered in Guernsey.

(2) In relation to every flight to which this section applies the pilot-in-command of the aircraft shall, except where the cabin pressure altitude does not exceed 10,000 feet during the flight, take all reasonable steps to ensure that -

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of section 12 is demonstrated to all passengers,
- (b) when flying above flight level 130 all passengers and crew members are instructed to use oxygen,
- (c) during any period when the aircraft is flying above flight level 100 up to and including flight level 130 oxygen is used by all the flight crew of the aircraft for that part of the flight at those altitudes that is of more than 30 minutes duration, and
- (d) during any period when the aircraft is flying above flight level 130 oxygen is used continuously by all the flight crew of the aircraft.

Operation of radio in aircraft.

47. (1) A radio station in an aircraft shall not be operated, whether or not the aircraft is in flight, except in accordance with the conditions of the licence issued in respect of that station under the law of the country in which the aircraft is registered or the State of the operator and by a person duly licensed or otherwise permitted to operate the radio station under that law.

(2) Whenever an aircraft is in flight in such circumstances that it is required by or under this Law to be equipped with radio communications apparatus, a continuous radio watch shall be maintained by a member of the flight crew listening to the signals transmitted upon the frequency notified, or designated by a message received from an appropriate aeronautical radio station, for use by that aircraft.

(3) The radio watch referred to under subsection (2) -

- (a) may be discontinued or continued on another frequency to the extent that a message so permits,
- (b) may be kept by a device installed in the aircraft if -
 - (i) the appropriate aeronautical radio station has been informed to that effect and has raised no objection, and
 - (ii) that station is notified, or in the case of a station situated in a country other than the Bailiwick, otherwise designated as transmitting a signal suitable for that purpose.

(4) Whenever an aircraft is in flight in such circumstances that it is required by or under this Law to be equipped with radio or radio navigation equipment a member of the flight crew shall operate that equipment in such a manner as he may be instructed by the appropriate air traffic control unit or as may be notified in relation to any notified airspace in which the aircraft is flying.

(5) The radio station in an aircraft shall not be operated so as to cause interference with or which impairs the efficiency of aeronautical telecommunications or navigational services, and in particular emissions shall not be made except as follows -

- (a) emissions of the class and frequency for the time being in use, in accordance with general international aeronautical practice, in the airspace in which the aircraft is flying,
- (b) distress, urgency and safety messages and signals, in accordance with general international aeronautical practice,

- (c) messages and signals relating to the flight of the aircraft, in accordance with general international aeronautical practice, and
- (d) such public correspondence messages as may be permitted by or under the aircraft radio station licence referred to in subsection (1).

Height keeping performance.

48. (1) An aircraft registered in Guernsey shall not fly in reduced vertical separation minimum airspace unless -

- (a) the aircraft has been approved by the Director of Civil Aviation under Chapter II for operations in such airspace, and
- (b) the operator has been approved by the Director of Civil Aviation, and
- (c) while the aircraft is flying in the said airspace, it shall be operated in accordance with operating procedures approved by the Director of Civil Aviation.

(2) An aircraft, registered elsewhere than in Guernsey, shall not fly in reduced vertical separation minimum airspace in the Bailiwick unless -

- (a) it is so equipped with height keeping systems as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying in any specified areas, and
- (b) the said equipment is capable of being operated so as to enable the aircraft to maintain the height keeping performance

prescribed in respect of the airspace in which the aircraft is flying, and it is so operated.

(3) An aircraft need not comply with the requirements of subsection (1) or (2), where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

Area navigation and required navigation performance capabilities.

49. (1) An aircraft registered in Guernsey shall not fly in areas with specified performance based navigation unless –

- (a) it is equipped with navigation equipment that complies with such instructions and requirements as are published by the Director of Civil Aviation under sections 39 and 135 of this Law,
- (b) the operator has been approved by the Director of Civil Aviation, and
- (c) while the aircraft is flying in such airspace, on such routes or in accordance with such procedures, it shall be operated in accordance with operating procedures approved by the Director of Civil Aviation.

(2) An aircraft, registered elsewhere than in Guernsey, shall not fly in areas with specified performance based navigation in the Bailiwick unless –

- (a) it is equipped with area navigation equipment so as to comply with the law of the country in which the aircraft is registered insofar as that law requires it to be so equipped when flying in areas with specified performance based navigation, and

- (b) the said equipment is capable of being operated so as to enable the aircraft to meet the required performance in terms of navigation functionality, accuracy, integrity, availability and continuity, and it is so operated.

(3) An aircraft need not comply with the requirements of subsections (1) or (2) where the flight has been authorised by the appropriate air traffic control unit notwithstanding the lack of compliance and provided that the aircraft complies with any instructions the air traffic control unit may give in the particular case.

(4) For the purposes of this section "**areas with specified performance based navigation**" means airspace, routes or procedures which have been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying there.

Minimum navigation performance.

50. (1) An aircraft registered in Guernsey shall not fly in minimum navigation performance specifications airspace unless –

- (a) it is equipped with navigation equipment that complies with such instructions and requirements as are published by the Director of Civil Aviation under sections 39 and 135 of this Law,
- (b) the operator has been approved by the Director of Civil Aviation, and
- (c) while the aircraft is flying in the said airspace, it shall be operated in accordance with operating procedures approved by the Director of Civil Aviation.

(2) For the purposes of this section "**Minimum navigation performance specifications airspace**" means airspace which has been notified, prescribed or otherwise designated as such by the competent authority for the airspace, based on the ICAO Regional Air Navigation Agreement currently in force.

Use of airborne collision avoidance system.

51. On any flight on which an airborne collision avoidance system is required in accordance with section 12 to be carried in an aeroplane, the system shall be operated -

- (a) in the case of an aircraft to which section 61 applies, in accordance with procedures contained in the operations manual for the aircraft,
- (b) in the case of an aircraft registered in Guernsey to which section 61 does not apply, in accordance with procedures which are suitable having regard to the purposes of the equipment, or
- (c) in the case of an aircraft which is registered elsewhere than in Guernsey, in accordance with any procedures with which it is required to comply under the law of the country in which the aircraft is registered.

Use of flight recording systems and preservation of records.

52. (1) On any flight on which a flight recorder is required in accordance with section 12 to be carried in an aeroplane, it shall be operated continuously from the time the first engine is started for the purpose of making a flight until the time the last engine is shut down after landing.

(2) On any flight on which a flight recorder is required in accordance with section 12 to be carried in a helicopter, it shall be operated continuously from the time the rotors first turn for the purpose of making a flight until the rotors are next stopped.

(3) In the event of an incident or accident, the pilot-in-command and the operator of the aircraft shall ensure that flight recorders are de-activated and shall, subject to section 109, preserve flight recorders and records in accordance with such requirements as may be prescribed or as directed by the Director of Civil Aviation.

(4) The operator of the aircraft shall ensure that operational checks and evaluations of recordings from the flight data recorder and cockpit voice recorder systems are conducted in accordance with the requirements made under sections 4 and 7 to ensure the continued serviceability of the recorders.

Carriage of sporting weapons and munitions of war.

53. (1) Subject to subsection (5), an aircraft shall not carry any munition of war unless -

- (a) such munition of war is carried with the written permission of the Director of Civil Aviation and in accordance with any conditions relating thereto, and
- (b) the pilot-in-command of the aircraft is informed in writing by the operator before the flight commences of the type, weight or quantity and location of any such munition of war on board or suspended beneath the aircraft and any conditions of the permission of the Director of Civil Aviation.

(2) In the case of an aircraft which is flying under and in accordance with the terms of a police air operator's certificate the pilot-in-command of the aircraft shall be informed of the matters referred to in subsection (1)(b) but he need not be so informed in writing.

(3) It shall be unlawful for an aircraft to carry any sporting weapon or munition of war in any compartment or apparatus to which passengers have access.

(4) It shall be unlawful for a person to carry or have in his possession or take or cause to be taken on board an aircraft, to suspend or cause to be suspended beneath an aircraft or to deliver or cause to be delivered for carriage thereon any sporting weapon or munition of war unless -

- (a) the sporting weapon or munition of war -
 - (i) is either part of the baggage of a passenger on the aircraft or consigned as cargo to be carried thereby,
 - (ii) is carried in a part of the aircraft, or in any apparatus attached to the aircraft inaccessible to passengers, and
 - (iii) in the case of a firearm, is unloaded,
- (b) particulars of the sporting weapon or munition of war have been furnished by that passenger or by the consignor to the operator before the flight commences, and
- (c) without prejudice to subsection (1), the operator consents to the carriage of such sporting weapon or munition of war by the aircraft.

(5) Subsections (3) and (4) do not apply to or in relation to an aircraft which is flying under and in accordance with the terms of a police air operator's certificate.

(6) Nothing in this section applies to any sporting weapon or munition of war taken or carried on board an aircraft registered in a country other than Guernsey if the sporting weapon or munition of war, as the case may be, may under the law of the country in which the aircraft is registered be lawfully taken or carried on board for the purpose of ensuring the safety of the aircraft or of persons on board.

(7) For the purposes of this section -

(a) **"munition of war"** means -

- (i) any weapon or ammunition,
- (ii) any article containing an explosive, noxious liquid or gas, or
- (iii) any other thing,

which is designed or made for use in warfare or against persons, including parts, whether components or accessories, for such weapon, ammunition or article,

(b) **"sporting weapon"** means -

- (i) any weapon or ammunition,
- (ii) any article containing an explosive, noxious liquid or gas, or
- (iii) any other thing, including parts, whether components or accessories, for such weapon, ammunition or article,

which is not a munition of war.

Carriage of dangerous goods - Air Navigation (Dangerous Goods) Regulations.

54. (1) Without prejudice to any other provision of this Law, the Department may, with the approval of the Director make, amend, vary or revoke, regulations under this

section (hereinafter referred to in this Law as "**the Air Navigation (Dangerous Goods) Regulations**") prescribing -

- (a) the classification of certain articles and substances as dangerous goods,
- (b) the categories of dangerous goods which an aircraft may not carry,
- (c) the conditions which apply to the loading on, suspension beneath and carriage by an aircraft of dangerous goods,
- (d) the manner in which dangerous goods must be packed, marked, labelled and consigned before being loaded on, suspended beneath or carried by an aircraft,
- (e) any other provisions for securing the safety of aircraft and any apparatus attached thereto and the safety of persons and property on the surface in relation to the loading on, suspension beneath or carriage by an aircraft of dangerous goods,
- (f) the persons to whom information about the carriage of dangerous goods must be provided,
- (g) the documents relating to the carriage by an aircraft of dangerous goods which must be produced to the Director or an authorised person on request, and
- (h) the powers to be conferred on an authorised person relating to the enforcement of the regulations made hereunder.

(2) The regulations set out in Schedule 5 shall have effect as if made by the Department under subsection (1).

(3) It is an offence to contravene, to permit the contravention of, or to fail to comply with the Air Navigation (Dangerous Goods) Regulations.

(4) The provisions -

(a) of this section, and

(b) of the Air Navigation (Dangerous Goods) Regulations,

are additional to and not in derogation from the provisions of section 53.

Duties of pilot-in-command - search and rescue.

55. Without prejudice to any other provision of this Law, the pilot-in-command of an aircraft that is either registered in Guernsey or if not so registered flying within the Bailiwick airspace shall cooperate in fulfilling the instructions of the Director of Civil Aviation in relation to the provision of assistance to an aircraft or vessel in distress or in relation to search and rescue.

Method of carriage of persons.

56. (1) A person shall not -

(a) be in, or on, any part of an aircraft in flight which is not a part designed for the accommodation of persons and in particular a person shall not be on the wings or undercarriage of an aircraft, or

(b) be in, or on, any object, other than a glider or flying machine, towed by or attached to an aircraft in flight.

(2) A person may have temporary access to -

- (a) any part of an aircraft for the purpose of taking action necessary for the safety of the aircraft or of any person, animal or goods therein, and
- (b) any part of an aircraft in which cargo or stores are carried, being a part which is designed to enable a person to have access thereto while the aircraft is in flight.

(3) This section does not apply to a passenger in a helicopter flying under and in accordance with a police air operator's certificate, who is disembarking in accordance with a procedure contained in the police operations manual for the helicopter.

Exits.

57. (1) This section applies to every helicopter, and aircraft to which section 75 applies, that is registered in Guernsey.

(2) Whenever an aircraft or helicopter to which this section applies is carrying passengers, every exit and every internal door in the aircraft or helicopter shall be in working order, and, subject to subsection (3), during take-off and landing and during any emergency, every exit and door shall be kept free from obstruction and shall not be fastened by locking or otherwise so as to prevent, hinder or delay its use by passengers.

(3) In the case of -

- (a) an exit which, in accordance with arrangements approved by the Director of Civil Aviation either generally or in relation to a class of aircraft or helicopter or a particular aircraft or helicopter, is not required for use by passengers, may be obstructed by cargo,

- (b) a door between the flight crew compartment and any adjacent compartment to which passengers have access the door may be locked or bolted if the pilot-in-command of the aircraft or helicopter so determines, for the purpose of preventing access by passengers to the flight crew compartment,
- (c) any internal door which is so placed that it cannot prevent, hinder or delay the exit of passengers from the aircraft or helicopter in an emergency if it is not in working order,

subsection (2) shall not apply.

(4) Every exit from the aircraft or helicopter shall be marked on interior surfaces with the words "exit" or "emergency exit" in capital letters, which shall be red in colour and if necessary shall be outlined in white to contrast with the background.

(5) Every exit from the aircraft or helicopter shall be marked on exterior surfaces with the words "exit" or "emergency exit" in capital letters, which shall be located on a background that provides adequate contrast.

(6) Every exit from the aircraft or helicopter shall be marked on interior surfaces on or near the inside surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which shall be red in colour and located on a background which provides adequate contrast.

(7) Every exit from the aeroplane or helicopter which may be opened from the outside shall be marked on or near the exterior surface of the door or other closure of the exit with instructions in English and with diagrams to indicate the correct method of opening the exit, which shall be located on a background which provides adequate contrast.

(8) The markings required by this section shall –

(a) be painted, or affixed by other equally permanent means, and

(b) be kept at all times clean and unobscured.

(9) Subject to compliance with subsection (10), if one, but not more than one, exit from an aircraft or helicopter becomes inoperative at a place where it is not reasonably practicable for it to be repaired or replaced, nothing in this section shall prevent that aircraft or helicopter from carrying passengers until it next lands at a place where the exit can be repaired or replaced.

(10) On any flight on which this subsection must be complied with –

(a) the number of passengers carried and the position of the seats which they occupy shall be in accordance with arrangements approved by the Director of Civil Aviation either in relation to the particular aircraft or helicopter or to a class of aircraft or helicopter, and

(b) in accordance with arrangements so approved, the exit shall be fastened by locking or otherwise, the words 'Exit' or 'Emergency Exit' shall be covered, and the exit shall be marked by a red disc at least 23 centimetres in diameter with a horizontal white bar across it bearing the words 'No Exit' in red letters.

Marking of break-in areas.

58. (1) This section applies to all aircraft registered in Guernsey.

(2) An operator shall ensure that, if areas of the fuselage suitable for break-in by rescue crews in emergency are marked on aircraft to which this section applies, such areas shall be marked upon the exterior surface of the fuselage with markings to show

the areas (in this subsection referred to as "break-in areas") which can, for purposes of rescue in an emergency, be most readily and effectively broken into by persons outside the aircraft.

(3) The break-in areas shall be marked by right-angled corner markings, each arm of which shall be 9 cm in length along its outer edge and 3 cm in width and if the corner markings are more than 2 metres apart, intermediate lines 9 cm x 3 cm shall be inserted so that there is no more than 2 metres between adjacent marks.

(4) The colour of the break-in markings shall be red or yellow, and if necessary they shall be outlined in white to contrast with the background.

(5) If instructions are marked on the break-in areas, the words "Cut Here in Emergency" shall be marked across the centre of each break-in area in capital letters.

(6) The markings required by this section shall –

(a) be painted, or affixed by other equally permanent means, and

(b) be kept at all times clean and unobscured.

Flying Displays.

59. (1) No person shall act as the organiser of a flying display (in this section referred to as "**the flying display director**") unless he has obtained the permission in writing of the Director of Civil Aviation under subsection (5) for that flying display and complies with any specified conditions.

(2) The pilot-in-command of an aircraft who is –

(a) intending to participate in a flying display shall take all reasonable steps to satisfy himself before he participates that –

(i) the flying display director has been granted an appropriate permission under subsection (5),

(ii) the flight can comply with any relevant conditions subject to which that permission may have been granted, or

(iii) the pilot has been granted an appropriate pilot display authorisation, or

(b) participating in a flying display for which a permission has been granted shall comply with any conditions subject to which that permission may have been granted.

(3) No person shall act as pilot of an aircraft participating in a flying display unless he holds an appropriate pilot display authorisation and he complies with any conditions subject to which the authorisation may have been given.

(4) The flying display director shall not permit any person to act as pilot of an aircraft that participates in a flying display unless such person holds an appropriate pilot display authorisation.

(5) The Director of Civil Aviation -

(a) shall grant a permission required by virtue of subsection (1) if he is satisfied that the applicant is a fit and competent person, having regard in particular to his previous conduct and experience, his organisation, staffing and other arrangements, to safely organise the proposed flying display, and

- (b) may grant a permission subject to such conditions, which may include conditions in respect of military aircraft, as the Director of Civil Aviation thinks fit.

(6) The Director of Civil Aviation shall, for the purposes of this section -

- (a) grant a pilot display authorisation authorising the holder to act as pilot of an aircraft taking part in a flying display upon his being satisfied that the applicant is a fit person to hold the authorisation and is qualified by reason of his knowledge, experience, competence, skill, physical and mental fitness to fly in accordance therewith and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests as the Director of Civil Aviation may require, and
- (b) authorise a person to conduct such examinations or tests as he may specify.

(7) A pilot display authorisation granted in accordance with this section shall, subject to section 111, remain in force for the period indicated in the pilot display authorisation.

(8) For the purposes of this section, an appropriate pilot display authorisation shall mean an authorisation which is valid and appropriate to the intended flight and which has been granted by the Director of Civil Aviation under subsection (5).

(9) Subsection (1) does not apply to a flying display at which the only participating aircraft are military aircraft.

(10) The flying display director shall not permit any military aircraft to participate in a flying display unless he complies with any conditions specified in respect of military aircraft subject to which permission for the flying display may have been granted.

(11) Nothing in this section applies to an aircraft race or contest or to an aircraft taking part in such a race or contest or to the pilot-in-command or pilot thereof whether or not such race or contest is held in association with a flying display.

CHAPTER VII

AIR OPERATOR CERTIFICATION AND COMMERCIAL AIR TRANSPORT OPERATIONS

Issue of police air operator's certificates.

60. (1) A flight by an aircraft registered in Guernsey in the service of the police authority for the Bailiwick shall, for the purposes of this Law, be deemed to be a flight for the purpose of commercial air transport.

(2) If any passenger is carried on such a flight it shall be deemed to be for the purpose of commercial air transport of passengers and, save as otherwise expressly provided, the provisions of this Law and shall be complied with in relation to any such flight as if that flight was for the purpose of commercial air transport.

(3) An aircraft registered in Guernsey shall not fly on any flight in the service of the police authority otherwise than under and in accordance with the terms of a police air operator's certificate granted to the operator of the aircraft under subsection (4).

(4) The Director of Civil Aviation shall grant a police air operator's certificate if he is satisfied that the applicant is competent, having regard in particular to –

- (a) his previous conduct and experience, and
- (b) his equipment, organisation, staffing, maintenance and other arrangements,

to secure that the operation of aircraft of the types specified in the certificate shall be as safe as is appropriate when flying on flights of the description and for the purposes so specified.

Police operations manual.

61. (1) This section applies to aircraft flying, or intended by the operator of the aircraft to fly, under and in accordance with the terms of a police air operator's certificate.

(2) An aircraft to which this section applies shall not fly except under and in accordance with the terms of Part I and Part II of a police operations manual, Part I of which shall have been approved in respect of the aircraft by the Director of Civil Aviation.

(3) The operator of every aircraft to which this section applies shall –

- (a) make available to each member of its operating staff a police operations manual,
- (b) ensure that each copy of the operations manual is kept up to date, and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on the flight.

(4) Each police operations manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(5) The Director of Civil Aviation may approve Part I of the police operations manual for the purposes of this section either absolutely or subject to such conditions as he thinks fit.

(6) An aircraft to which this section applies shall not fly unless, not less than 30 days prior to such flight, the operator of the aircraft has furnished to the Director of Civil Aviation a copy of Part II of the police operations manual for the time being in effect in respect of the aircraft.

(7) Any amendments or additions to Part II of the police operations manual shall be provided by the operator to the Director of Civil Aviation before or immediately after they come into effect.

(8) Where an amendment or addition relates to the operation of an aircraft to which the police operations manual did not previously relate, that aircraft shall not fly in the service of the police authority under and in accordance with the terms of a police operator's certificate until the amendment or addition has been furnished to the Director of Civil Aviation.

(9) Notwithstanding subsections (1) to (8), the operator shall make such amendments or additions to the police operations manual as the Director of Civil Aviation may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried therein, or the safety, efficiency or regularity of air navigation.

Flight data monitoring, accident prevention and flight safety programme.

62. (1) The operator of an aircraft registered in Guernsey flying for the purpose of commercial air transport shall establish and maintain an accident prevention and flight safety programme.

(2) The operator of an aeroplane registered in Guernsey with a maximum total weight authorised of more than 27,000 kg flying for the purpose of commercial air transport shall include a flight-data monitoring programme as part of its accident prevention and flight safety programme.

(3) The sole objective of an accident prevention and flight safety programme is the prevention of accidents and incidents and each programme shall be designed and managed to meet that objective.

(4) It is not the purpose of an accident prevention and flight safety programme to apportion blame or liability.

Commercial air transport – operator's responsibilities.

63. (1) The operator of an aircraft registered in Guernsey shall not permit the aircraft to fly for the purpose of commercial air transport without first -

- (a) designating from among the flight crew a pilot to be the pilot-in-command of the aircraft for the flight,
- (b) satisfying himself by every reasonable means that the aeronautical radio stations and navigational aids serving the intended route or any planned diversion are adequate for the safe navigation of the aircraft, and
- (c) satisfying himself by every reasonable means that -
 - (i) every place (whether or not an aerodrome) at which it is intended to take off or land and any alternate place (whether or not an aerodrome) at which a landing may be made are suitable for the purpose, and
 - (ii) every such place in particular will be adequately manned and equipped at the time at which it is reasonably estimated such a take-off or landing will be made to ensure so far as practicable the safety of the aircraft and its passengers.

(2) The operator of an aircraft registered in Guernsey shall not permit any person to be a member of the crew during any flight for the purpose of commercial air transport (except a flight for the sole purpose of training persons to perform duties in aircraft) unless -

- (a) such person has had the training, experience, practice and periodical tests specified by the Director of Civil Aviation in respect of the duties which he is to perform, and
- (b) the operator has satisfied himself that such person is competent to perform his duties, and in particular to use the equipment provided in the aircraft for that purpose.

(3) The operator shall maintain, preserve, produce and furnish information respecting records relating to the matters specified in subsection (2) in accordance with requirements required by the Director of Civil Aviation under section 135.

(4) The operator of an aircraft registered in Guernsey shall not permit any member of the flight crew thereof, during any flight for the purpose of the commercial air transport of passengers, to simulate emergency manoeuvres and procedures which the operator has reason to believe will adversely affect the flight characteristics of the aircraft.

Loading – commercial air transport aircraft and suspended loads.

64. (1) The operator of an aircraft registered in Guernsey shall not cause or permit it to be loaded for a flight for the purpose of commercial air transport, or any load to be suspended from it, except under the supervision of a person to whom he has provided written instructions as to the distribution and securing of the load so as to ensure that –

- (a) the load may safely be carried on the flight, and
- (b) any conditions subject to which the certificate of airworthiness in force in respect of the aircraft was issued or rendered valid

or contained in the flight manual for the aircraft relating to the loading of the aircraft are complied with.

(2) The person supervising the loading of the aircraft shall, before the commencement of any such flight, prepare and sign a load sheet in duplicate conforming to the requirements specified by the Director of Civil Aviation, and shall (unless he is himself the pilot-in-command of the aircraft) submit the load sheet for examination by the pilot-in-command of the aircraft who shall sign his name thereon.

(3) The operator of an aircraft registered in Guernsey and flying for the purpose of the commercial air transport of passengers shall not cause or permit baggage to be carried in the passenger compartment of the aircraft unless such baggage can be properly secured.

Commercial air transport aircraft – aeroplane operating conditions and performance requirements.

65. (1) Without prejudice to the provisions of section 39, an aeroplane registered in Guernsey shall not fly for the purpose of commercial air transport unless it complies with such data as may be approved by the State of design and contained in the flight manual for the aeroplane and such requirements as are published by the Director of Civil Aviation under section 135 -

- (a) in respect of its weight and related performance,
- (b) for flight in specified meteorological conditions, and
- (c) for flight at night.

(2) An aeroplane need not comply with subsection (1) if it is flying under and in accordance with an approval granted to the operator by the Director of Civil Aviation under subsection (3).

(3) The Director of Civil Aviation may grant to the operator in respect of any aeroplane an approval authorising it to comply with alternative performance standards appropriate to the aeroplane and specified in the approval.

(4) An aeroplane registered in Guernsey when flying over water for the purpose of commercial air transport shall fly, except as may be necessary for the purpose of take-off or landing, at such an altitude as would enable the aeroplane -

- (a) if it has one engine only, in the event of the failure of that engine, or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the aeroplane,

to reach a place at which it can safely land at a height sufficient to enable it to do so, unless it is flying under and in accordance with the terms of an approval granted by the Director of Civil Aviation.

Commercial air transport – helicopters – operating conditions and performance requirements.

66. (1) Without prejudice to the provisions of section 39, a helicopter registered in Guernsey shall not fly for the purpose of commercial air transport unless it complies with such data as may be approved by the State of design and contained in the flight manual for the helicopter and such requirements as are published by the Director of Civil Aviation under section 135 of this Law -

- (a) in respect of its weight and related performance,
- (b) flight in specified meteorological conditions, and

(c) for flight at night.

(2) A helicopter need not comply with subsection (1) if it is flying under and in accordance with an approval granted to the operator by the Director of Civil Aviation under subsection (3).

(3) The Director of Civil Aviation may grant to the operator in respect of any helicopter an approval authorising it to comply with alternative performance standards appropriate to the helicopter and specified in the approval.

(4) Except as provided in subsection (5), and except as may be necessary for the purpose of take-off or landing, a helicopter registered in Guernsey when flying over water for the purpose of commercial air transport shall fly at such an altitude as would enable the helicopter -

- (a) if it has one engine only, in the event of the failure of that engine, or
- (b) if it has more than one engine, in the event of the failure of one of those engines and with the remaining engine or engines operating within the maximum continuous power conditions specified in the certificate of airworthiness or flight manual for the helicopter,

to reach a place at which it can safely land at a height sufficient to enable it to do so.

(5) A helicopter carrying out Performance Class 3 operations shall not fly over water for the purpose of commercial air transport in the specified circumstances unless it is equipped with the required apparatus.

(6) A helicopter which is equipped with the required apparatus and which is flying under and in accordance with the terms of a police air operator's certificate -

- (a) on which any passenger is carried who is not a permitted passenger, shall not fly in the specified circumstances on any flight for more than 20 minutes, or
- (b) on which no passenger is carried other than a permitted passenger, shall not fly over water on any flight for more than 10 minutes so as to be more than 5 minutes from a point from which it can make an autorotative descent to land at a place suitable for an emergency landing.

(7) For the purposes of subsection (6) flying time shall be calculated at normal cruising speed.

(8) For the purposes of this section -

- (a) "**medical attendant**" means a person carried on a flight for the purpose of attending to any person in the aircraft in need of medical attention, or to be available to attend to such person,
- (b) "**Performance Class 3 operations**" means flights where, in the event of the failure of a power unit at any time during the flight, the helicopter will be required to carry out a forced landing,
- (c) "**permitted passenger**" means -
 - (i) a police officer,

- (ii) a medical attendant,
 - (iii) the holder of a valid pilot's licence who intends to act as a member of the flight crew of an aircraft flying under and in accordance with the terms of a police air operator's certificate and who is being carried for the purpose of training or familiarisation, or
 - (iv) such other person being carried for purposes connected with police operations as may be permitted in writing by the Director of Civil Aviation,
- (d) "**police officer**" means –
- (i) a member of the salaried police force of the Island of Guernsey,
 - (ii) a member of the special constabulary of the Island of Guernsey, and
 - (iii) a member of any other police force of the British Islands,
- (e) "**required apparatus**" means apparatus approved by the Director of Civil Aviation enabling the helicopter to which it is fitted to land safely on water,
- (f) "**specified circumstances**" means circumstances in which a helicopter is flying beyond a point from which it can make an autorotative descent to land at a place suitable for an emergency landing.

Commercial air transport operations at night or in Instrument Meteorological Conditions by single engine aeroplanes.

67. An aeroplane that is powered by one power unit only must not fly for the purpose of commercial air transport at night or when the cloud ceiling or visibility prevailing at the aerodrome of departure or forecast for the estimated time of landing at the aerodrome at which it is intended to land or at any alternate aerodrome are less than 1,000 feet and 1 nautical mile respectively.

Commercial air transport aircraft - aerodrome-operating minima.

68. (1) Commercial air transport aircraft shall not fly in or over the Bailiwick unless the operator thereof has made available to the flight crew aerodrome operating minima that comply with subsection (2) in respect of every aerodrome at which it is intended to land or take off and every alternate aerodrome.

(2) The aerodrome operating minima provided in accordance with subsection (1) shall be no less restrictive than either -

- (a) minima calculated in accordance with the notified method for calculating aerodrome operating minima, or
- (b) minima which comply with the law of the country in which the aircraft is registered,

whichever are the more restrictive.

(3) Commercial air transport aircraft shall not -

- (a) take off when the relevant runway visual range is less than the specified runway visual range; or

- (b) conduct an approach and landing when the visibility or relevant runway visual range is less than that specified for a Category I operation,

otherwise than under and in accordance with the terms of an approval so to do granted in accordance with the law of the country in which it is registered.

(4) Commercial air transport aircraft shall not take off or land at an aerodrome in the Bailiwick in contravention of the specified aerodrome operating minima.

(5) Without prejudice to the provisions of subsections (3)(b) and (4), commercial air transport aircraft, when making a descent to an aerodrome, shall not descend from a height of 1000 feet or more above the aerodrome to a height of less than 1000 feet above the aerodrome if the reported visibility or relevant runway visual range at the aerodrome is at the time less than the specified minimum for landing.

(6) Without prejudice to the provisions of subsections (3)(b), (4) and (5), commercial air transport aircraft, when making a descent to an aerodrome shall not -

- (a) continue an approach to landing at any aerodrome by flying below the relevant specified decision height, or
- (b) descend below the relevant specified minimum descent height,

unless in either case from such height the specified visual reference for landing is established and is maintained.

(7) An aircraft to which this section applies shall not conduct a Category II operation, an Other than Standard Category II operation or an approach and landing using minima lower than those for a Category II operation unless -

- (a) the aircraft is certificated for operations with decision heights below 200 feet, or no decision height, and is equipped for such operations, and
- (b) the operation is conducted under the terms of an approval so to do,

in accordance with the law of the country in which it is registered.

(8) In this section -

- (a) "**specified**" means specified by the operator in the aerodrome operating minima made available to the flight crew under subsection (2),
- (b) "**Category I operation**" means a precision instrument approach and landing with a decision height not lower than 200 feet and with either a visibility not less than 800 metres or a runway visual range not less than 550 metres,
- (c) "**Category II operation**" means a precision approach and landing using an Instrument Landing System or Microwave Landing System with –
 - (i) a decision height below 200 feet but not lower than 100 feet, and
 - (ii) a runway visual range of not less than 300 metres,
- (d) "**Other than Standard Category II operation**" means a Category II operation to a runway where some or all of the

elements of the ICAO Annex 14 precision approach Category II lighting system are not available.

Carriage of passengers – additional duties of pilot in command.

69. (1) This section applies to flights for the purpose of the commercial air transport of passengers by aircraft registered in Guernsey.

(2) Before an aircraft takes off on a flight to which this section applies, and before it lands, the pilot-in-command shall take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats.

(3) From the moment when, after the embarkation of its passengers for the purpose of taking off on a flight to which this section applies, an aircraft first moves until after it has taken off, and before it lands until it comes to rest for the purpose of the disembarkation of its passengers, and whenever by reason of turbulent air or any emergency occurring during the flight the pilot-in-command considers the precaution necessary he shall take all reasonable steps to ensure that all passengers of 2 years of age or more are properly secured in their seats by safety belts (with diagonal shoulder strap, where required to be carried) or safety harnesses and that all passengers under the age of 2 years are properly secured by means of a child restraint device.

(4) The pilot-in-command shall ensure that an aircraft with a non-pressurised cabin shall not be operated above flight level 100, otherwise than under and in accordance with the terms of an approval granted by the Director of Civil Aviation.

(5) Except where the cabin pressure altitude does not exceed 10,000 feet during the flight, the pilot-in-command shall take all reasonable steps to ensure that -

- (a) before the aircraft reaches flight level 130 the method of use of the oxygen provided in the aircraft in compliance with the requirements of section 12 is demonstrated to all passengers,

- (b) when flying above flight level 130 all passengers and cabin crew are instructed to use oxygen, and
- (c) during any period when the aircraft is flying above flight level 100 oxygen is used continuously by all the flight crew of the aircraft.

CHAPTER VIII

AERIAL WORK

Grant of aerial work certificates.

70. (1) An aircraft shall not be used for the purposes of aerial work as defined in section 138 (including the dropping of articles for the purposes of agriculture, horticulture or forestry or for training for the dropping of articles for any of such purposes), otherwise than under and in accordance with the terms of an aerial work certificate granted to the operator of the aircraft under subsection (2).

(2) The Director of Civil Aviation -

- (a) shall grant an aerial work certificate if he is satisfied that the applicant is a fit person to hold the certificate and is competent, having regard in particular to his previous conduct and experience, his equipment, organisation, staffing and other arrangements, to secure the safe operation of the aircraft specified in the certificate on flights for the purposes specified in subsection (1), and
- (b) may grant such a certificate subject to such conditions as he thinks fit including, without prejudice to the generality of the foregoing, conditions for ensuring that the aircraft and any article dropped from it do not endanger persons or property in the aircraft or elsewhere.

(3) Every applicant for, and holder of, an aerial work certificate shall make available to the Director of Civil Aviation upon application and to every member of his operating staff upon the certificate being granted, an aerial work manual.

(4) The manual shall contain all such information and instructions as may be necessary to enable the operating staff to perform their duties as such.

(5) The holder of a certificate shall make such amendments of or additions to the manual as the Director of Civil Aviation may require.

Towing of gliders.

71. (1) An aircraft in flight shall not tow a glider unless the flight manual for the aircraft includes an express provision that it may be used for that purpose.

(2) The length of the combination of towing aircraft, towrope and glider in flight shall not exceed 150 metres.

(3) The pilot-in-command of an aircraft which is about to tow a glider shall satisfy himself, before the towing aircraft takes off that -

- (a) the towrope is in good condition and is of adequate strength for the purpose, and that the combination of towing aircraft and glider, having regard to its performance in the conditions to be expected on the intended flight and to any obstructions at the place of departure and on the intended route, is capable of safely taking off, reaching and maintaining a safe height at which to separate the combination and that thereafter the towing aircraft can make a safe landing at the place of intended destination,

- (b) signals have been agreed and communication established with persons suitably stationed so as to enable the glider to take off safely, and
- (c) emergency signals have been agreed between the pilot-in-command of the towing aircraft and the pilot-in-command of the glider, to be used, respectively, by the pilot-in-command of the towing aircraft to indicate that the tow should immediately be released by the glider, and by the pilot-in-command of the glider to indicate that the tow cannot be released.

(4) The glider shall be attached to the towing aircraft by means of the towrope before the aircraft takes off.

Towing, picking up and raising of persons and articles.

72. (1) An aircraft in flight shall not, by means external to the aircraft, tow any article, other than a glider, or pick up or raise any person, animal or article, unless there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual for the aircraft includes an express provision that it may be used for that purpose.

(2) An aircraft shall not launch or pick up towropes, banners or similar articles other than at an aerodrome.

(3) An aircraft in flight shall not tow any article, other than a glider, at night or when flight visibility is less than one nautical mile.

(4) The length of the combination of towing aircraft, towrope, and article in tow, shall not exceed 150 metres.

(5) A helicopter shall not fly at any height over a congested area at any time when any article, person or animal is suspended from the helicopter.

(6) A passenger shall not be carried in a helicopter at any time when an article, person or animal is suspended therefrom, other than a passenger who has duties to perform in connection with the article, person or animal or a passenger who has been picked up or raised by means external to the helicopter or a passenger who it is intended shall be lowered to the surface by such means.

(7) Nothing in this section shall -

- (a) prohibit the towing in a reasonable manner by an aircraft in flight of any radio aerial, any instrument which is being used for experimental purposes, or any signal, apparatus or article required or permitted by or under this Law to be towed or displayed by an aircraft in flight,
- (b) prohibit the picking up or raising of any person, animal or article in an emergency or for the purpose of saving life, or
- (c) be taken to permit the towing or picking up of a glider otherwise than in accordance with section 71.

Dropping of articles and animals.

73. (1) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, from an aircraft in flight so as to endanger persons or property.

(2) Articles and animals (whether or not attached to a parachute) shall not be dropped, or permitted to drop, to the surface from an aircraft flying over the Bailiwick except under and in accordance with the terms of an aerial work certificate granted under section 70.

(3) Subsection (2) does not apply to the dropping of articles by, or with the authority of, the pilot-in-command of the aircraft in any of the following circumstances

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- (a) the dropping of articles for the purpose of saving life,
- (b) the jettisoning, in case of emergency, of fuel or other articles in the aircraft,
- (c) the dropping of ballast in the form of fine sand or water,
- (d) the dropping of articles solely for the purpose of navigating the aircraft in accordance with ordinary practice or with the provisions of this Law,
- (e) the dropping at an aerodrome of tow ropes, banners, or similar articles towed by aircraft,
- (f) the dropping of articles for the purposes of public health or as a measure against weather conditions, surface icing or oil pollution, or for training for the dropping of articles for any such purposes, if the articles are dropped with the permission of the Director of Civil Aviation, or
- (g) the dropping of wind drift indicators for the purpose of enabling parachute descents to be made if the wind drift indicators are dropped with the permission of the Director of Civil Aviation.

(4) Nothing in this section shall prohibit the lowering of any article or animal from a helicopter to the surface, if the certificate of airworthiness issued or rendered

valid in respect of the helicopter under the law of the country in which it is registered includes an express provision that it may be used for that purpose.

(5) For the purposes of this section "**dropping**" includes projecting and lowering.

Dropping of persons.

74. (1) A person shall not drop, be dropped or permitted to drop to the surface or jump from an aircraft flying over the Bailiwick except under and in accordance with the terms of either a police air operator's certificate or a written permission granted by the Director of Civil Aviation under this section.

(2) Notwithstanding the grant of a police air operator's certificate or a permission under subsection (1), a person shall not drop, be dropped or be permitted to drop from an aircraft in flight so as to endanger persons or property.

(3) An aircraft shall not be used for the purpose of dropping persons unless -

(a) there is a certificate of airworthiness issued or rendered valid in respect of that aircraft under the law of the country in which the aircraft is registered and that certificate or the flight manual includes an express provision that it may be used for that purpose and the aircraft is operated in accordance with a written permission granted by the Director of Civil Aviation under this section, or

(b) the aircraft is operated under and in accordance with the terms of a police air operator's certificate.

(4) Every applicant for and holder of a permission under subsection (1) shall make available to the Director of Civil Aviation if requested to do so a parachuting

manual and shall make such amendments or additions to such manual as the Director of Civil Aviation may require.

(5) The holder of a permission under subsection (1) shall make the manual available to every employee or person who is or may engage in parachuting activities conducted by him.

(6) The manual shall contain all such information and instructions as may be necessary to enable such employees or persons to perform their duties.

(7) Nothing in this section -

(a) applies to the descent of persons by parachute from an aircraft in an emergency,

(b) prohibits the lowering of any person -

(i) in an emergency or for the purpose of saving life, or

(ii) from a helicopter to the surface if there is a certificate of airworthiness issued or rendered valid in respect of the helicopter under the law of the country in which it is registered and that certificate or the flight manual for the helicopter includes an express provision that it may be used for that purpose.

CHAPTER IX

GENERAL AVIATION

Application and interpretation of Chapter IX.

75. (1) Sections 77 and 76 apply to general aviation operations involving aircraft registered in Guernsey of the classes or used in the cases identified in subsection (2).

(2) Aircraft or aircraft operations of the classes or cases to which subsection (1) refers are -

- (a) any aeroplane having a maximum total weight authorised exceeding 5,700kg,
- (b) any aeroplane equipped with one or more turbojet engines,
- (c) any aeroplane having a maximum approved passenger seating configuration of more than 9,
- (d) any helicopter having a maximum total weight authorised exceeding 3,175kg,
- (e) any helicopter having a maximum approved passenger seating configuration of more than 5,
- (f) any aircraft operation involving the use of aircraft that are operated by pilots employed by the operator for the purpose of flying the aircraft, or
- (g) any other general aviation operation as the Director of Civil Aviation shall in the public interest specify.

(3) For the purposes of this Chapter "**general aviation operation**" means an aircraft operation other than a commercial air transport operation or aerial work operation.

Requirement for approval.

76. No person shall operate an aircraft registered in Guernsey of any class or in any case identified in section 75(2) for the purposes of general aviation unless –

- (a) he is the holder of an approval granted in accordance with section 77, or
- (b) the Director of Civil Aviation has exempted that use of aircraft or class of aircraft from the requirements of this Chapter.

Grant of approval.

77. (1) The Director of Civil Aviation shall grant an approval if he is satisfied that –

- (a) the applicant is competent, having regard in particular to the applicant's –
 - (i) previous conduct and experience,
 - (ii) equipment,
 - (iii) organisation and staffing, and
 - (iv) maintenance and other arrangements,
- (b) the safety management system established in accordance with subsection (3) is appropriate and adequate, and
- (c) the operations manual is adequate,

to secure the safe operation of aircraft of the type or types specified in the approval.

(2) An approval granted under this section shall, subject to section 111, remain in force for the period specified therein, not exceeding 3 years, but may be renewed by the Director of Civil Aviation from time to time.

(3) An operator applying for an approval under the provisions of subsection (1) shall establish and maintain to the satisfaction of the Director of Civil Aviation a safety management system appropriate to the size and complexity of the operation.

(4) The operator of every aircraft to which this section applies shall –

- (a) make available to each member of his operating staff an operations manual,
- (b) ensure that each copy of the operations manual is kept up to date, and
- (c) ensure that on each flight every member of the crew has access to a copy of every part of the operations manual which is relevant to his duties on that flight.

(5) An operations manual shall contain all information and instructions as are necessary to enable operating staff to perform their duties as such.

(6) Every applicant for and holder of an approval granted under this section shall make available to the Director of Civil Aviation if requested to do so a copy of his operations manual.

(7) The operator shall make such amendments or additions to the operations manual as the Director of Civil Aviation may require for the purpose of ensuring

the safety of the aircraft or of persons or property carried therein or the safety, efficiency or regularity of air navigation.

CHAPTER X

AIR TRAFFIC SERVICES

Requirement for air traffic control approval for the provision of air traffic services.

78. (1) No person in charge of the provision of an air traffic control service shall provide such a service in the Bailiwick otherwise than under and in accordance with the terms of an air traffic control approval granted to him by the Director of Civil Aviation.

(2) The Director of Civil Aviation shall grant an air traffic control approval if he is satisfied that the applicant is competent, having regard to his organisation, staffing, equipment, maintenance and other arrangements, to provide a service which is safe for use by aircraft.

Duty of person in charge to satisfy himself as to competence of controllers.

79. The holder of an approval under section 78 shall not permit any person to act as an air traffic controller or to act as a student air traffic controller in the provision of the service under the approval unless -

- (a) such person holds a licence, certificate, approval, authorisation, permission or exemption granted, issued or validated by a competent authority acceptable to the Director of Civil Aviation, and
- (b) the holder has satisfied himself that such person is competent to perform his duties.

Manual of air traffic services.

80. A person shall not provide an air traffic control service at any place unless -

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place,
- (b) the manual is produced to the Director of Civil Aviation within a reasonable time after a request for its production is made by the Director of Civil Aviation, and
- (c) such amendments or additions have been made to the manual as the Director of Civil Aviation may from time to time require.

Provision of air traffic services.

81. (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 Director of Civil Aviation in advance of the periods during and times at which any such equipment is to be in operation for the purpose 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 Director of Civil Aviation may in the interests of safety direct the person in charge of an aerodrome that there shall be provided in respect of any aerodrome such air traffic control service, aerodrome flight information service or means of two-way radio communication as the Director of Civil Aviation considers appropriate.

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

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

Use of radio call signs at aerodromes.

82. The person in charge of an aerodrome provided with means of two-way radio communication shall not cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.

CHAPTER XI

LICENSING OF AIR TRAFFIC CONTROLLERS

Prohibition of unlicensed air traffic controllers and student air traffic controllers.

83. (1) A person shall not act as an air traffic controller or hold himself out, whether by use of a radio call sign or in any other way, as a person who may so act unless he is the holder of, and complies with the privileges and conditions of -

- (a) a valid student air traffic controller's licence granted under section 84 (and he is supervised in accordance with section 84(10)),
- (b) an appropriate valid air traffic controller's licence granted under section 84, or
- (c) a valid air traffic controller's licence so granted which is not appropriate but he is supervised as though he was the holder of a student air traffic controller's licence.

(2) A person shall not act as an air traffic controller unless he has identified himself in such a manner as may be notified.

(3) A licence is not required by any person who, acting in the course of his employment, passes on such instructions or advice as he has been instructed so to do by the holder of an air traffic controller's licence entitling the holder to give such instructions or advice.

(4) Nothing in this section prohibits the holder of a valid air traffic controller's licence from providing at any place, or for any sector for which the licence includes a valid certificate of competence, information to aircraft in flight in the interests of safety.

(5) A licence is not required by any person who acts in the course of his duty as a member of any of Her Majesty's forces or as a member of a visiting force.

(6) For the purposes of this Chapter -

- (a) a valid licence includes an air traffic controller's licence or student air traffic controller's licence issued by a competent authority acceptable to the Director of Civil Aviation and validated by the Director, and
- (b) any reference to a licence granted under section 84 includes any licence validated by the Director under paragraph (a).

Licensing of air traffic controllers and student air traffic controllers.

84. (1) Subject to the provisions of this section, the Director of Civil Aviation may grant a licence to any person to act as an air traffic controller or as a student air traffic controller in the Bailiwick.

(2) Before granting such a licence the Director of Civil Aviation must be satisfied that the applicant is -

- (a) a fit person to act in the capacity to which the licence relates, and
- (b) is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness to act in the capacity to which the licence relates, for which purpose he shall furnish such evidence and undergo such examinations, assessments and tests (including in particular medical examinations) and undertake such courses of training as the Director may approve under section 85 and require of him.

(3) The Director of Civil Aviation shall not grant -

- (a) a student air traffic controller's licence to any person under the age of 18 years, or
- (b) an air traffic controller's licence to any person under the age of 20 years.

(4) The Director of Civil Aviation may include in an air traffic controller's licence any rating and endorsement upon his being satisfied that the applicant is qualified as specified in subsection (2)(b) to act in the capacity to which such rating or endorsement relates and such rating or endorsement shall be deemed to form part of the licence.

(5) The holder of an air traffic controller's licence shall not be entitled to exercise the privileges of a rating contained in the licence at any place or for any sector or with any type of surveillance equipment unless the licence includes a valid certificate of

competence in respect of that rating which is appropriate to that place or sector and that equipment (if any), which certificate complies with subsection (6).

(6) A valid certificate of competence shall not be appropriate to the exercise of the privileges of a rating at any place or for any sector or with any type of surveillance equipment unless the certificate -

- (a) specifies that place or sector and that type of surveillance equipment (if any) with the aid of which the service is to be provided,
- (b) certifies that the person signing the certificate is satisfied that on a date specified in the certificate the holder of the licence, of which the certificate forms part, has passed an appropriate test of his ability to exercise the privileges of the rating at the place or for the sector and with the type of surveillance equipment, if any, specified in the certificate, and
- (c) specifies the date on which it was signed.

(7) A valid certificate of competence shall be signed by a person authorised by the Director of Civil Aviation to sign documents of that kind and shall be valid, subject to subsection (8), for 12 months after the date of the test which it certifies.

(8) If throughout any period of 90 days the holder of a licence has not at any time provided at a particular place or for a particular sector and with the aid of the type of surveillance equipment, if any, specified in a certificate of competence, the type of air traffic control service specified in the rating to which the certificate of competence relates, the certificate shall, without prejudice to the Director of Civil Aviation's powers under section 111, cease to be valid for that place or sector at the end of that period.

(9) Upon a certificate of competence ceasing to be valid for a place or sector the holder of the licence shall forthwith inform the person who is approved under section 78 to provide an air traffic control service at that place or for that sector to that effect and shall forward the licence to a person approved by the Director of Civil Aviation for the purpose who shall endorse the licence accordingly and return it to the holder forthwith.

(10) Every licence to act as a student air traffic controller shall be valid only for the purpose of authorising the holder to act as an air traffic controller under the supervision of another person who is present at the time and who is the holder of an air traffic controller's licence (including an On-the-Job-Training Instructor's ("**OJTI**") endorsement) entitling him to provide unsupervised the type of air traffic control service which is being provided by the student air traffic controller and who is approved by the Director of Civil Aviation for this purpose.

(11) A licence to act as an air traffic controller or a student air traffic controller shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(12) Every holder of an air traffic controller's licence or a student air traffic controller's licence shall, upon such occasions as the Director of Civil Aviation may require, submit himself to such examinations and tests (including in particular medical examinations) and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the Director of Civil Aviation may approve under section 85 and require.

(13) For the purposes of this Chapter -

- (a) "**acting as an air traffic controller**" shall mean either giving an air traffic control service or the supervision of a student air traffic controller or both,

- (b) **"acting as a student air traffic controller"** shall mean giving an air traffic control service under the supervision of an air traffic controller,
- (c) a certificate of competence includes any endorsement that the Director of Civil Aviation may issue, and
- (d) in subsection (8), competence is maintained if the holder of the relevant licence -
 - (i) has spent 16 hours per month, or an aggregate of 48 hours over a period of 3 months equally distributed over the operational positions for which any certificate has been issued, or
 - (ii) satisfies such other criteria as the Director may determine.

Approval of courses and persons.

85. Without prejudice to any other provision of this Law, the Director of Civil Aviation may, for the purposes of this Chapter, either absolutely or subject to such conditions as he thinks fit -

- (a) approve any course of training or instruction,
- (b) authorise a person to conduct such examinations or tests as he may specify, and
- (c) approve a person to provide any course of training or instruction.

Requirement for medical certificate.

86. (1) On the basis of the medical examination referred to in section 84(12), the Director of Civil Aviation or any person approved by him as competent to do so may issue a medical certificate subject to such conditions as he thinks fit to the effect that the holder of the licence has been assessed as fit to perform the functions to which the licence relates.

(2) The certificate shall be deemed to form part of the licence.

(3) The holder of an air traffic controller's licence shall not act as an air traffic controller unless his licence includes a medical certificate issued and in force under subsection (1).

(4) The holder of a student air traffic controller's licence shall not act as a student air traffic controller unless his licence includes a medical certificate issued and in force under subsection (1).

Incapacity of air traffic controllers.

87. (1) Every holder of an air traffic controller's licence granted under section 84 who –

- (a) suffers any personal injury or illness involving incapacity to undertake the functions to which his licence relates throughout a period of 20 consecutive days, or
- (b) in the case of a woman, has reason to believe that she is pregnant,

shall inform the Director of Civil Aviation in writing of such injury, illness or pregnancy as soon as possible.

(2) An air traffic controller's medical certificate shall cease to be in force on the expiry of the period of injury or illness referred to in subsection (1)(a) and shall come into force again (provided it has not expired) -

- (a) upon the holder being medically examined under arrangements made by the Director of Civil Aviation and pronounced fit to resume his functions under the licence, or
- (b) upon the Director exempting the holder from the requirement of a medical examination subject to such conditions as the Director may think fit.

Prohibition of drunkenness etc of air traffic controllers.

88. A person shall not act as an air traffic controller or a student air traffic controller whilst under the influence of drink or a drug to such an extent as to impair his capacity to act as such.

Fatigue of air traffic controllers and responsibilities of air traffic controllers.

89. A person shall not act as an air traffic controller if he knows or suspects that he is suffering from or, having regard to the circumstances of the period of duty to be undertaken, is likely to suffer from, such fatigue as may endanger the safety of any aircraft to which an air traffic control service may be provided.

Licensing of flight information service officers.

90. (1) The Director of Civil Aviation may grant a licence to any person to act as a flight information service officer upon his being satisfied that the applicant is a fit person to hold the licence and is qualified by reason of his knowledge, experience, competence, skill and physical and mental fitness so to act, and for that purpose the applicant shall furnish such evidence and undergo such examinations and tests and undertake such courses of training as the Director of Civil Aviation may require of him.

(2) The Director of Civil Aviation shall not grant such a licence to any person under the age of 18 years.

(3) Subject to section 111, a licence to act as a flight information service officer shall remain in force for the period indicated in the licence and if no period is indicated in the licence it shall remain in force for the lifetime of the holder.

(4) The holder of a flight information service officer's licence shall not be entitled to provide a flight information service at an aerodrome or area control centre unless that aerodrome or area control centre has been specified in the licence by a person authorised by the Director of Civil Aviation for the purpose and the licence has been validated in respect of that aerodrome or area control centre by a person authorised for the purpose by the Director of Civil Aviation.

(5) If, throughout any period of 90 days the holder of the licence has not at any time provided such a service at a particular aerodrome or area control centre, the licence shall cease to be valid for that aerodrome or area control centre at the end of that period until the licence has been revalidated in respect of that aerodrome or area control centre by a person authorised by the Director of Civil Aviation for the purpose.

(6) A licence to act as a flight information service officer shall not be valid unless the holder of the licence has signed his name thereon in ink with his ordinary signature.

(7) Every holder of a flight information service officer's licence shall upon such occasions as the Director of Civil Aviation may require, submit himself to such examinations and tests and furnish such evidence as to his knowledge, experience, competence and skill and undergo such courses of training as the Director of Civil Aviation may require.

Prohibition of unlicensed flight information service officers.

91. (1) A person shall not provide at any aerodrome or area control centre a flight information service or hold himself out, whether by use of a radio call sign or in any other way, as a person who may provide such a service unless he is the holder of and complies with the terms of a flight information service officer's licence granted under this Law authorising him to provide such a service at that aerodrome or area control centre.

(2) A person shall not provide a flight information service unless he has identified himself in such a manner as may be notified.

Flight information service manual.

92. A person shall not provide a flight information service at any aerodrome or area control centre unless -

- (a) the service is provided in accordance with the standards and procedures specified in a flight information service manual in respect of that aerodrome or area control centre,
- (b) the manual is produced to the Director of Civil Aviation within a reasonable time after a request for its production is made by the Director of Civil Aviation, and
- (c) such amendments or additions have been made to the manual as the Director of Civil Aviation may from time to time require.

CHAPTER XII

AERONAUTICAL TELECOMMUNICATIONS SERVICE

Aeronautical telecommunications service.

93. (1) A person shall not cause or permit any aeronautical telecommunications service to be established in the Bailiwick otherwise than under and in

accordance with an approval granted by the Director of Civil Aviation to the person in charge of the aeronautical telecommunications service.

(2) An approval shall be granted under subsection (1) upon the Director of Civil Aviation being satisfied -

- (a) as to the intended purpose of the aeronautical telecommunications service,
- (b) that the aeronautical telecommunications service is fit for its intended purpose, and
- (c) that the person is competent to provide the aeronautical telecommunications service.

(3) The person in charge of an aeronautical telecommunications service at an aerodrome for which a licence under section 96 has been granted shall cause to be notified in relation to that aeronautical telecommunications service the type and availability of operation of any service that is available for use by any aircraft.

(4) An approval granted under subsection (1) may include a condition requiring a person in charge of an aeronautical telecommunications service at any other aerodrome or place to cause the information specified in subsection (3) to be notified.

(5) An approval granted under subsection (1) may include a condition requiring the person in charge of the aeronautical telecommunications service to use a person approved by the Director of Civil Aviation under subsection (6) for the provision of particular services in connection with the aeronautical telecommunications service and in particular but without limitation may include a condition requiring that any associated equipment be flight checked by such an approved person.

(6) The Director of Civil Aviation may approve a person to provide particular services in connection with approved aeronautical telecommunications service.

(7) For the purpose of subsections (1) and (6) an approval may be granted in respect of one or more than one person or generally.

(8) The provisions of this section do not apply in respect of any aeronautical telecommunications service of which the person solely in charge is the Director of Civil Aviation.

Aeronautical telecommunications service records.

94. (1) The person in charge of any aeronautical telecommunications service and any associated equipment or apparatus required under subsection (2) shall keep in respect of such an aeronautical telecommunications service and associated equipment or apparatus records specified by the Director of Civil Aviation, and shall preserve such records for a period of one year or such longer period as the Director of Civil Aviation may in a particular case direct.

(2) The person in charge of an aeronautical telecommunications service that is used for the provision of an air traffic control service by an air traffic control unit shall provide recording equipment or apparatus which is in accordance with subsection (4).

(3) The Director of Civil Aviation may direct the person in charge of any other aeronautical telecommunications service to provide recording apparatus in accordance with subsection (4).

(4) The person in charge of the aeronautical telecommunications service in respect of which recording apparatus is required to be provided under subsection (2) shall, subject to subsection (5) -

- (a) ensure that when operated the equipment or apparatus is capable of recording and replaying the terms or content of any

message or signal transmitted or received by or through that equipment and is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit,

- (b) ensure that the apparatus is in operation at all times when the aeronautical telecommunications service is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft,
- (c) ensure that each record made by the apparatus complies with the requirements specified by the Director of Civil Aviation,
- (d) not cause or permit that apparatus to be used unless it is approved by the Director of Civil Aviation, and
- (e) comply with the terms of such an approval.

(5) The Director of Civil Aviation may in considering whether or not to grant an approval, without limitation, have regard to -

- (a) the purpose for which the apparatus is to be used,
- (b) the manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used,
- (c) the adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any),

- (d) the manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled, and
- (e) the manner in which the apparatus has been or will be inspected.

(6) An approval may be granted subject to such conditions as the Director of Civil Aviation thinks fit including, without limitation, conditions relating to the matters to which he may have had regard under subsection (5) and may be granted in respect of one or more than one person or generally.

(7) If any equipment or apparatus required under subsection (2) ceases to be capable of recording the matters required by this section to be included in the records, the person required to provide that equipment or apparatus shall ensure that, so far as practicable, a record is kept which complies with the Director of Civil Aviation's requirements and on which the particulars specified therein are recorded together with, in the case of apparatus provided in compliance with subsection (2), a summary of voice communications exchanged between the air traffic control service and any aircraft.

(8) If any apparatus required under subsection (2) becomes unserviceable, the person in charge of the aeronautical telecommunications service shall ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.

(9) The person in charge of any aeronautical telecommunications service shall preserve any record made in compliance with subsections (4) or (7) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the Director of Civil Aviation may in a particular case direct.

(10) A person required by this section to preserve any record by reason of his being the person in charge of the aeronautical telecommunications service shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be

such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative.

(11) If another person becomes the person in charge of the aeronautical telecommunications service the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with any such record delivered to him as if he was the previous person in charge.

(12) The person in charge of any aeronautical telecommunications service shall within a reasonable time after being requested to do so by an authorised person produce any record required to be preserved under this section to that authorised person.

(13) The provisions of this section do not apply in respect of any aeronautical telecommunications service of which the person solely in charge is the Director of Civil Aviation.

CHAPTER XIII

AERODROMES, AERONAUTICAL LIGHTS AND DANGEROUS LIGHTS

Aerodromes - aircraft operations required to use licensed or notified aerodromes.

95. (1) No aircraft shall take off or land at a place in the Bailiwick other than an aerodrome licensed under section 96 for the take-off and landing of such aircraft, unless the Director of Civil Aviation has given permission in writing to do so.

(2) An aircraft to which this subsection applies shall not take off or land at a place in the Bailiwick other than an aerodrome licensed under section 96 for the take-off and landing of such aircraft, and in accordance with any conditions subject to which the aerodrome may have been certificated or notified, or subject to which such permission may have been given.

(3) Subsection (2) applies to -

- (a) aircraft which are flying for the purpose of international operations,
- (b) aircraft having a type certificated maximum passenger seating capacity of 10 or more which are flying for the purpose of commercial air transport operations,
- (c) aircraft operating a flight for the purpose of commercial air transport,
- (d) aircraft (other than microlights) which are flying –
 - (i) for the purpose of instruction in flying given to any person for the purpose of becoming qualified for the grant of a pilot's licence or the inclusion of an aircraft rating, a night rating or a night qualification in a licence, or
 - (ii) for the purpose of carrying out flying tests in respect of the grant of a pilot's licence or the inclusion of an aircraft rating or a night rating in a licence, and
- (e) an aeroplane that is unable to maintain a positive climb gradient in the event of a failure of a power unit on take-off, operating a flight for the purpose of commercial air transport of passengers at night.

(4) The person in charge of any area in the Bailiwick intended to be used for the taking off or landing of helicopters at night other than such a place as is specified in subsection (2) shall cause to be in operation, whenever a helicopter flying for the purpose

of the commercial air transport of passengers is taking off or landing at that area by night, such lighting as will enable the pilot of the helicopter –

- (a) in the case of landing, to identify the landing area in flight, to determine the landing direction and to make a safe approach and landing, and
- (b) in the case of taking off, to make a safe take-off.

(5) A helicopter flying for the purpose of the commercial air transport of passengers at night shall not take off or land at a place to which subsection (4) applies unless there is in operation such lighting.

(6) Subsection (2) does not apply to or in relation to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(7) For the purposes of this section, "**international operations**" are operations in respect of which the point of departure of the flight and the point of destination thereof are in two different States or in respect of which the flight passes through the sovereign airspace of the territory of more than one State.

Licensing of aerodromes.

96. (1) A person in charge of the operation of an aerodrome in the Bailiwick is required to hold in respect of such aerodrome a licence issued by the Director of Civil Aviation in accordance with this section if –

- (a) the aerodrome is made available for the purposes of any of the operations referred to in section 95(3), or
- (b) the Director considers that it is in the public interest to so require an aerodrome to be licensed.

(2) The Director of Civil Aviation shall grant a licence in respect of any aerodrome in the Bailiwick if he is satisfied that -

- (a) the applicant is competent, having regard to his previous conduct and experience, his equipment, organisation, staffing, maintenance and other arrangements, to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are suitable for use by aircraft,
- (b) the aerodrome is safe for use by aircraft having regard in particular to the physical characteristics of the aerodrome and of its surroundings,
- (c) the aerodrome manual submitted under subsection (7) is adequate, and
- (d) the aerodrome is operated in a manner that is consistent with any requirements relating to aerodromes under the Chicago Convention and the Annexes thereto.

(3) If the applicant so requests, the Director of Civil Aviation may grant a licence which in addition to any other conditions that he may impose shall be subject to the condition that the aerodrome shall at all times when it is available for the take-off or landing of aircraft be so available to all persons on equal terms and conditions.

(4) The holder of an aerodrome licence granted under subsection (2) (in this section called "**an aerodrome licence holder**") shall -

- (a) furnish to any person on request information concerning the terms of the licence, and

- (b) cause to be notified the times during which the aerodrome will be available for the take-off or landing of aircraft engaged on flights for the purpose of the commercial air transport of passengers or instruction in flying.

(5) An aerodrome licence holder shall not contravene or cause or permit to be contravened any condition of the aerodrome licence at any time in relation to such aircraft engaged on such flights as are referred to in section 95(3), but the licence shall not cease to be valid by reason only of such a contravention.

(6) An aerodrome licence holder shall take all reasonable steps to secure that the aerodrome and the airspace within which its visual traffic pattern is normally contained are safe at all times for use by aircraft.

(7) Upon making an application for an aerodrome licence the applicant shall submit to the Director of Civil Aviation an aerodrome manual for that aerodrome that shall include provisions for the implementation of a safety management system acceptable to the Director that -

- (a) identifies safety hazards,
- (b) ensures that remedial action necessary to maintain an acceptable level of safety is provided for,
- (c) provides for continuous monitoring and regular assessment of the safety level achieved, and
- (d) demonstrates compliance with the aim to make continuous improvement to the overall level of safety.

(8) An aerodrome manual required under this section shall contain all such information and instructions as may be specified by the Director of Civil Aviation to enable the aerodrome operating staff to perform their duties as such.

(9) Every aerodrome licence holder shall -

- (a) furnish to the Director of Civil Aviation any amendments or additions to the aerodrome manual before or immediately after they come into effect,
- (b) without prejudice to paragraph (a), make such amendments or additions to the aerodrome manual as the Director may require for the purpose of ensuring the safe operation of aircraft at the aerodrome or the safety of air navigation, and
- (c) maintain the aerodrome manual and make such amendments as may be necessary for the purposes of keeping its contents up to date.

(10) Every aerodrome licence holder shall make available to each member of the aerodrome operating staff a copy of the aerodrome manual, or a copy of every part of the aerodrome manual which is relevant to his duties, and shall ensure that each such copy is kept up to date.

(11) Every aerodrome licence holder shall take all reasonable steps to secure that each member of the aerodrome operating staff is aware of the contents of every part of the aerodrome manual which is relevant to his duties as such and undertakes his duties as such in conformity with the relevant provisions of the manual.

(12) For the purposes of this section -

- (a) **"aerodrome operating staff"** means all persons, whether or not the aerodrome licence holder and whether or not employed by the aerodrome licence holder, whose duties are concerned either with ensuring that the aerodrome and airspace within which its visual traffic pattern is normally contained are safe for use by aircraft, or whose duties require them to have access to the aerodrome manoeuvring area or apron, and
- (b) **"visual traffic pattern"** means the aerodrome traffic zone of the aerodrome, or, in the case of an aerodrome which is not notified for the purposes of rule 39 of the Rules of the Air, the airspace which would comprise the aerodrome traffic zone of the aerodrome if it was so notified.

(13) The Director of Civil Aviation may, on such conditions as he shall think fit, direct the operator of an aerodrome in the Bailiwick that is not licensed under subsection (2) to make available at the aerodrome such rescue and fire fighting services as he shall specify having regard to the nature and scope of the aircraft operations undertaken at such aerodrome.

Instrument flight procedures.

97. (1) No person may establish an instrument flight procedure in relation to an aerodrome in the Bailiwick otherwise than under and in accordance with an approval granted by the Director of Civil Aviation to the aerodrome licence holder or to the person having the management of the aerodrome.

(2) An approval shall be granted under subsection (1) upon the Director of Civil Aviation being satisfied -

- (a) as to the intended purpose of the procedure,

- (b) that the person applying for approval is competent to operate the procedure,
- (c) that any equipment associated with such procedure is fit for its intended purpose, and
- (d) that the procedure has been designed by a person approved by him under subsection (5) and according to the requirements and conditions specified in relation to that approval.

(3) The aerodrome certificate holder or the person having the management of an aerodrome shall cause an instrument flight procedure to be notified as a procedure available for the operation of aircraft at that aerodrome.

(4) No person may use an instrument flight procedure otherwise than in accordance with the published conditions for such use.

(5) The Director of Civil Aviation shall approve a person to design an instrument flight procedure for the purposes of subsection (2)(d) of this section if he is satisfied that the person meets his requirements in relation thereto published pursuant to section 135.

(6) Any approval under this section shall be granted on such conditions as the Director of Civil Aviation shall think fit.

Use of aerodromes by aircraft of Contracting States.

98. The person in charge of any aerodrome in the Bailiwick which is open to public use by aircraft registered in Guernsey shall cause the aerodrome, and all air navigation facilities provided thereat, to be available for use by aircraft registered in the United Kingdom or in other Contracting States on the same terms and conditions as for use by aircraft registered in Guernsey.

Noise and vibration caused by aircraft on aerodromes.

99. (1) The Director of Civil Aviation may specify the conditions under which noise and vibration may be caused by aircraft (including military aircraft) on licensed aerodromes in addition to those in subsection (2).

(2) Noise and vibration may be caused by aircraft (including military aircraft) on licensed aerodromes in the following circumstances -

- (a) during taking off or landing,
- (b) whilst the aircraft is moving on the ground or water,
- (c) whilst the engines are being operated in the aircraft -
 - (i) for the purpose of ensuring their satisfactory performance,
 - (ii) for the purpose of bringing them to a proper temperature in preparation for, or at the end of, a flight, or
 - (iii) for the purpose of ensuring that the instruments, accessories or other components of the aircraft are in a satisfactory condition.

Aeronautical lights.

100. (1) A person shall not, except with the permission of the Director of Civil Aviation and in accordance with any conditions subject to which the permission may be granted, establish, maintain or alter the character of -

- (a) an aeronautical beacon within the Bailiwick, or

- (b) any aeronautical ground light (other than an aeronautical beacon) at an aerodrome licensed under this Law, or which forms part of the lighting system for use by aircraft taking off from or landing at such an aerodrome.

(2) In the case of an aeronautical beacon that is or may be visible from the waters within an area of a general lighthouse authority, the Director of Civil Aviation shall not give his permission for the purpose of this section except with the consent of that authority.

(3) A person shall not intentionally or negligently damage or interfere with any aeronautical ground light established by or with the permission of the Director of Civil Aviation.

Lighting of en-route obstacles.

101. (1) For the purposes of this section an "**en-route obstacle**" means any building, structure or erection which is 150 metres or more above ground level other than any such building, structure or erection which is in the vicinity of a licensed aerodrome.

(2) The person in charge of an en-route obstacle shall ensure that it is fitted with medium intensity steady red lights positioned as close as possible to the top of the obstacle and at intermediate levels spaced so far as practicable equally between the top lights and ground level with an interval not exceeding 52 metres.

(3) The person in charge of an en-route obstacle shall ensure that, by night, the lights required to be fitted by this section shall be displayed.

(4) In the event of the failure of any light which is required by this section to be displayed by night the person in charge shall repair or replace the light as soon as is reasonably practicable.

(5) At each level on the obstacle where lights are required to be fitted, sufficient lights shall be fitted and arranged so as to show when displayed in all directions.

(6) In any particular case the Director of Civil Aviation may direct that an en-route obstacle shall be fitted with and shall display such additional lights in such positions and at such times as he may specify.

(7) This section shall not apply to any en-route obstacle in respect of which the Director of Civil Aviation has granted permission to the person in charge.

(8) A permission may be granted for the purposes of this section in respect of a particular case or class of cases or generally.

(9) The Director of Civil Aviation may make regulations under this subsection relating to the lighting and identification of prescribed obstacles in the territorial sea adjacent to the Bailiwick the breadth thereof being measured from the baselines established by the Territorial Waters Order in Council 1964.

Dangerous lights.

102. (1) A person shall not exhibit in the Bailiwick any light which -

- (a) by reason of its glare is liable to endanger aircraft taking off from or landing at an aerodrome,
- (b) by reason of its liability to be mistaken for an aeronautical ground light is liable to endanger aircraft, or
- (c) is directed or shone –
 - (i) at any aircraft in flight so as to dazzle or distract the pilot of the aircraft, or

- (ii) at the location of an air traffic control unit so as to dazzle or distract the air traffic control operator.

(2) If any light which appears to the Director of Civil Aviation to be a light referred to in subsection (1) is exhibited, the Director may cause a notice to be served upon the person who is the occupier of the place where the light is exhibited or has charge of the light, directing that person, within a reasonable time to be specified in the notice, to take such steps as may be specified in the notice for extinguishing or screening the light and for preventing for the future the exhibition of any other light which may similarly endanger aircraft.

(3) The notice may be served either personally or by post, or by affixing it in some conspicuous place near to the light to which it relates.

(4) In the case of a light that is or may be visible from any waters within the area of a general lighthouse authority, the power of the Director of Civil Aviation under this section shall not be exercised except with the consent of that authority.

Aviation fuel at aerodromes.

103. (1) A person who has the management of any aviation fuel installation on an aerodrome in the Bailiwick shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless -

- (a) when the aviation fuel is delivered into the installation he is satisfied that -
 - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft,
 - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or if different grades are stored in different parts each part is so marked, and

(iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft, and

(b) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.

(2) Subsection (1) does not apply in respect of fuel that has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.

(3) A person to whom subsection (1) applies shall keep a written record in respect of each installation of which he has the management, which record shall include -

(a) particulars of the grade and quantity of aviation fuel delivered and the date of delivery,

(b) particulars of all samples taken of the aviation fuel and of the results of tests of those samples, and

(c) particulars of the maintenance and cleaning of the installation,

and he shall preserve the written record for a period of 12 months or such longer period as the Director of Civil Aviation may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

(4) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.

(5) If it appears to the Director of Civil Aviation or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this section, the Director or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Director or by an authorised person.

(6) In this section -

"aviation fuel" means fuel intended for use in aircraft, and

"aviation fuel installation" means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

CHAPTER XIV

DOCUMENTS AND RECORDS

Journey Log.

104. (1) The operator of an aircraft used for the purposes of international air navigation shall record, and retain, the information specified by the Director of Civil Aviation in a form specified by him for each flight in the form of a journey log.

(2) The Director of Civil Aviation may permit an operator not to keep a journey log if the relevant information is available in other documents that are required to be kept under the provisions of this Law.

(3) An operator shall ensure that all entries in a journey log are made concurrently in an indelible form

Documents to be carried.

105. (1) An aircraft shall not fly unless it carries the documents that it is required to carry under the law of the country in which it is registered.

(2) An aircraft registered in Guernsey shall, when in flight, carry documents in accordance with instructions given or requirements specified by the Director of Civil Aviation.

Production of documents and records.

106. (1) The pilot-in-command of an aircraft shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person

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- (a) the certificates of registration and airworthiness in force in respect of the aircraft,
- (b) the licences of its flight crew, and
- (c) such other documents as the aircraft is required by section 105 to carry when in flight.

(2) The operator of an aircraft registered in Guernsey shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person such of the following documents or records as may have been requested by that person being documents or records which are required, by or under this Law, to be in force or to be carried, preserved or made available –

- (a) the certificate of airworthiness and certificate of registration in respect of the aircraft and the licence in force in respect of the aircraft radio station installed in the aircraft,

- (b) the aircraft log book, engine log books and variable pitch propeller log books required under this Law to be kept,
- (c) the weight schedule, if any, required to be preserved under section 15,
- (d) in the case of an aerial work aircraft, a copy of the load sheet, the technical log and those parts of the operations manual required to be carried on the flight under section 61,
- (e) any record which he is required by section 29(4) to preserve, and such other documents and information in the possession or control of the operator, as the authorised person may require for the purpose of determining whether those records are complete and accurate,
- (f) the record made by any flight data recorder required to be carried by or under this Law.

(3) The holder of a licence granted or rendered valid under this Law or of a medical certificate required under section 22 shall, within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person his licence, including any certificate of validation.

(4) Every person required by section 25 to keep a personal flying log book shall cause it to be produced within a reasonable time to an authorised person after being requested to do so by him within 2 years after the date of the last entry therein.

Production of aeronautical telecommunications service documents and records.

107. The holder of an approval under section 93 shall within a reasonable time after being requested to do so by an authorised person, cause to be produced to that person

any documents and records relating to any aeronautical telecommunications service used or intended to be used in connection with the provision of a service to an aircraft.

Power to inspect and copy documents and records.

108. An authorised person shall have the power to inspect and copy any certificate, licence, log book, document or record that he has the power under this Law to require to be produced to him.

Preservation of documents, etc.

109. (1) A person required by this Law to preserve any document or record by reason of his being the operator of an aircraft shall, if he ceases to be the operator of the aircraft, continue to preserve the document or record as if he had not ceased to be the operator, and in the event of his death the duty to preserve the document or record shall fall upon his personal representative.

(2) If another person becomes the operator of the aircraft, the operator mentioned in subsection (1) or his personal representative shall deliver to that person upon demand the certificates of release to service, the log books and the weight schedule and any record made by a flight data recorder and preserved in accordance with section 52(3) which are in force or required to be preserved in respect of that aircraft.

(3) If an engine or variable pitch propeller is removed from the aircraft and installed in another aircraft operated by another person the operator mentioned in subsection (1) or his personal representative shall deliver to that person upon demand the logbook relating to that engine or propeller.

(4) It shall be the duty of the other person referred to in subsections (2) and (3) to deal with the document or record delivered to him as if he was the operator mentioned in subsection (1).

Validity of, licences, certificates, authorisations, approvals, permissions and exemptions.

110. Wherever under this Law there is provision for the giving of an instruction or the grant, issue or validation of a licence, certificate, approval, authorisation, permission or exemption by the Director of Civil Aviation, unless otherwise provided, such an instruction or a licence, certificate, approval, authorisation, permission or exemption -

- (a) shall be in writing,
- (b) may be granted, issued or validated subject to such conditions as the Director thinks fit,
- (c) may be granted, issued or validated, subject to section 111, for such period as the Director thinks fit, and
- (d) may be renewed from time to time by the Director upon such conditions and for such further period or periods as he thinks fit.

Revocation, suspension and variation of certificates, licences and other documents.

111. (1) The Director of Civil Aviation may, if he thinks fit, provisionally suspend or vary any licence, certificate, approval, authorisation, permission or exemption or other document granted, issued or having effect under this Law, pending inquiry into or consideration of the case.

(2) The Director of Civil Aviation may, on sufficient ground being shown to his satisfaction after due inquiry, revoke, suspend or vary any such licence, certificate, approval, authorisation, permission or exemption or other document.

(3) The holder or any person having the possession or custody of any licence, certificate, approval, authorisation, permission or exemption or other document which has been revoked, suspended or varied under this Law shall surrender it to the

Director of Civil Aviation within a reasonable time after being required to do so by the Director.

(4) The breach of any condition subject to which any licence, certificate, approval, authorisation, permission or exemption or other document, other than a licence issued in respect of an aerodrome, has been granted or issued or which has effect under this Law shall, in the absence of provision to the contrary in the document, render the document invalid during the continuance of the breach.

(5) A flight manual, performance schedule or other document incorporated by reference in the certificate of airworthiness may be varied on sufficient ground being shown to the satisfaction of the Director of Civil Aviation, whether or not after due inquiry.

Offences in relation to documents and records.

112. (1) A person shall not with intent to deceive -

- (a) use any licence, certificate, approval, authorisation, permission or exemption or other document granted, issued or required by or under this Law which has been forged, altered, revoked or suspended, or to which he is not entitled,
- (b) lend any licence, certificate, approval, authorisation, permission or exemption or any other document granted, issued or having effect or required by or under this Law to, or allow it to be used by, any other person, or
- (c) make any false representation for the purpose of procuring for himself or any other person the grant, issue, renewal or variation of any such licence, certificate, approval, authorisation, permission or exemption or other document,

and in this subsection a reference to a licence, certificate, approval, authorisation, permission or exemption or other document includes a copy or purported copy thereof.

(2) A person shall not intentionally damage, alter or render illegible any logbook or other record required by or under this Law to be maintained or any entry made therein or knowingly make, or procure or assist in the making of, any false entry in or material omission from any such log book or record or destroy any such log book or record during the period for which it is required under this Law to be preserved.

(3) All entries made in writing in any logbook or record referred to in subsection (2) shall be made in ink.

(4) A person shall not knowingly make in a load sheet any entry that is incorrect in any material particular, or any material omission from such a load sheet.

(5) A person shall not purport to issue any licence, certificate or other document for the purposes of this Law unless he is authorised to do so under this Law.

(6) A person shall not issue any licence, certificate or other document for the purposes of this Law unless he has satisfied himself that all statements in the certificate are correct.

CHAPTER XV

OFFENCES AND PENALTIES

Endangering safety of aircraft.

113. A person shall not recklessly or negligently act in a manner likely to endanger an aircraft, or any person therein.

Endangering safety of any person or property.

114. A person shall not recklessly or negligently cause or permit an aircraft to endanger any person or property.

Drunkenness in aircraft.

115. (1) A person shall not enter any aircraft when drunk, or be drunk in any aircraft.

(2) A person shall not, when acting as a member of the crew of any aircraft or being carried in any aircraft for the purpose of so acting, be under the influence of alcohol, any drug or any psychoactive substance, including prescribed or proprietary medication, so as to render that person unable safely and properly so to act or so as to create a risk to that person or any other person.

Smoking in aircraft.

116. (1) Notices indicating when smoking is prohibited shall be exhibited in every aircraft registered in Guernsey so as to be visible from each passenger seat.

(2) A person shall not smoke in any compartment of an aircraft registered in Guernsey at a time when smoking is prohibited in that compartment by a notice to that effect exhibited by or on behalf of the pilot-in-command of the aircraft.

Authority of pilot-in-command and members of the crew of an aircraft.

117. (1) Every person in an aircraft must obey all lawful commands which the pilot-in-command or a member of the crew of that aircraft may give for the purpose of securing the safety of the aircraft and of the persons or property carried on board, or the safety, efficiency or regularity of air navigation.

(2) No person may operate on any aircraft any mobile or cell phone, computer or other electronic device that is designed to transmit or capable of transmitting electromagnetic energy otherwise than in accordance with the permission of the pilot-in-command of that aircraft.

(3) Subsection (2) does not apply to -

- (a) hearing aids,
- (b) heart pacemakers,
- (c) portable voice recorders,
- (d) electric shavers,
- (e) electronic watches, or
- (f) any other portable electronic device if the operator or pilot-in-command of the aircraft has determined that the said portable electronic device to be used will not cause interference with any aircraft system or equipment of the aircraft on which it is used.

Acting in a disruptive manner.

118. No person shall while in an aircraft -

- (a) use any threatening, abusive or insulting words towards a member of the crew of, or any passenger on board, the aircraft,
- (b) behave in a threatening, abusive, insulting or disorderly manner towards a member of the crew of, or any passenger on board, the aircraft, or
- (c) intentionally interfere with the performance by a member of the crew of the aircraft of his duties.

Obstruction of persons.

119. A person shall not intentionally obstruct or impede any person acting in the exercise of his powers or the performance of his duties under this Law.

Enforcement of directions.

120. Any person who without reasonable excuse fails to comply with any direction given to him under any provision of this Law shall be deemed for the purposes of this Law to have contravened that provision.

Stowaways.

121. A person shall not secrete himself for the purpose of being carried in an aircraft without the consent of either the operator or the pilot-in-command or of any other person entitled to give consent to his being carried in the aircraft.

Penalties.

122. (1) If any provision of this Law or of any instructions given thereunder is contravened in relation to an aircraft, the operator of that aircraft and the pilot-in-command, shall (without prejudice to the liability of any other person for that contravention) be deemed for the purposes of the following provisions of this section to have contravened that provision unless he proves that the contravention occurred without his consent or connivance and that he exercised all due diligence to prevent the contravention.

(2) If it is proved that an act or omission of any person, which would otherwise have been a contravention by that person of a provision of this Law, was due to any cause not avoidable by the exercise of reasonable care by that person the act or omission shall be deemed not to be a contravention by that person of that provision.

(3) Where a person is charged with contravening a provision of this Law by reason of his having been a member of the flight crew of an aircraft on a flight for the purpose of commercial air transport or aerial work the flight shall be treated (without

prejudice to the liability of any other person under this Law) as not having been for that purpose if he proves that he neither knew nor suspected that the flight was for that purpose.

(4) If any person contravenes any provision of this Law, not being a provision referred to in subsections (5) or (6), he shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 4 on the uniform scale.

(5) If any person contravenes any provision specified in Part A of Schedule 3 to this Law he shall be guilty of an offence and liable -

- (a) on summary conviction to a fine not exceeding level 5 on the uniform scale, or
- (b) on conviction on indictment to a fine, or imprisonment for a term not exceeding two years, or both.

(6) If any person contravenes any provision specified in Part B of Schedule 3 to this Law he shall be guilty of an offence and liable -

- (a) on summary conviction to a fine not exceeding twice level 5 on the uniform scale, or
- (b) on conviction on indictment to a fine, or imprisonment for a term not exceeding two years, or both.

CHAPTER XVI

GENERAL

Flights over country other than the Bailiwick.

123. (1) The operator and the pilot-in-command of an aircraft registered in Guernsey (or, if the operator's principal place of business, or permanent residence, is in the

Bailiwick, any other aircraft) which is being flown over any country other than the Bailiwick -

- (a) shall not allow that aircraft to be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country,
- (b) shall comply with any directions given by the appropriate aeronautical authorities of that country whenever -
 - (i) the flight has not been duly authorised, or
 - (ii) there are reasonable grounds for the appropriate aeronautical authorities to believe that the aircraft is being or will be used for a purpose which is prejudicial to the security, public order or public health of, or to the safety of air navigation in relation to, that country,

unless the lives of persons on board or the safety of the aircraft would thereby be endangered.

(2) A person does not contravene -

- (a) subsection (1)(a) if he neither knew nor suspected that the aircraft was being or was to be used for a purpose referred to in subsection (1)(a), and
- (b) subsection (1)(b) if he neither knew nor suspected that directions were being given by the appropriate aeronautical authorities.

(3) The requirement in subsection (1)(b) is without prejudice to any other requirement to comply with directions of an aeronautical authority.

(4) In this section "**appropriate aeronautical authorities**" includes any person, whether a member of a country's military or civil authorities, authorised under the law of the foreign country to issue directions to aircraft flying over that country.

Mandatory occurrence reporting.

124. (1) The objective of this section is to contribute to the improvement of air safety by ensuring that the relevant information on safety is reported, collected, stored, protected and disseminated.

(2) The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.

(3) Every person listed below shall report to the Director of Civil Aviation any event which constitutes an occurrence for the purposes of subsection (4) and which comes to his attention in the carrying out of his functions -

- (a) the operator and the pilot-in-command of an aircraft which has a certificate of airworthiness or permit to fly issued by the Director of Civil Aviation,
- (b) the operator and the pilot-in-command of an aircraft operated under an air operator's certificate granted by the Director of Civil Aviation,
- (c) a person who carries on in the Bailiwick the business of manufacturing, repairing, modifying or overhauling an aircraft, referred to in paragraphs (a) or (b), or any equipment or part thereof,

- (d) a person who carries on the business of maintaining or modifying an aircraft that has a certificate of airworthiness or permit to fly issued by the Director, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft,
 - (e) a person who carries on the business of maintaining or modifying an aircraft, operated under an air operator's certificate granted by the Director of Civil Aviation, and a person who carries on the business of maintaining or modifying any equipment or part of such an aircraft, or who signs an airworthiness report or a certificate of release to service in respect of such an aircraft, part or equipment,
 - (f) a person who carries out a function for which he requires an air traffic controller's licence or to be authorised as a flight information service officer,
 - (g) an aerodrome licence holder or the operator or manager of a licensed aerodrome,
 - (h) a person who carries out a function connected with the installation, modification, maintenance, repair, overhaul, flight checking or inspection of air navigation facilities which are utilised by a person who provides an air traffic control service under an approval issued by the Director, and
 - (i) a person who carries out a function in respect of the ground-handling of aircraft, including fuelling, servicing, load sheet preparation, de-icing and towing.
- (4) In this section "**reportable occurrence**" means -

- (a) any incident relating to such an aircraft or any defect in or malfunctioning of such an aircraft or any part or equipment of such an aircraft, being an incident, malfunctioning or defect endangering, or which if not corrected would endanger, the aircraft, its occupants or any other person, and
- (b) any defect in or malfunctioning of any facility on the ground used or intended to be used for purposes of or in connection with the operation of such an aircraft, being a defect or malfunctioning endangering, or which if not corrected would endanger, such an aircraft or its occupants.

(5) Any accident or serious incident notified to the Director of Civil Aviation in accordance with, or by virtue of, section 27 of the Aviation Law shall not constitute a reportable occurrence for purposes of this section.

(6) Reports of occurrences shall be made within such time, by such means and containing such information as may be specified by the Director of Civil Aviation and shall be presented in such form as the Director may in any particular case approve.

(7) Nothing in this section shall require a person to report any occurrence which he has reason to believe has been or will be reported by another person to the Director of Civil Aviation in accordance with this section.

(8) A person shall not make any report under this section if he knows or has reason to believe that the report is false in any particular.

(9) Without prejudice to section 52 and subject to section 109 and subsection (10), the operator of an aircraft shall, if he has reason to believe that a report has been or will be made in pursuance of this section, preserve any data from a flight data

recorder or a combined cockpit voice recorder/flight data recorder relevant to the reportable occurrence for 14 days from the date on which a report of that occurrence is made to the Director of Civil Aviation or for such longer period as the Director may in a particular case direct.

(10) The record referred to in subsection (9) may be erased if the aircraft is outside the Bailiwick and it is not reasonably practicable to preserve the record until the aircraft reaches the Bailiwick.

Mandatory occurrence reporting of birdstrikes.

125. (1) The pilot-in-command of an aircraft shall make a report to the Director of Civil Aviation of any birdstrike occurrence which occurs whilst the aircraft is in flight within the Bailiwick.

(2) The report shall be made within such time, by such means and shall contain such information as may be specified by the Director of Civil Aviation and it shall be presented in such form as the Director may in a particular case approve.

(3) Nothing in this section shall require a person to report any occurrence which he has reported under section 124 or which he has reason to believe has been or will be reported by another person to the Director of Civil Aviation in accordance with that section.

(4) A person shall not make any report under this section if he knows or has reason to believe that the report is false in any particular.

(5) In this section "**birdstrike occurrence**" means an incident in flight in which the pilot-in-command of an aircraft has reason to believe that the aircraft has been in collision with one or more than one bird.

Power to prevent aircraft flying.

126. (1) If it appears to the Director of Civil Aviation, or an authorised person, that any aircraft is intended or likely to be flown -

- (a) in such circumstances that any provision of section 1, 2, 4, 17, 18, 52, 53, 54, or 115(2) would be contravened in relation to the flight,
- (b) in such circumstances that the flight would be in contravention of any other provision of this Law, and be a cause of danger to any person or property whether or not in the aircraft, or
- (c) while in a condition unfit for the flight, whether or not the flight would otherwise be in contravention of any provision of this Law,

the Director, or that authorised person, may direct the operator or the pilot-in-command of the aircraft that he is not to permit the aircraft to make the particular flight or any other flight of such description as may be specified in the direction, until the direction has been revoked by the Director, or by an authorised person, and the Director, or that authorised person, may take such steps as are necessary to detain the aircraft.

(2) For the purposes of subsection (1) the Director of Civil Aviation or any authorised person may enter upon and inspect any aircraft.

Right of access to aerodromes and other places.

127. The Director of Civil Aviation and any authorised person shall have the right of access at all reasonable times -

- (a) to any aerodrome, for the purpose of inspecting the aerodrome,

- (b) to any aerodrome for the purpose of inspecting any aircraft on the aerodrome or any document which he has power to demand under this Law, or for the purpose of detaining any aircraft under the provisions of this Law,
- (c) to any place where an aircraft has landed, for the purpose of inspecting the aircraft or any document which he has power to demand under this Law and for the purpose of detaining the aircraft under the provisions of this Law, and
- (d) to any building or place from which an air traffic control service is being provided or where any aeronautical telecommunications service requiring approval under section 93 is situated for the purpose of inspecting -
 - (i) any equipment used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground, or
 - (ii) any document or record which it or he has power to demand under this Law.

Extra-territorial effect of this Law.

128. (1) Except where the context otherwise requires, the provisions of this Law -

- (a) insofar as they apply (whether by express reference or otherwise) to aircraft registered in Guernsey, apply to such aircraft wherever they may be,
- (b) insofar as they apply to other aircraft apply to such other aircraft when they are within the Bailiwick,

- (c) insofar as they prohibit, require or regulate (whether by express reference or otherwise) the doing of anything by persons in or by any of the crew of, any aircraft registered in Guernsey, apply to such persons and crew, wherever they may be, and
- (d) insofar as they prohibit, require or regulate the doing of anything in relation to any aircraft registered in Guernsey by other persons shall, where such persons are Commonwealth citizens or British protected persons, apply to them wherever they may be.

(2) Nothing in this section shall be construed as extending to make any person guilty of an offence in any case in which it is provided by section 3(1) of the British Nationality Act 1948^d, as it applies in the Bailiwick, (which limits the criminal liability of certain persons who are not citizens of the United Kingdom and colonies) that that person shall not be guilty of an offence.

Application of Law to Bailiwick controlled aircraft not registered in Guernsey.

129. The Director of Civil Aviation may direct that such of the provisions of this Law as may be specified in the direction shall have effect as if reference in those provisions to aircraft registered in Guernsey included references to the aircraft specified in the direction, being an aircraft not so registered but for the time being under the management of a person who, or of persons each of whom, is qualified to hold a legal or beneficial interest by way of ownership in an aircraft registered in Guernsey.

Application of Law to the Crown and visiting forces, etc.

130. (1) Subject to the following provisions of this section, the provisions of this Law apply to, or in relation to, aircraft belonging to or exclusively employed in the service of Her Majesty as they apply to or in relation to other aircraft.

^d An Act of the United Kingdom Parliament, 1948, Chapter 56

(2) For the purposes of such application, the authority for the time being responsible on behalf of Her Majesty for the management of the aircraft shall be deemed to be the operator of the aircraft and, in the case of an aircraft belonging to Her Majesty, to be the owner of the interest of Her Majesty in the aircraft.

(3) Nothing in this section shall render liable to any penalty any department or other authority responsible on behalf of Her Majesty for the management of any aircraft.

(4) Save as otherwise expressly provided the naval, military and air force authorities and members of any visiting force and any international headquarters and the members thereof and property held or used for the purpose of such a force or headquarters shall be exempt from the provisions of this Law, to the same extent as if that force or headquarters formed part of the forces of Her Majesty raised in the United Kingdom and for the time being serving in the Bailiwick.

(5) Save as otherwise provided by subsection (6) and sections 28, 59(5), (9) and (10), and 99, and the Rules of the Air, nothing in this Law applies to or in relation to any military aircraft.

(6) Where a military aircraft is flown by a civilian pilot and is not commanded by a person who is acting in the course of his duty as a member of any of Her Majesty's forces or as a member of a visiting force or international headquarters, the following provisions of this Law apply on the occasion of that flight, that is to say, sections 34 and 35 and sections 113, 114 and 115, unless the aircraft is flown in compliance with any enactment which exempts the flight from the application of those sections.

Exemption from Law.

131. The Director of Civil Aviation may exempt from any of the provisions of, or made under, this Part (other than sections 32, 33, and 123), any aircraft or persons or classes of aircraft or persons, either absolutely or subject to such conditions as he thinks fit.

Regulations by the Director of Civil Aviation: Fees.

132. (1) The Director of Civil Aviation may make regulations for prescribing anything that, under the provisions of this Law, is to be prescribed.

(2) Without prejudice to the generality of subsection (1), such regulations may, subject to the approval of the Department, prescribe the fees to be charged in connection with the grant, issue, validation, renewal, extension or variation of any certificate, licence or other document (including the issue of a copy thereof), or the undergoing of any examination, test, inspection or investigation or the grant of any permission or approval, required by, or for the purpose of, the provisions of this Law.

(3) Upon an application being made in connection with which any fee is chargeable in accordance with the said provisions the applicant may be required before the application is entertained to pay the whole or to deposit a portion of the fee or fees so chargeable.

(4) If, after payment or deposit has been made under subsection (3), the application is withdrawn by the applicant or otherwise ceases to have effect or is refused by the Director of Civil Aviation, the Director may, subject as hereinafter provided, refund the amount of such payment or deposit.

(5) Where the amount paid or deposited under subsection (3) is wholly or to any extent attributable to a fee chargeable in respect of an investigation which would have been carried out in connection with the application if it had not been so withdrawn or ceased to have effect or been refused but which has not been carried out by reason only of such withdrawal, cessation or refusal, the Director of Civil Aviation may refund the amount so attributable or, subject to subsection (6), in a case where an investigation has been partially completed, so much of that amount as in the opinion of the Director is reasonable having regard to the stage to which the investigation has progressed at the time of such withdrawal, cessation or refusal.

(6) If in any case the amount deposited by the applicant is not sufficient to cover the fee, as ultimately assessed, chargeable in respect of any investigation in so far as the same has been carried out at the time when the application is withdrawn by him or otherwise ceases to have effect or is refused by the Director of Civil Aviation the amount representing the balance of such fee shall be payable by the applicant.

(7) In this section the expression "**investigation**" includes an inspection, examination, calculation or test.

Exceptions for certain classes of aircraft.

133. The provisions of this Law other than sections 35(1), 36, 37, 70, 114, 126(1)(b) and 152, do not apply to or in relation to -

- (a) any small balloon,
- (b) any kite weighing not more than 2 kg,
- (c) any small aircraft, or
- (d) any parachute, including a parascending parachute.

Approval for persons to furnish reports.

134. In relation to any of his functions under any of the provisions of this Law the Director of Civil Aviation may approve a person as qualified to furnish reports to him and may accept such reports.

Publication of requirements.

135. (1) Where any provision of this Law provides for the Director of Civil Aviation to grant, issue or validate a licence, certificate, approval, authorisation, permission or exemption or other document if he is satisfied as to matters specified in the provision, he shall before determining whether to effect that grant, issuance or validation -

- (a) publish, in such manner as he thinks fit, the requirements which he considers relevant to determining his satisfaction in respect of those matters in the publication issued in Guernsey as the Guernsey Aviation Requirements, and
- (b) take into account those requirements.

(2) Nothing in this section shall require the Director of Civil Aviation to publish requirements in respect of a licence, certificate, approval, authorisation, permission or exemption or other document if he does not exercise his powers to grant, issue or validate the licence, certificate, approval, authorisation, permission or exemption or other document in question.

Designation by the Director of Civil Aviation.

136. (1) Subject to subsection (3), the Director of Civil Aviation, acting in his discretion, may designate a person to carry out those functions of the Director of Civil Aviation under this Law that are specified in the designation, subject to such conditions as he sees fit.

(2) The Director of Civil Aviation may revoke or vary a designation made under subsection (1)

(3) The Director of Civil Aviation may not include in any designation made under subsection (1) the functions of the Director -

- (a) to make rules, orders or regulations or give instructions under this Law, or
- (b) under this section or sections 135 or 137.

Review by the Director of Civil Aviation.

137. (1) Where any person designated under section 136(1) -

- (a) refuses an application for the grant, validation or variation of a licence, certificate, approval, authorisation or rating, or
- (b) decides to revoke, suspend or vary a licence, certificate, approval, authorisation, validation or rating otherwise than on the application of the holder;

the person designated shall serve on the person concerned a notice stating the reasons for the decision and the person concerned may within 14 days of the date of the service of the notice, serve on the Director of Civil Aviation a request that the decision be reviewed by the Director of Civil Aviation.

(2) Where such a request under subsection (1) has been duly served the Director of Civil Aviation shall, before making a decision, consider any oral representations which may be made to him or any representations in writing which may have been served upon him by the person concerned within 21 days after the date of service of the request and may, before making a decision, consider the advice of such technical assessors as the Director of Civil Aviation may appoint to advise him provided that the Director of Civil Aviation shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing any test or examination which is to be the subject of the Director of Civil Aviation's decision.

Commercial air transport and aerial work - general rules.

138. (1) "Aerial work" means any purpose (other than commercial air transport) for which an aircraft is flown for reward.

(2) If the only such reward consists of remuneration for the services of the pilot the flight shall be deemed to be a private flight for the purposes of Chapter II.

(3) An aircraft in flight shall for the purposes of this Law be deemed to fly for the purposes of commercial air transport -

- (a) if the carriage of passengers or cargo in the aircraft on that flight is for reward,
- (b) if any passengers or cargo are carried gratuitously in the aircraft on that flight by an air transport undertaking, excluding –
 - (i) in the case of passengers, persons in the employment of the undertaking (including, in the case of a body corporate, its directors) and persons, with the authority of the Director of Civil Aviation, either making any inspection or witnessing any training, practice or test for the purposes of this Law, and
 - (ii) cargo intended to be used by any such persons, or by the undertaking, or
- (c) for the purposes of Chapter II (other than sections 12(2) and 13(2)), if a particular person is given the right to fly the aircraft on that flight for reward (not being a single-seat aircraft of which the maximum total weight authorised does not exceed 910 kg) otherwise than under a hire-purchase or conditional sale agreement.

(4) Notwithstanding that an aircraft may be flying for the purpose of commercial air transport by reason of subsection (3)(c), it shall not be deemed to be flying for the purpose of the commercial air transport of passengers unless the carriage of those passengers is for reward.

(5) A glider shall not be deemed to fly for the purpose of commercial air transport for the purposes of Chapter II by virtue of subsection (3)(c) if a particular person

is given the right to fly the glider on that flight for reward that is given or promised by a member of a flying club and the glider is owned or operated by that flying club.

(6) Notwithstanding the giving or promising of reward specified in subsection (3)(c) in respect of the flight or the purpose of the flight it shall –

(a) subject to paragraph (b), for all purposes other than Chapter II, and

(b) for the purposes of sections 12(2) and 13(2),

be deemed to be a private flight.

(7) Where under a transaction effected by or on behalf of a member of an association of persons on the one hand and the association of persons or any member thereof on the other hand, a person is carried in or is given the right to fly an aircraft in such circumstances that if the transaction were effected otherwise than aforesaid it would be for reward, such reward shall, for the purposes of this Law, be deemed to have been given or promised, notwithstanding any rule of law as to such transactions.

(8) For the purposes of subsection (3)(a), there shall be disregarded any value passing from one company to another company which is –

(a) its holding company,

(b) its subsidiary, or

(c) another subsidiary of the same holding company.

Commercial air transport and aerial work - exception for flying displays etc.

139. (1) A flight shall, for the purposes of Chapter III be deemed to be a private flight if –

(a) the flight is -

- (i) wholly or principally for the purpose of taking part in an aircraft race, contest or flying display,
- (ii) for the purpose of positioning the aircraft for such a flight as is specified in subparagraph (i) and is made with the intention of carrying out such a flight, or
- (iii) for the purpose of returning after such a flight as is specified in subparagraph (i) to a place at which the aircraft is usually based,

and

(b) the only reward in respect of the flight or the purpose of the flight other than -

- (i) that specified at section 138(3)(c), or
- (ii) in the case of an aircraft owned in accordance with section 143(2), reward which falls within section 143(3),

falls within subsection (2)(a) or (2)(b) or both.

(2) Reward falls within this subsection if it either is -

- (a) for the owner or operator of an aircraft taking part in such a race, contest or flying display and does not exceed the direct costs of the flight and a contribution to the annual costs of the

aircraft which contribution shall bear no greater proportion to the total annual costs of the aircraft than the duration of the flight bears to the annual flying hours of the aircraft, or

- (b) one or more prizes awarded to the pilot-in-command of an aircraft taking part in an aircraft race or contest to a value which shall not exceed £500 in respect of any one race or contest except with the permission in writing of the Director of Civil Aviation granted to the organiser of the race or contest which permission may be granted subject to such conditions as the Director thinks fit.

(3) Any prize falling within subsection (2)(b) shall be deemed for the purposes of this Law not to constitute remuneration for services as a pilot.

Commercial air transport and aerial work - exception for charity flights.

140. (1) A flight shall be deemed to be a private flight if it is for reward or promised in respect of the flight or the purpose of the flight other than -

- (a) reward specified at section 138(3)(c), or
- (b) in the case of an aircraft owned in accordance with section 143(2), reward which falls within section 143(3),

and is given or promised to a registered charity which is not the operator of the aircraft and the flight is made with the permission in writing of the Director of Civil Aviation and in accordance with any conditions therein.

(2) If a flight is for reward specified at section 138(3)(c) is given or promised the flight shall for the purposes of Chapter II (other than sections 12(2) and 13(2)) be deemed to be for the purposes of commercial air transport.

Commercial air transport and aerial work - exception for cost sharing.

141. (1) A flight shall be deemed to be a private flight if the only reward given or promised in respect of the flight or the purpose of the flight that falls within subsection (2) and the criteria in subsection (3) are satisfied.

(2) Reward falls within this subsection if it is -

- (a) that specified at section 138(3)(c),
- (b) in the case of an aircraft owned in accordance with section 143(2), reward which falls within section 143(3), or
- (c) a contribution to the direct costs of the flight otherwise payable by the pilot-in-command,

or falls within any two or all three paragraphs.

(3) The criteria in this subsection are satisfied if -

- (a) no more than 4 persons (including the pilot) are carried on such a flight,
- (b) the proportion which the contribution referred to in subsection (2)(c) bears to the total direct costs of the flight shall not exceed the proportion which the number of persons carried on the flight (excluding the pilot) bears to the number of persons carried on the flight (including the pilot),
- (c) 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, and

- (d) no person acting as a pilot on such a flight shall be employed as a pilot by or be a party to a contract for the provision of services as a pilot with the operator of the aircraft being flown on the flight.

(4) If a flight is for reward specified in section 138(3)(c) the flight shall for the purposes of Chapter II (other than sections 12(2) and 13(2)) be deemed to be for the purposes of commercial air transport.

Commercial air transport and aerial work - exception for recovery of direct costs.

142. (1) A flight shall be deemed to be a private flight if the only reward given or promised in respect of the flight or the purpose of the flight other than -

- (a) that specified in section 138(3)(c), or
- (b) in the case of an aircraft owned in accordance with section 143(2), reward which falls within section 143(3),

is the payment of the whole or part of the direct costs otherwise payable by the pilot-in-command by or on behalf of the employer of the pilot-in-command, or by or on behalf of a body corporate of which the pilot-in-command is a director, provided that neither the pilot-in-command nor any other person who is carried is legally obliged, whether under a contract or otherwise, to be carried.

(2) If a flight is for reward specified in section 138(3)(c) the flight shall for the purposes of Chapter II (other than sections 12(2) and 13(2)) be deemed to be for the purposes of commercial air transport.

Commercial air transport and aerial work - exception for jointly owned aircraft.

143. (1) A flight shall be deemed to be a private flight if the aircraft falls within subsection (2) and the only reward given or promised in respect of the flight or the purpose of the flight falls within subsection (3).

(2) An aircraft falls within this subsection if it is owned -

(a) 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

(b) 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.

(3) Reward falls within this subsection if it is either -

(a) 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 registered shareholders of the company which owns the aircraft, or

- (b) in respect of the annual costs and given by one or more of such joint owners or shareholders (as aforesaid),

or falls within both paragraphs (a) and (b).

Commercial air transport and aerial work - parachuting designation by the Director of Civil Aviation.

144. A flight shall be deemed to be for the purpose of aerial work if it is a flight in respect of which reward has been given or promised for the carriage of passengers and which is for the purpose of -

- (a) the dropping of persons by parachute and which is made under and in accordance with the terms of a written permission granted by the Director of Civil Aviation under section 74,
- (b) positioning the aircraft for such a flight as is specified in paragraph (a) and which is made with the intention of carrying out such a flight and on which no person is carried who it is not intended shall be carried on such a flight and who may be carried on such a flight in accordance with the terms of a written permission granted by the Director under section 74, or
- (c) returning after such a flight as is specified in paragraph (a) hereof to the place at which the persons carried on such a flight are usually based and on which flight no persons are carried other than persons carried on the flight specified in paragraph (a).

Power to give effect to Chicago Convention and to regulate air navigation etc. by Ordinance.

145. (1) The States may by Ordinance make such provision as is authorised under subsections (2) and (3).

(2) An Ordinance made under subsection (1) may contain such provision as appears to the States to be requisite or expedient -

- (a) for carrying out the Chicago Convention, any Annex thereto relating to international standards and recommended practices (being an Annex adopted in accordance with the Convention) and any amendment of the Convention or any such Annex made in accordance with the Convention, or
- (b) generally for regulating air navigation.

(3) Without prejudice to the generality of subsection (2) or to any other provision of this Law, an Ordinance under subsection (1) may contain provision -

- (a) for prohibiting aircraft from flying unless certificates of airworthiness issued or validated under the Ordinance are in force with respect to them and except upon compliance with such conditions as to maintenance or repair as may be specified in the Ordinance,
- (b) for the licensing, inspection and regulation of aerodromes, for access to aerodromes and places where aircraft have landed, for access to aircraft factories for the purpose of inspecting work therein carried on in relation to aircraft or parts thereof and for prohibiting or regulating the use of unlicensed aerodromes,

- (c) for prohibiting persons from engaging in, or being employed in or (except in the maintenance at unlicensed aerodromes of aircraft not used for or in connection with commercial, industrial or other gainful purposes) in connection with, air navigation in such capacities as may be specified in the Ordinance except in accordance with provisions in that behalf contained in the Ordinance, and for the licensing of those employed at aerodromes licensed under the Ordinance in the inspection or supervision of aircraft,
- (d) as to the conditions under which, and in particular the aerodromes to or from which, aircraft entering or leaving the Bailiwick may fly, and as to the conditions under which aircraft may fly from one part of the Bailiwick to another,
- (e) as to the conditions under which passengers may be carried by air and under which aircraft may be used for other commercial, industrial or gainful purposes,
- (f) as to the conditions under which goods may be carried by air, for prohibiting the carriage by air of goods of such classes as may be specified in the Ordinance, and for conferring, on such persons as may be so specified, powers relating to the enforcement of any such condition or prohibition (including powers to examine, take samples of, seize and detain any goods, powers to open any baggage or packages containing goods or to require them to be opened and powers to require the production of any documents),
- (g) for minimizing or preventing interference with the use or effectiveness of apparatus used in connection with air navigation, and for prohibiting or regulating the use of such

apparatus as aforesaid and the display of signs and lights liable to endanger aircraft,

- (h) generally for securing the safety, efficiency and regularity of air navigation and the safety of aircraft and of persons and property carried therein, for preventing aircraft endangering other persons and property and, in particular, for the detention of aircraft for any of the purposes specified in this paragraph,
- (i) for safeguarding the health of persons on board aircraft,
- (j) for requiring persons engaged in, or employed in or in connection with, air navigation to supply meteorological information for the purposes of air navigation,
- (k) for regulating the making of signals and other communications by or to aircraft and persons carried therein,
- (l) for prohibiting aircraft from flying over such areas in the Bailiwick as may be specified in the Ordinance,
- (m) for applying, adapting or modifying the enactments for the time being in force relating to customs or excise in relation to aerodromes and to aircraft and to persons and property carried therein and for preventing smuggling by air, and for permitting in connection with air navigation, subject to such conditions as appear to be requisite or expedient for the protection of the revenue, the importation of goods into the Bailiwick without payment of duty,
- (n) as to the manner and conditions of the issue, validation, renewal, extension or variation of any certificate, licence or

other document required by the Ordinance (including the examinations and tests to be undergone), and as to the form, custody, production, cancellation, suspension, endorsement and surrender of any such document,

- (o) for specifying the fees to be paid in respect of the issue, validation, renewal, extension or variation of any licence, certificate, approval, authorisation, permission or exemption or other document or the undergoing of any examination or test required by the Ordinance and in respect of any other matters in respect of which it appears to be expedient for the purpose of the Ordinance to charge fees,
- (p) for exempting from the provisions of the Ordinance any aircraft or persons,
- (q) for prohibiting aircraft from taking off or landing in the Bailiwick unless there are in force in respect of those aircraft such certificates of compliance with standards as to noise as may be specified in the Ordinance and except upon compliance with the conditions of those certificates,
- (r) for regulating or prohibiting the flight of aircraft over the Bailiwick at speeds in excess of Flight Mach 1, and
- (s) for regulating the use of the civil air ensign and any other ensign established by Her Majesty in Council for purposes connected with air navigation.

(4) In this section, a reference to "**goods**" includes a reference to mail or animals.

Supplemental provisions for Ordinances under section 145.

146. (1) An Ordinance under section 145 may, for the purpose of securing compliance with its provisions, provide -

- (a) subject to subsection (2), for persons to be guilty of offences in such circumstances as may be specified in the Ordinance and to be liable on conviction of those offences to such penalties as may be so specified, and
- (b) in the case of a provision having effect by virtue of section 145(3)(k), for the taking of such steps as may be specified in the Ordinance.

(2) The power conferred by virtue of subsection (1)(a) shall not include power -

- (a) to provide for offences to be triable only on indictment,
- (b) to authorise the imposition, on summary conviction of any offence, of any term of imprisonment or of a fine exceeding the limits of jurisdiction imposed on the Magistrate's Court by section 9 of the Magistrate's Court (Guernsey) Law, 2008^e,
- (c) subject to paragraph (d), to authorise the imposition, on conviction on indictment of any offence, of a term of imprisonment exceeding two years, or
- (d) to authorise the imposition, on conviction on indictment of an offence of endangering an aircraft or a person in an aircraft, of a term of imprisonment exceeding five years.

^e Order in Council No. XVIII of 2009.

Saving.

147. (1) Subject to the provisions of sections 96 and 98, nothing in the provisions of this Law, shall confer any right to land in any place as against the owner of the land or other persons interested therein.

(2) Nothing in the provisions of this Law, shall oblige the Director of Civil Aviation to accept an application from the holder of any current licence, certificate, approval, authorisation, permission, exemption or other document, being an application for the renewal of that document, or for the granting of another document in continuation of or in substitution for the current document, if the application is made more than 60 days before the current document is due to expire.

PART II
GENERAL

Repeal.

148. In the Aviation Law -

- (a) Part III and section 173, and
- (b) in section 179 the definition of "a Bailiwick of Guernsey air transport undertaking",

are repealed.

Power to make regulations concerning savings and transitional provisions.

149. (1) The Department may make regulations containing such savings and transitional provisions as it thinks fit in connection with the commencement of any provision of, or made under, this Law.

(2) Regulations under this section may, without limitation, make such adaptations and modifications -

- (a) to the Aviation Laws,
- (b) to any other enactment,
- (c) to any other instrument having legislative effect in the Bailiwick, or any part of the Bailiwick relating to aviation, and
- (d) to any rule of customary or common law,

as the Department thinks fit in connection with the commencement of any provision of this Law.

(3) Savings and transitional provisions made under this section are additional and without prejudice to those made by or under any other provision of this Law.

Ordinances of the States not to have effect in Alderney and Sark.

150. (1) An Ordinance made under this Law does not have effect unless approved by the States of Alderney and the Chief Pleas of Sark.

(2) For the purposes of subsection (1), an Ordinance shall be deemed to have been approved by the States of Alderney or the Chief Pleas of Sark at the expiration of a period of four months immediately following the day of its approval by the States of Deliberation unless, within that period -

- (a) the States of Alderney resolve to disapprove its application to Alderney or, as the case may be,
- (b) the Chief Pleas of Sark resolve to disapprove its application to Sark.

General provisions as to Ordinances and subordinate legislation.

151. (1) The States may by Ordinance -

- (a) amend Part II of this Law, and
- (b) make such other provision as they think fit for the purposes of carrying this Law into effect.

(2) Any Ordinance, or subordinate legislation under this Law -

- (a) may be amended, repealed or revoked by a subsequent Ordinance, or subordinate legislation, as the case may be, hereunder,
- (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient, and
- (c) may, without limitation, contain provision -
 - (i) subject to subsection (2), as to the creation of new liabilities, obligations, penalties and offences,
 - (ii) making consequential amendments to this Law and any other enactment,
 - (iii) repealing, replacing, amending, extending, adapting, modifying or disapplying any rule of customary or common law, and
 - (iv) authorising the Department, or the Director of Civil Aviation, to make subordinate legislation in relation to

any matter in relation to which the Ordinance can make provision.

(2) An Ordinance, regulation or rules under this Law -

- (a) may be amended or repealed by a subsequent Ordinance, regulation or rules, as the case may be, hereunder, and
- (b) may contain such consequential, incidental, supplementary and transitional provision as may appear to be necessary or expedient including, in the case of an Ordinance, provision making consequential amendments to this Law and any other enactment.

(3) Any power conferred by this Law to make an Ordinance, regulation or rules may be exercised -

- (a) in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified cases or classes of cases,
- (b) so as to make, as respects the cases in relation to which it is exercised -
 - (i) the full provision to which the power extends, or any lesser provision (whether by way of exception or otherwise),
 - (ii) the same provision for all cases, or different provision for different cases or classes of cases, or different provision for the same class of case for different purposes,

- (iii) any such provision either unconditionally or subject to any prescribed conditions.

(4) Regulations under this Law shall be laid before a meeting of the States as soon as possible after being made; and, if at that or the next meeting the States resolve that the regulations be annulled, then they shall cease to have effect, but without prejudice to anything done under them or to the making of new regulations.

Interpretation.

152. (1) In this Law, and in any Ordinance or subordinate legislation made under this Law, unless the context otherwise requires -

"acting as an air traffic controller" for the purpose of Chapter XI has the meaning given in section 84,

"acting as a student air traffic controller" for the purpose of Chapter XI has the meaning given in section 84,

"aerial work" has the meaning assigned to it by section 138,

"aerial work aircraft" means an aircraft (other than a commercial air transport aircraft) flying, or intended by the operator to fly, for the purpose of aerial work,

"aerial work undertaking" means an undertaking whose business includes the performance of aerial work,

"aerobatic manoeuvres" includes loops, spins, rolls, bunts, stall turns, inverted flying and any other similar manoeuvre,

"aerodrome" means any area of land or water designed, equipped, set apart or commonly used for affording facilities for the landing and departure of aircraft and includes any area or space, whether on the ground, on the roof of a building or elsewhere, which is designed, equipped or set apart for affording facilities for the landing and departure of aircraft capable of descending or climbing vertically, but shall not include any area the use of which for affording facilities for the landing and departure of aircraft has been abandoned and has not been resumed,

"aerodrome control service" means an air traffic control service for any aircraft on the manoeuvring area or apron of the aerodrome in respect of which the service is being provided or which is flying in, or in the vicinity of, the aerodrome traffic zone of that aerodrome by visual reference to the surface,

"aerodrome licence" means a licence granted under section 96,

"aerodrome licence holder" for the purpose of section 96 has the meaning given in that section,

"aerodrome operating minima" in relation to the operation of an aircraft at an aerodrome means the cloud ceiling and runway visual range for take-off, and the decision height or minimum descent height, runway visual range and visual reference for landing, which are the minimum for the operation of that aircraft at that aerodrome,

"aerodrome operating staff" for the purpose of section 96 has the meaning given in that section,

"aerodrome traffic zone" means the airspace specified below, being airspace in the vicinity of an aerodrome which is notified for the purposes of rule 45 of the Rules of the Air -

- (a) in relation to such an aerodrome at which the length of the longest runway is notified as 1850 metres or less –
 - (i) subject to subparagraph (ii), the airspace extending from the surface to a height of 2000 feet above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2 nautical miles, or
 - (ii) where such an aerodrome traffic zone would extend less than 1½ nautical miles beyond the end of any runway at the aerodrome and this subparagraph is notified as being applicable, paragraph (b) applies as though the length of the longest runway is notified as greater than 1850 metres,
- (b) in relation to such an aerodrome at which the length of the longest runway is notified as greater than 1850 metres, the airspace extending from the surface to a height of 2000 ft above the level of the aerodrome within the area bounded by a circle centred on the notified mid-point of the longest runway and having a radius of 2½ nautical miles,

except any part of that airspace which is within the aerodrome traffic zone of another aerodrome which is notified for the purposes of this Law as being the controlling aerodrome,

"aeronautical beacon" means an aeronautical ground light which is visible either continuously or intermittently to designate a particular point on the surface of the earth,

"aeronautical ground light" means any light specifically provided as an aid to air navigation, other than a light displayed on an aircraft,

"aeronautical radio station" means a radio station on the surface, which transmits or receives signals for the purpose of assisting aircraft,

"aeronautical telecommunications service" means a service consisting of the emission, transmission, switching, conveyance or reception of messages to, or by, aircraft within the Bailiwick by means of a telecommunications network,

"aeroplane" a power-driven heavier-than-air aircraft, deriving its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight,

"airborne collision avoidance system" means an aircraft system based on secondary surveillance radar (SSR) transponder signals which operates independently of ground-based equipment to provide advice to the pilot on potential conflicting aircraft that are equipped with SSR transponders,

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reactions of the air against the earth's surface,

"aircraft maintenance engineer's licence" means a licence granted by the Director under section 10(1) or rendered valid for the purposes of the Law under section 10(4),

"aircrew" for the purpose of sections 32 and 33 has the meaning given in section 32,

"the Air Navigation (Dangerous Goods) Regulations" means the regulations set out in Schedule 5 as amended or repealed, from time to time, by the

Director of Civil Aviation under section 54 or 151 and otherwise having effect under this Law,

"air traffic controller" means any individual who provides any service for the purpose of -

- (a) preventing collisions between, or involving, aircraft, and
- (b) expediting and maintaining an orderly flow of air traffic,

"air traffic control unit" means a person appointed by the Director of Civil Aviation, or by any other person maintaining an aerodrome or place from which an aerodrome control service is provided, to give instructions, advice or information by means of radio signals to aircraft in the interests of safety but does not include a person so appointed solely to provide a flight information service to aircraft, and **"air traffic control service"** shall be construed accordingly,

"air transport undertaking" means an undertaking whose business includes the undertaking of flights for the purposes of commercial air transport of passengers or cargo,

"altitude hold and heading mode" mean aircraft autopilot functions that enable the aircraft to maintain an accurate height and an accurate heading,

"annual costs" in relation to the operation of an aircraft means the best estimate reasonably practicable at the time of a particular flight in respect of the year commencing on the first day of January preceding the date of the flight, of the costs of keeping and maintaining and the indirect costs of operating the aircraft, such costs in either case excluding direct costs and being those actually and necessarily incurred without a view to profit,

"annual flying hours" means the best estimate reasonably practicable at the time of a particular flight by an aircraft of the hours flown or to be flown by the aircraft in respect of the year commencing on the first day of January preceding the date of the flight,

"approach control service" means an air traffic control service for any aircraft not receiving an aerodrome control service, which is flying in, or in the vicinity of the aerodrome traffic zone of the aerodrome in respect of which the service is being provided, whether or not the aircraft is flying by visual reference to the surface,

"approach to landing" means that portion of the flight of the aircraft when approaching to land, in which it is descending below a height of 1000 ft above the relevant specified decision height or minimum descent height,

"appropriate aeronautical authorities" for the purpose of section 123 has the meaning given in that section,

"appropriate aeronautical radio station" means in relation to an aircraft an aeronautical radio station serving the area in which the aircraft is for the time being,

"appropriate air traffic control unit" means in relation to an aircraft either the air traffic control unit notified as serving the area in which the aircraft is for the time being, or the air traffic control unit notified as serving the area which the aircraft intends to enter and with which unit the aircraft is required to communicate prior to entering that area, as the case may be,

"apron" means the part of an aerodrome provided for the stationing of aircraft for the embarkation and disembarkation of passengers, for loading and unloading of cargo and for parking,

"area control centre" means an air traffic control unit established to provide an area control service to aircraft flying within a notified flight information region which are not receiving an aerodrome control service or an approach control service,

"area control service" means an air traffic control service for any aircraft which is flying neither in nor in the vicinity of an aerodrome traffic zone except for an aerodrome traffic zone which has been notified as being subject to an area control service,

"area navigation equipment" means equipment carried on board an aircraft which enables the aircraft to navigate on any desired flight path within the coverage of appropriate ground based navigation aids or within the limits of that on-board equipment or a combination of the two,

"areas with specified performance based navigation" for the purpose of section 49 has the meaning given in that section,

"authorised person" means any person authorised by the Director of Civil Aviation either generally or in relation to a particular case or class of cases, and references to a person authorised by the Director include references to the Director and the holder for the time being of any office designated by the Director,

"aviation fuel", for the purpose of section 103, has the meaning given it by section 103(6),

"aviation fuel installation", for the purpose of section 103, has the meaning given to it by section 103(6),

"Aviation Law" means the Aviation (Bailiwick of Guernsey) Law, 2008,

"Aviation Laws" means -

- (a) this Law,
- (b) the Aviation (Bailiwick of Guernsey) Law, 2008^f,
- (c) the Aviation Security Act, and
- (d) any other enactment or statutory instrument prescribed for the purposes of this section by regulations of the Department,

"Aviation Security Act" means the Aviation Security Act 1982^g,

"the Bailiwick" means the Bailiwick of Guernsey,

"the Bailiwick of Guernsey" includes the territorial sea adjacent to the Bailiwick, the breadth thereof being measured from the baselines established by the Territorial Waters Order in Council 1964^h,

"Bailiwick of Guernsey reduced vertical separation minimum airspace" means Bailiwick airspace that has been notified as reduced vertical separation minimum airspace for the purposes of section 50,

"birdstrike occurrence" for the purpose of section 125 has the meaning given in that section,

^f Order in Council No. XXVIII of 2008.

^g An Act of United Kingdom Parliament, (Chap. 36 of 1982), as extended to Guernsey by the Aviation Security (Guernsey) Order 1997, registered on the Records of the Island of Guernsey by Order of the Royal Court on 19 January 1998 (UK S.I. No. 2989 of 1997), as amended by Tome XXIX, p. 406 (Machinery of Government (Transfer of Functions) Ordinance, 2003).

^h Order in Council of the 25th September 1964.

"CAA" means the Civil Aviation Authority established by the United Kingdom Parliament,

"**cabin crew**" in relation to an aircraft means those persons on a flight carried for the purpose of performing in the interests of the safety of passengers duties to be assigned by the operator or the pilot-in-command of the aircraft but who shall not act as a member of the flight crew,

"**captive balloon**" means a balloon which when in flight is attached by a restraining device to the surface,

"**captive flight**" means flight by an uncontrollable balloon during which it is attached to the surface by a restraining device,

"**cargo**" includes mail and animals,

"**Category I operation, Category II operation and Other than Standard Category II operation**" for the purposes of sections 40 and 68, have the meanings assigned under section 68(7),

"**certificate of airworthiness**" includes any validation thereof and any flight manual, performance schedule or other document, whatever its title, incorporated by reference in that certificate relating to the certificate of airworthiness,

"**the Chicago Convention**" means the convention on International Civil Aviation which was signed on behalf of the Bailiwick at the International Civil Aviation Conference held at Chicago on 7th December 1944, and which came into force on 4th April 1947,

"**certificate of release to service issued under this Law**" has the meaning assigned to it by section 9(6),

"certificated for single pilot operation" means an aircraft that is not required to carry more than one pilot by virtue of any one or more of the following

–

- (a) the certificate of airworthiness duly issued or rendered valid under the law of the country in which the aircraft is registered,
- (b) if no certificate of airworthiness is required to be in force, the certificate of airworthiness, if any, last in force in respect of the aircraft,
- (c) if no certificate of airworthiness is or has previously been in force but the aircraft is identical in design with an aircraft in respect of which such a certificate is or has been in force, the certificate of airworthiness which is or has been in force in respect of such an identical aircraft, or
- (d) in the case of an aircraft flying in accordance with the conditions of a permit to fly issued by the Director of Civil Aviation, that permit to fly,

"circling approach" means an extension of an instrument approach procedure which provides for visual circling by an aircraft of an aerodrome prior to landing,

"Class A airspace", "Class B airspace", "Class C airspace", "Class D airspace" and **"Class E airspace"** mean airspace respectively notified as such,

"cloud ceiling" in relation to an aerodrome means the vertical distance from the elevation of the aerodrome to the lowest part of any cloud visible from the aerodrome which is sufficient to obscure more than one-half of the sky so visible,

"**commercial air transport**" has the meaning assigned to it by sections 138 to 144,

"**commercial air transport aircraft**" means an aircraft flying, or intended by the operator of the aircraft to fly, for the purpose of commercial air transport,

"**the Commonwealth**" means the Bailiwick, Jersey, the Isle of Man, the United Kingdom, the countries mentioned in Schedule 3 to the British Nationality Act 1981 and all other territories forming part of Her Majesty's dominions or in which Her Majesty has jurisdiction,

"**competent authority**" means in relation to the Bailiwick, the Director of Civil Aviation, and in relation to any other country the authority responsible under the law of that country for promoting the safety of civil aviation,

"**congested area**" means any area that is designated for the purpose by the Director of Civil Aviation,

"**Contracting State**" means any State that is a party to the Chicago Convention,

"**controllable balloon**" means a balloon, not being a small balloon, which is capable of free controlled flight,

"**controlled airspace**" means airspace that has been notified as Class A, Class B, Class C, Class D or Class E airspace,

"**control zone**" means controlled airspace which has been further notified as a control zone and which extends upwards from the surface,

"**co-pilot**" in relation to an aircraft means a pilot who in performing his duties as such is subject to the direction of another pilot carried in the aircraft,

"**country**" includes a territory,

"**crew**" means a member of the flight crew, a person carried on the flight deck whom the operator of the aircraft appoints to give or to supervise the training experience, practice and periodical tests required in respect of the flight crew under section 63(3) of this Law, or a member of the cabin crew or a task specialist,

"**Danger Area**" means airspace which has been notified as such within which activities dangerous to the flight of aircraft may take place or exist at such times as may be notified,

"**day**" for the purpose of Chapter IV has the meaning given to it in section 28(3) and for the purposes of the rest of this Law, means the time from half an hour before sunrise until half an hour after sunset (both times exclusive), sunset and sunrise being determined at surface level,

"**decision height**" in relation to the operation of an aircraft at an aerodrome means the height in a precision approach at which a missed approach must be initiated if the required visual reference to continue that approach has not been established,

"**declared distances**" has the meaning that has been notified,

"**department**" means any department, council or committee (however called) of the States of Guernsey,

"**the Department**" means the Commerce and Employment Department of the States of Guernsey,

"**designated**" for the purpose of section 41 has the meaning given in that section,

"designated required navigation performance airspace" means airspace that has been notified, prescribed or otherwise designated by the competent authority for the airspace as requiring specified navigation performance capabilities to be met by aircraft flying within it,

"direct costs" means, in respect of a flight, the costs actually and necessarily incurred in connection with that flight without a view to profit but excluding any remuneration payable to the pilot for his services as such,

"the Director of Civil Aviation" means the Director of Civil Aviation as defined in section 1 of the Aviation (Bailiwick of Guernsey) Law, 2008,

"dropping" for the purpose of section 73 has the meaning given in that section,

"drug" includes any intoxicant other than alcohol,

"en-route obstacle" for the purpose of section 101 has the meaning given in that section,

"enactment" means a Law, an Ordinance and subordinate legislation,

"flight" and **"to fly"** have the meanings respectively assigned to them by subsection (2),

"flight crew" means, in relation to an aircraft, those members of the crew of the aircraft who respectively undertake to act as pilot, flight navigator, flight engineer and flight radiotelephony operator of the aircraft,

"flight information service unit" means a person appointed by the Director of Civil Aviation or by any other person maintaining an aerodrome or area control centre -

- (a) in the case of such a unit appointed in respect of an aerodrome to -
 - (i) give information by means of radio signals to aircraft flying in or intending to fly within the aerodrome traffic zone of that aerodrome, and
 - (ii) grant or refuse permission, under Rule 35 or 36(2) of the Rules of the Air,
- (b) in the case of such a unit appointed in respect of an area control centre, to give information by means of radio signals to aircraft,

and **"flight information service"**, **"aerodrome flight information service"** and **"aerodrome flight information service unit"** shall be construed accordingly,

"flight level" means one of a series of levels of equal atmospheric pressure, separated by notified intervals and each expressed as the number of hundreds of feet which would be indicated at that level on a pressure altimeter calibrated in accordance with the International Standard Atmosphere and set to 1013.2 hectopascals,

"flight manual" means a manual approved under the type certification for the aircraft, associated with the certificate of airworthiness, containing limitations within which the aircraft may be considered airworthy, and instructions and information necessary to the flight crew for the safe operation of the aircraft,

"**flight recorder**" means any type of recorder installed in the aircraft for the purpose of complementing accident or incident investigation,

"**flight simulator**" means apparatus by means of which flight conditions in an aircraft are simulated on the ground,

"**flight time**" has the meaning given in section 28(3),

"**flight visibility**" means the visibility forward from the flight deck of an aircraft in flight,

"**flying display**" means any flying activity deliberately performed for the purpose of providing an exhibition or entertainment at an advertised event open to the public,

"**flying display director**" has the meaning given to it in section 57,

"**free balloon**" means a balloon which, when in flight, is not attached by any form of restraining device to the surface,

"**free controlled flight**" means flight during which a balloon is not attached to the surface by any form of restraining device (other than a tether not exceeding 5 metres in length which may be used as part of the take-off procedure) and during which the height of the balloon is controllable by means of a device attached to the balloon and operated by the pilot-in-command of the balloon or by remote control,

"**a function**" includes a power and a duty and the carrying out a function includes the exercise of a power and the performance of a duty,

"**GAR**" means Guernsey Aviation Requirements published by the Director of Civil Aviation under section 135,

"**general aviation operation**" for the purpose of Chapter IX has the meaning given in section 75,

"**general lighthouse authority**" has the same meaning as in section 203 of the Merchant Shipping (Bailiwick of Guernsey) Law, 2002ⁱ,

"**goods**" for the purpose of section 145 has the meaning given in that section,

"**helicopter**" means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes,

"**Her Majesty's forces**" means Her Majesty's air forces, military forces or naval forces, within the meaning of the Army Act 1955^j,

"**holding company**" has the same meaning as in section 531 of the Companies (Guernsey) Law, 2008,

"**ICAO**" means the International Civil Aviation Organisation established under the Chicago Convention,

"**instructor's rating**" means a flying instructor's rating, an assistant flying instructor's rating, a flight instructor rating (aeroplane), a flight instructor rating (helicopter), a type rating instructor rating (multi-pilot aeroplane), a type rating instructor rating (helicopter), a class rating instructor rating (single pilot aeroplane), an instrument rating instructor rating (aeroplane) or an instrument rating instructor rating (helicopter),

ⁱ Order in Council No. VIII of 2004.

^j An Act of Parliament, Chapter 18 of 1955, as extended to the Bailiwick of Guernsey by the Army Act 1955 (Bailiwick of Guernsey) Order 1996 (UK S.I. No. 722 of 1996).

"instrument approach procedure" means a series of predetermined manoeuvres by reference to flight instruments, with specified protection from obstacles, from a specified point to a point from which a landing can be completed and thereafter, if a landing is not completed, to a position at which holding or other obstacle clearance criteria apply,

"instrument flight procedure" means a generic term to include individually, in whole or in part, **"instrument approach procedure"**, **"standard instrument arrival"**, **"standard instrument departure"**, **"circling approach"** and **"holding procedure"** designed in accordance with International Civil Aviation Organisation Procedures for Air Navigation Services (PANS-OPS),

"IFR" means the Instrument Flight Rules,

"Instrument Flight Rules" means Instrument Flight Rules specified in the Rules of the Air,

"Instrument Meteorological Conditions" means weather that precludes flight in compliance with the Visual Flight Rules,

"International headquarters" means an international headquarters designated by Order in Council under section 1 of the International Headquarters and Defence Organisations Act 1964, as extended to the Bailiwick,

"international operations" for the purpose of section 95 has the meaning given in that section,

"investigation" for the purpose of section 132 has the meaning given in that section,

"to land" in relation to aircraft includes alighting on the water,

"large rocket" means a rocket of which the total impulse of the motor or combination of motors is more than 10,240 Newton-seconds,

"licence" includes any certificate of competency or certificate of validity issued with the licence or required to be held in connection with the licence by the law of the country under which the licence is granted,

"licensed aerodrome" means any premises in respect of which a licence, granted by the Director of Civil Aviation under section 110, is in force,

"licensed aircraft maintenance engineer" means a person who holds a licence granted under section 10,

"log book" in the case of an aircraft log book, engine log book or variable pitch propeller log book, or personal flying log book, includes a record kept either in a book, or by any other means approved by the Director of Civil Aviation in the particular case,

"Magistrate's Court" means the court established under the Magistrate's Court (Guernsey) Law, 1954^k,

"maintenance" means any one, or combination of, overhaul, repair, inspection, replacement, modification or defect rectification of an aircraft or component, with the exception of pre-flight inspection,

"maintenance control manual" for the purpose of section 7 has the meaning given in that section,

"manoeuvring area" means the part of an aerodrome provided for the take-off and landing of aircraft and for the movement of aircraft on the surface,

^k

Ordres en Conseil Vol. XVI, p. 103.

excluding the apron and any part of the aerodrome provided for the maintenance of aircraft,

"Maximum approved passenger seating configuration" means the maximum passenger seating capacity of an individual aircraft, excluding pilot seats or flight deck seats and cabin crew seats, as applicable, used by the operator, approved by the appropriate authority and specified in the operations manual or, if no such approval has been given, the maximum number of passengers that may be carried in an aircraft under and in accordance with its certificate of airworthiness, its flight manual and this Law,

"maximum total weight authorised" in relation to an aircraft means the maximum total weight of the aircraft and its contents at which the aircraft may take off anywhere in the world, in the most favourable circumstances in accordance with the certificate of airworthiness in force in respect of the aircraft,

"microlight" means an aeroplane designed to carry not more than two persons which has -

- (a) a maximum total weight authorised not exceeding -
 - (i) 300 kg for a single seat landplane,
 - (ii) 450 kg for a two seat landplane,
 - (iii) 330 kg for a single seat amphibian or floatplane, or
 - (iv) 495 kg for a two seat amphibian or floatplane, and
- (b) either a wing loading at the maximum total weight authorised not exceeding 25 kg per square metre or a stalling speed at the

maximum total weight authorised not exceeding 35 knots calibrated airspeed,

"military aircraft" means the naval, military or air force aircraft of any country and any aircraft in respect of which there is in force a certificate issued by the Department that the aircraft is to be treated for the purposes of this Law as a military aircraft,

"minimum descent height" in relation to the operation of an aircraft at an aerodrome means the height in a non-precision approach below which descent may not be made without the required visual reference,

"minimum navigation performance specifications airspace" for the purpose of section 50 has the meaning given in that section,

"modifications" to any aircraft or of any of its equipment, includes additions, omissions and amendments, and **"modify"** shall be construed accordingly,

"munition of war" has, for the purpose of section 53, the meaning given in that section,

"nautical mile" means the International Nautical Mile, that is to say, a distance of 1852 metres,

"night" means the time from half an hour after sunset until half an hour before sunrise (both times inclusive), sunset and sunrise being determined at surface level,

"non-precision approach" means an instrument approach using non-visual aids for guidance in azimuth or elevation but which is not a precision approach,

"notified" means shown in any of the following publications for the time being in force and issued in the Bailiwick whether before or after the coming into operation of this Law, that is to say, "Notams (Notices to Airmen)", "Aeronautical Information Publications (AIP)", "GARs (Guernsey Aviation Requirements)", or such other official publications so issued for the purpose of enabling any of the provisions of this Law to be complied with,

"notified aerodrome" for the purpose of section 36 has the meaning given in that section,

"notified operating hours" for the purpose of section 36 has the meaning given in that section,

"On-the-Job-Training Instructor's endorsement" for the purpose of section 84 has the meaning given in that section,

"Operator" has the meaning assigned to it by subsection (3),

"operating staff" means the servants and agents employed by the Operator, whether or not as members of the crew of the aircraft, to ensure that the flights of the aircraft are conducted in a safe manner, and includes an Operator who himself performs those functions,

"parascending parachute" means a parachute which is towed by cable in such a manner as to cause it to ascend,

"passenger" means a person other than a member of the crew,

"period of duty" means the period between the commencement and end of a shift during which an air traffic controller performs, or could be called upon to perform, any of the functions specified in respect of a rating included in his licence,

"pilot-in-command" means the pilot designated by the operator as being in command and charged with the safe conduct of a flight, or, if no such designation has been made, the person who for the time being is in charge of piloting the aircraft without being under the direction of any other pilot in the aircraft,

"pilot's licence" means a licence, certificate or other permission granted, issued or validated by a competent authority that entitles the holder to be in charge of the piloting of an aircraft under the law of the country in which the aircraft is registered,

"Precision approach" means an instrument approach using Instrument Landing System, Microwave Landing System or Precision Approach Radar for guidance in both azimuth and elevation,

"prescribed" means prescribed by regulations made by the Director of Civil Aviation under this Law, and the expression **"prescribe"** shall be construed accordingly,

"pressurised aircraft" means an aircraft provided with means of maintaining in any compartment a pressure greater than that of the surrounding atmosphere,

"private flight" means a flight which is neither for the purpose of aerial work nor commercial air transport,

"provisions of this Law" means any provision of this Law or of any Ordinance, regulations or rules hereunder and the provisions of the Aviations Laws and any Ordinance, regulations or rules thereunder,

"psychoactive substance" means alcohol, opioids, cannabinoids, sedatives and hypnotics, cocaine, other psychostimulants, hallucinogens, and volatile solvents but not coffee and tobacco,

"Public Services Department" means the States of Guernsey Public Services Department,

"radio navigation equipment" includes an airborne collision avoidance system and a flight recorder,

"record" includes, in addition to a record in writing -

- (a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom,
- (b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom, and
- (c) any photograph,

and any reference to a copy of a record includes, in the case of a record falling within paragraph (a) only of this definition, a transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction,

"reduced vertical separation minimum airspace" means any airspace between flight level 290 and flight level 410 inclusive designated by the relevant competent authority as being airspace within which a vertical separation minimum of 1000 feet or 300 metres shall be applied,

"registered charity" means an organisation which is a Guernsey Registered Charity under section 4(a) of the Charities and Non Profit Organisations (Registration) (Bailiwick of Guernsey) Law, 2008¹,

"relevant undertaking" for the purpose of sections 32 and 33 has the meaning given in section 32,

"replacement" in relation to any part of an aircraft or its equipment includes the removal and replacement of that part whether or not by the same part, and whether or not any work is done on it; but does not include the removal and replacement of a part which is designed to be removable solely for the purpose of enabling another part to be inspected, repaired, removed or replaced or cargo to be loaded,

"reportable occurrence" for the purpose of section 124 has the meaning given in that section,

"requirements" means requirements published by the Director of Civil Aviation under the provisions of section 135,

"reward" means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature,

"rocket" means a device which is propelled by ejecting expanding gasses generated in its motor from self contained propellant and which is not dependent on the intake of outside substances and includes any part of the device intended to become separated during operation,

¹ Order in Council No. XXVI of 2008; No. III of 2010 and No. VIII of 2011.

"Rules of the Air" means the rules set out in Schedule 4 as amended or repealed, from time to time, by the Director of Civil Aviation under section 34 and otherwise having effect under this Law,

"runway visual range" in relation to a runway means the distance in the direction of take-off or landing over which the runway lights or surface markings may be seen from the touchdown zone as calculated by either human observation or instruments in the vicinity of the touchdown zone or where this is not reasonably practicable in the vicinity of the mid-point of the runway, and the distance, if any, communicated to the pilot-in-command of an aircraft by or on behalf of the person in charge of the aerodrome as being the runway visual range shall be taken to be the runway visual range for the time being,

"safety management system" means a systematic approach to managing safety, including the necessary organisational structures, accountabilities, policies and procedures,

"scheduled journey" means one of a series of journeys that are undertaken between the same two places and which together amount to a systematic service,

"seaplane" includes a flying boat and any other aircraft designed to manoeuvre on water,

"sector" means part of the airspace controlled from an area control centre or other place,

"simultaneously released at a single site" for the purpose of section 36 has the meaning given in that section,

"small balloon" means a balloon not exceeding 2 metres in any linear dimension at any stage of its flight, including any basket or other equipment attached to the balloon,

"**small unmanned aircraft**" for the purpose of section 37 has the meaning given in that section,

"**small unmanned surveillance aircraft**" for the purpose of section 37 has the meaning given in that section,

"**special VFR flight**" means a flight which is a special VFR flight for the purposes of the Rules of the Air,

"**specified**" for the purpose of section 41 has the meaning given in that section,

"**sporting weapon**" has, for the purpose of section 53, the meaning given to it in that section,

"**standard instrument arrival**" means a designated IFR arrival route linking a significant point, normally on an air traffic service route, with a point from which an instrument approach procedure can be commenced,

"**standard instrument departure**" means a designated IFR departure route linking the aerodrome or a specified runway at the aerodrome with a specified significant point, normally on a designated air traffic service route, at which the en-route phase of a flight commences,

"**state of the operator**" means for the purposes of sections 4(1), 13(1), 18(3) and 47(1) the State in which the operator of an aircraft has his principal place of business or, if he has no such place of business, his permanent residence, in circumstances where -

- (a) that aircraft is registered in another Contracting State,

- (b) the Operator is operating that aircraft under an agreement for its lease, charter or interchange or any similar arrangement,
- (c) the State in which the aircraft is registered has, by agreement with the State in which the operator of the aircraft has his principal place of business or, if he has no such place of business, his permanent residence, agreed to transfer to it its functions and duties as State of registry in respect of that aircraft in relation to, in the case of section 4(1), airworthiness, in the case of section 13(1), aircraft radio equipment, in the case of section 18(3), flight crew licensing or in the case of section 47(1), radio licensing, and
- (d) the agreement has been registered with the Council of the International Civil Aviation Organisation,

"**States**" means the States of Guernsey,

"**subordinate legislation**" means any regulation, rule, order, rule of court, resolution, scheme, byelaw or other instrument made under any Law or Ordinance and having legislative effect,

"**tethered flight**" means flight by a controllable balloon throughout which it is flown within limits imposed by a restraining device that attaches the balloon to the surface,

"**telecommunications equipment**" means equipment designed, constructed or adapted for use in connection with the establishment or operation of a telecommunications network or the provision of a telecommunications service, including telecommunications apparatus, poles, structures, ducts, man-holes and other tangible property,

"telecommunications network" means a network comprising telecommunications equipment for the emission, transmission, switching, conveyance or reception of messages through the agency of electric, magnetic, electro-magnetic, electro-chemical, electro-mechanical or electro-optical energy or by optic-electronic means,

"Type Certificate" for the purpose of section 3 has the meaning given in that section,

"type certification" means, in respect of an aircraft, its type as certified under the law of the country in which the aircraft is registered,

"UK Aeronautical Information Publication (AIP)" means the publication of that title published by the CAA,

"uncontrollable balloon" means a balloon, not being a small balloon, which is not capable of free controlled flight,

"uniform scale" means the uniform scale of fines for the time being in force under the Uniform Scale of Fines (Bailiwick of Guernsey) Law, 1989^m,

"vessel" means any ship or craft, or any structure capable of navigation,

"VFR" means the Visual Flight Rules,

"Visual Flight Rules" means Visual Flight Rules prescribed by the Rules of the Air,

"Visual Meteorological Conditions" means weather that permits flight in accordance with the Visual Flight Rules,

^m Ordres en Conseil Vol. XXXI, p. 278 (amended by Recueil d'Ordonnances Tome XXV, p. 344, Tome XXVIII, p. 89 and Tome XXXI, p. 542.

"**visual traffic pattern**" for the purpose of section 96 has the meaning given in that section,

- (2) An aircraft shall be deemed to be in flight -
- (a) in the case of a piloted flying machine, from the moment when, after the embarkation of its crew for the purpose of taking off, it first moves under its own power until the moment when it next comes to rest after landing,
 - (b) in the case of a pilotless flying machine, or a glider, from the moment when it first moves for the purpose of taking off until the moment when it next comes to rest after landing,
 - (c) in the case of an airship, from the moment when it first becomes detached from the surface until the moment when it next becomes attached thereto or comes to rest thereon,
 - (d) in the case of a free balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface until the moment it next comes to rest thereon, and
 - (e) in the case of a captive balloon, from the moment when the balloon, including the canopy and basket, becomes separated from the surface, apart from a restraining device attaching it to the surface, until the moment when it next comes to rest thereon,

and the expressions "**a flight**" and "**to fly**" shall be construed accordingly.

(3) For the purposes of the application of any provision of this Law in relation to any particular aircraft, "**operator**" means -

- (a) the person who at the particular time has management of an aircraft, and
- (b) when the aircraft is chartered, hired, leased or loaned, responsibility for airworthiness and equipment passes immediately to the charterer, hirer, lessee or borrower, except
- (c) when a person other than an air transport undertaking or an aerial work undertaking has chartered, hired, leased or borrowed the aircraft for a period not exceeding 14 days he shall not be considered to be the operator for the purposes of Chapter II.

(4) The words appearing in the general classification of aircraft set forth in Schedule 1 shall have the meanings thereby assigned to them.

(5) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(6) The Interpretation (Guernsey) Law, 1948ⁿ applies to the interpretation of this Law throughout the Bailiwick.

Extent.

153. For the avoidance of doubt, unless the context requires otherwise, this Law extends to the Bailiwick of Guernsey and the territorial sea adjacent to the Bailiwick the breadth thereof being measured from the baselines established by the Territorial Waters Order in Council 1964.

ⁿ Ordres en Conseil Vol. XIII, p. 355.

Citation.

154. This Law may be cited as the Air Navigation (Bailiwick of Guernsey) Law, 2012.

Commencement.

155. This Law shall come into operation on the day appointed by Regulations of the Department, and such Regulations may appoint different days for different provisions and different purposes.

SCHEDULE 1

Section 152(4)

CLASSIFICATION OF AIRCRAFT**TABLE OF GENERAL CLASSIFICATION OF AIRCRAFT**

<u>Col 1</u>	<u>Col 2</u>	<u>Col 3</u>	<u>Col 4</u>	<u>Col 5</u>
Aircraft	Lighter than air aircraft	Non-power driven	Free Balloon Captive Balloon	
		Power driven	Airship	
	Heavier than air aircraft	Non-power driven	Glider Kite	
		Power driven (flying machines)	Aeroplane (Landplane)	
			Aeroplane (Seaplane)	
			Aeroplane (Amphibian)	
			Aeroplane (Self- launching Motor Glider)	
			Powered Lift (Tilt Rotor)	
			Rotorcraft	Helicopter Gyroplane

Any type of aircraft which is intended to be operated with no pilot on board shall be further classified as "**unmanned**".

Any unmanned aircraft which is piloted from a remote station, shall be further classified as a "**remotely piloted aircraft**" ("RPA").

SCHEDULE 2

Sections 19, 20, 21, and 23

LICENCES

Minimum Age, Period of Validity, Privileges

Aeroplane Pilots

A. Aeroplane licences

1 Private Pilot's Licence (Aeroplanes)

Minimum age - 17 years

No maximum period of validity

Privileges:

(1) Subject to subsection (2), the holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of an aeroplane of any of the types specified or otherwise falling within an aircraft rating included in the licence.

(2) He shall not fly such an aeroplane for the purpose of commercial air transport or aerial work save as provided below -

(a) he may fly such an aeroplane for the purpose of aerial work which consists of -

(i) the giving of instruction in flying, if his licence includes a flying instructor's rating, or

(ii) the conducting of flying tests for the purposes of this Law,

in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members,

(b) he may fly such an aeroplane for the purpose of aerial work which consists of –

(i) towing a glider in flight, or

(ii) a flight for the purpose of dropping of persons by parachute,

in either case in an aeroplane owned, or operated under arrangements entered into, by a club of which the holder of the licence and any person carried in the aircraft or in any glider towed by the aircraft are members.

(3) He shall not receive any remuneration for his services as a pilot on a flight save that if his licence includes a flying instructor's rating by virtue of which he is entitled to give instruction in flying microlight aircraft or self-launching motor gliders he may receive remuneration for the giving of such instruction or the conducting of such flying tests as are specified in subsection (2)(a)(i) in a microlight aircraft or a self-launching motor glider.

(4) He shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command of such an aeroplane –

(a) on a flight outside controlled airspace when the flight visibility is less than 3 km,

(b) on a special VFR flight in a control zone in a flight visibility of less than 10 km except on a route or in an aerodrome traffic zone notified for the purpose of this subparagraph, or

(c) out of sight of the surface.

(5) He shall not fly as pilot-in-command of such an aeroplane at night unless his licence includes a night rating (aeroplanes).

(6) He shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command or co-pilot of such an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.

(7) He shall not, unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command or co-pilot of such an aeroplane flying in Class D or E airspace in circumstances which require compliance with the Instrument Flight Rules.

(8) He shall not fly as pilot-in-command of such an aeroplane carrying passengers unless within the preceding 90 days he has made three take-offs and three landings as the sole manipulator of the controls of an aeroplane of the same type and if such a flight is to be carried out at night and his licence does not include an instrument rating (aeroplane) at least one of those take-offs and landings shall have been at night.

2. Commercial Pilot's Licence (Aeroplanes)

Minimum age - 18 years

Maximum period of validity - 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Aeroplanes) except that paragraphs (4) and (5) of those privileges shall not apply.

(2) Subject to paragraphs (3) and (7), he shall be entitled to fly as pilot-in-command of an aeroplane of a type or class on which he is so qualified and which is specified in an aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.

(3) He shall not -

- (a) unless his licence includes an instrument rating (aeroplanes), fly such an aeroplane on any scheduled journey,
- (b) fly as pilot-in-command of an aeroplane carrying passengers unless he has carried out at least three take-offs and three landings as pilot flying in an aeroplane of the same type or in a flight simulator, approved for the purpose, of the aeroplane type to be used, in the preceding 90 days,
- (c) as co-pilot serve at the flying controls in an aeroplane carrying passengers during take-off and landing unless he has served as a pilot at the controls during take-off and landing in an aeroplane of the same type or in a flight simulator, approved for the purpose, of the aeroplane type to be used, in the preceding 90 days, or
- (d) as the holder of a licence which does not include a valid instrument rating (aeroplanes) act as pilot-in-command of an aeroplane carrying passengers at night unless during the previous 90 days at least one of the take-offs and landings required in subparagraph (b) above has been carried out at night,
- (e) unless his licence includes an instrument rating (aeroplanes), fly any such aeroplane of which the maximum total weight

authorised exceeds 2300 kg on any flight for the purpose of commercial air transport, except a flight beginning and ending at the same aerodrome and not extending beyond 25 nautical miles from that aerodrome,

- (f) fly such an aeroplane on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation,
- (g) fly such an aeroplane on any flight for the purpose of commercial air transport after he attains the age of 60 years unless the aeroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Law entitling him to act as pilot-in-command or co-pilot of that aeroplane,
- (h) unless his licence includes an instrument rating (aeroplanes), fly as pilot-in-command or co-pilot of such an aeroplane flying in Class A, B or C airspace in circumstances which require compliance with the Instrument Flight Rules.

(4) Subject to paragraph (5), he shall be entitled to fly as pilot-in-command of an aeroplane of a type specified in a flying instructor's rating included in the licence on a flight for the purpose of aerial work which consists of -

- (a) the giving of instruction in flying, or
- (b) the conducting of flying tests for the purposes of this Law,

in either case in an aeroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(5) He shall not be entitled to exercise privileges contained in this paragraph other than in an aeroplane which he is entitled to fly as pilot-in-command on a private flight, an aerial work flight or a commercial air transport flight pursuant to the privileges set out in paragraph (1) or (2) of these privileges.

(6) He shall be entitled to fly as co-pilot of any aeroplane of a type specified in an aircraft rating included in the licence when the aeroplane is engaged on a flight for any purpose whatsoever.

(7) He shall not at any time after he attains the age of 65 years act as pilot-in-command or co-pilot of any aeroplane on a flight for the purpose of commercial air transport.

3 Airline Transport Pilot's Licence (Aeroplanes)

Minimum age - 21 years

Maximum period of validity - 10 years

Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Aeroplanes) except that sub-paragraph (3)(f) of those privileges shall not apply.

B. Helicopter and Gyroplane Pilots

1 Private Pilot's Licence (Helicopters)

Minimum age - 17 years

No maximum period of validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of any helicopter of a type specified in an aircraft rating included in the licence.

(2) He shall not fly such a helicopter for the purpose of commercial air transport or aerial work other than aerial work which consists of -

- (a) the giving of instruction in flying if his licence includes a flying instructor's rating,
- (b) the conducting of flying tests for the purposes of this Law,

in either case in a helicopter owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(3) He shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (2).

(4) He shall not fly as pilot-in-command of such a helicopter at night unless his licence includes a night rating (helicopters).

(5) He shall not, unless his licence includes an instrument rating (helicopter), fly as pilot-in-command or co-pilot of such a helicopter in circumstances which require compliance with the Instrument Flight Rules -

- (a) in Class A, B or C airspace at any time, or
- (b) in Class D, E, F or G airspace unless flying at night and remaining clear of cloud and with the surface in sight.

(6) He shall not fly as pilot-in-command of such a helicopter carrying passengers unless -

- (a) within the preceding 90 days he has made three circuits, each to include take-offs and landings as the sole manipulator of the controls of a helicopter of the same type, or
- (b) if the privileges are to be exercised by night and his licence does not include an instrument rating, within the preceding 90 days he has made three circuits, each to include take-offs and landings by night as the sole manipulator of the controls of a helicopter of the same type.

2. Private Pilot's Licence (Gyroplanes)

Minimum age - 17 years

No maximum period of validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot-in-command or co-pilot of any aeroplane of a type specified in the aircraft rating included in the licence.

(2) He shall not fly such a gyroplane for the purpose of commercial air transport or aerial work other than aerial work which consists of -

- (a) the giving of instruction in flying if his licence includes a flying instructor's rating or an assistant flying instructor's rating, or
- (b) the conducting of flying tests for the purposes of this Law,

in either case in a gyroplane owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

(3) He shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in paragraph (2).

(4) He shall not fly as pilot-in-command of such a gyroplane at night unless his licence includes a night rating (gyroplanes) and he has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 take-offs and five landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.

3. Commercial Pilot's Licence (Helicopters and Gyroplanes)

Minimum age - 18 years

Maximum period of validity - 10 years

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Helicopters) or a Private Pilot's Licence (Gyroplanes) which includes respectively either a night rating (helicopters) or a night rating (gyroplanes).

(2)

(a) Subject to sub-paragraphs (b) and (c), he shall be entitled to fly as pilot-in-command of any helicopter or gyroplane on which he is so qualified and which is of a type specified in an aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.

(b)

(i) He shall not fly such a helicopter on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation.

- (ii) He shall not fly such a helicopter at night unless his licence includes an instrument rating, (helicopters) or he has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 flights, each consisting of a take-off, a transition from hover to forward flight, a climb to at least 500 ft and a landing, at a time when the depression of the centre of the sun was not less than 12° below the horizon.
- (iii) He shall not fly such a helicopter on any flight for the purpose of commercial air transport after he attains the age of 60 years unless the helicopter is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate licence under this Law entitling him to act as pilot-in-command or co-pilot of that helicopter.
- (iv) He shall not unless his licence includes an instrument rating (helicopter) fly as pilot-in-command of such a helicopter in circumstances which require compliance with the Instrument Flight Rules –
 - (A) in Class A, B or C airspace at any time, or
 - (B) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight.
- (v) He shall not –
 - (A) fly as pilot-in-command of a helicopter carrying passengers unless he has carried out at least

three circuits, each to include take-offs and landings, as pilot flying in a helicopter of the same type or a flight simulator of the helicopter type to be used, in the preceding 90 days, or

- (B) as the holder of a helicopter licence which does not include a valid instrument rating (helicopter) act as pilot-in-command of a helicopter carrying passengers at night unless during the previous 90 days at least one of the take-offs and landings required in subparagraph (A) above has been carried out at night.

(c)

- (i) He shall not fly such a gyroplane on a flight for the purpose of commercial air transport unless it is certificated for single pilot operation.
- (ii) He shall not fly such a gyroplane at night unless he has within the immediately preceding 13 months carried out as pilot-in-command not less than 5 take-offs and 5 landings at a time when the depression of the centre of the sun was not less than 12° below the horizon.
- (iii) He shall not fly such a gyroplane on any flight for the purpose of commercial air transport after he attains the age of 60 years unless the gyroplane is fitted with dual controls and carries a second pilot who has not attained the age of 60 years and who holds an appropriate

licence under this Law entitling him to act as pilot-in-command or co-pilot of that gyroplane.

(3)

(a) Subject to sub-paragraph (b) he shall be entitled to fly as co-pilot of any helicopter or gyroplane of a type specified in an aircraft rating included in the licence when the helicopter or gyroplane is engaged on a flight for any purpose whatsoever.

(b)

(i) He shall not unless his licence includes an instrument rating (helicopter) fly as co-pilot of a helicopter flying in circumstances which require compliance with the Instrument Flight Rules –

(A) in Class A, B or C airspace at any time, or

(B) in Class D, E, F or G airspace unless remaining clear of cloud and with the surface in sight.

(ii) He shall not as co-pilot serve at the flying controls in a helicopter carrying passengers during take-off and landing unless he has served as a pilot at the controls during take-off and landing in a helicopter of the same type or in a flight simulator of the helicopter type to be used, in the preceding 90 days.

(4) He shall not at any time after he attains the age of 65 years act as pilot-in-command or co-pilot of any helicopter or gyroplane on a flight for the purpose of commercial air transport.

4. Airline Transport Pilot's Licence (Helicopters and Gyroplanes)

Minimum age - 21 years

Maximum period of validity - 10 years

Privileges:

The holder of the licence shall be entitled to exercise the privileges of a Commercial Pilot's Licence (Helicopters and Gyroplanes) except that sub-paragraphs (2)(b)(i) and (2)(c)(i) of those privileges shall not apply.

C. Balloon and Airship Pilots

1. Private Pilot's Licence (Balloons and Airships)

Minimum age - 17 years

No maximum period of validity

Privileges:

(1) Subject to paragraph (2), the holder of the licence shall be entitled to fly as pilot-in-command of any type of balloon or airship on which he is so qualified and which is specified in an aircraft rating in the licence and co-pilot of any type of balloon or airship specified in such a rating.

(2)

- (a) He shall not fly such a balloon or airship for the purpose of commercial air transport or aerial work, other than aerial work which consists of the giving of instruction in flying or the conducting of flying tests in either case in a balloon or airship owned, or operated under arrangements entered into, by a flying club of which the person giving the instruction or conducting the test and the person receiving the instruction or undergoing the test are both members.

- (b) He shall not receive any remuneration for his services as a pilot on a flight other than remuneration for the giving of such instruction or the conducting of such flying tests as are specified in sub-paragraph (a).
- (c) He shall not fly such a balloon unless he has within the immediately preceding 13 months carried out as pilot-in-command in a free balloon 5 flights each of not less than 5 minutes duration.

2. Commercial Pilot's Licence (Balloons)

Minimum age - 18 years

Maximum period of validity - 10 Years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

(2)

- (a) Subject to sub-paragraph (b), he shall be entitled to fly, when the balloon is flying for any purpose whatsoever, as pilot-in-command or co-pilot of any type of balloon specified in the aircraft rating included in the licence.
- (b) He shall not act as pilot-in-command on a flight for the purpose of the commercial air transport of passengers unless he has within the immediately preceding 90 days carried out as pilot-in-command in a free balloon 3 flights each of not less than 5 minutes duration.

3. Commercial Pilot's Licence (Airships)

Minimum age - 18 years

Maximum period of validity - 10 years

Privileges:

(1) The holder of the licence shall be entitled to exercise the privileges of a Private Pilot's Licence (Balloons and Airships).

(2) He shall be entitled to fly, when the airship is flying for any purpose whatsoever, as pilot-in-command of any type of airship on which he is so qualified and which is specified in an aircraft rating included in the licence and as co-pilot of any type of airship specified in such a rating.

D Glider Pilots

1. Commercial Pilot's Licence (Gliders)

Minimum age - 18 years

Maximum period of validity - 10 years

Privileges:

The holder of the licence shall be entitled to fly for any purpose as pilot-in-command or co-pilot of -

- (a) any glider of which the maximum total weight authorised does not exceed 680 kg.
- (b) any glider of which the maximum total weight authorised exceeds 680 kg and which is of a type specified in the rating included in the licence.

E. Other Flight Crew

1. Flight Navigator's Licence

Minimum age - 21 years

Maximum period of validity - 10 years

Privileges:

The holder of the licence shall be entitled to act as flight navigator in any aircraft.

2. Flight Engineer's Licence

Minimum age - 21 years

Maximum period of validity - 10 years

Privileges:

The holder of the licence shall be entitled to act as flight engineer in any type of aircraft specified in an aircraft rating included in the licence.

3. Flight Radiotelephony Operator's Licence

Minimum age - 16 years

Maximum period of validity - 10 years

Privileges:

The holder of the licence shall be entitled to operate radiotelephony apparatus in any aircraft if the stability of the frequency radiated by the transmitter is maintained automatically but shall not be entitled to operate the transmitter, or to adjust its frequency, except by the use of external switching devices.

SCHEDULE 3

Section 122

PENALTIES**Part A**

Provisions referred to in section 122(5)

Section	Subject matter
1	Aircraft flying unregistered
2	Aircraft flying with false or incorrect markings
10(7) and (8)	Exercise of privileges of aircraft maintenance engineer's licence whilst unfit
12	Flight without required equipment
13(1) and (2)	Flight without required or serviceable radio equipment
17	Crew requirement
18	Requirement for appropriate licence
26	Instruction in flying without appropriate licence and rating
30	Fatigue of crew - responsibilities of crew
34	Breach of the Rules of the Air
35	Flight in contravention of restriction of flying regulations
36	Flight by balloons, kites, airships, gliders and parascending parachutes
37	Flight by small aircraft
40	Aerodrome operating minima - non-commercial air transport aircraft
41	Requirement for pilot to remain at controls
43	Pre-flight action by pilot-in-command of aircraft
47	Requirements for radio station in aircraft to be licensed and for operation of same
48	Requirement for height keeping performance equipment - aircraft

49	Requirement for area navigation equipment - aircraft
51	Requirement for an airborne collision avoidance system
52	Use of flight recording systems and presentation of records
56	Carriage of persons in or on any part of an aircraft not designed for that purpose
59	Flying displays
67	Prohibition on commercial air transport flights at night or in Instrument Meteorological Conditions by single-engined aeroplanes
68	Aerodrome operating minima - commercial air transport aircraft
70	Requirement for aerial work certificate
71	Towing of gliders
72	Towing, picking up and raising of persons and articles by aircraft
73	Dropping of articles and animals from aircraft
74	Dropping of persons
79	Duty of person in charge to satisfy himself as to competence of controllers
81	Provision of air traffic services
82	Use of radio call signs at aerodromes
83	Requirement for licensing of air traffic controllers
90	Requirement for licensing of flight information service officers
92	Requirement for aerodrome information service manual
93	Use of aeronautical telecommunications service
94	Requirement to keep aeronautical telecommunications service records
95	Requirement to use licensed aerodrome
96(5)	Contravention of conditions of aerodrome licence
100	Use of aeronautical lights
102(1)	Prohibition of dangerous lights
102(2)	Failure to extinguish or screen dangerous lights
103(1) and (3)	Management of aviation fuel at aerodromes
117	Requirement to obey lawful commands of aircraft pilot-in-command
118(a) and (b)	Acting in a disruptive manner
119	Obstruction of persons performing duties under the Order

121	Prohibition of stowaways
124(3), (6) and (9)	Requirement to report occurrences

Part B

Provisions referred to in section 122(6)

Section	Subject matter
4	Flight without a certificate of airworthiness
11	Prohibition on maintenance and manufacture of aircraft
32	Protection of air crew from cosmic radiation
33	Keeping and production of records of exposure to cosmic radiation
39	Operation of aircraft
53	Prohibition of carriage of weapons and munitions of war
54	Prohibition of carriage of dangerous goods
78	Provision of an air traffic control service without an approval
89	Controller's obligation not to act in a dangerous state of fatigue
103(4)	Use of aviation fuel which is unfit for use in aircraft
112 (except(3))	Use of false or unauthorised documents and records
113	Endangering safety of aircraft
114	Endangering safety of persons or property
115	Prohibition of drunkenness in aircraft
118(c)	Acting in disruptive manner and intentional interference
123	Operators' or pilot-in-commands' obligations in respect of flights over any foreign country
124(8)	Making false reports
126	Flight in contravention of direction not to fly

SCHEDULE 4

Section 34

RULES OF THE AIR**CONTENTS****SECTION I
INTERPRETATION**

1. Interpretation.

**SECTION II
GENERAL**

2. Application of Rules to aircraft.
3. Misuse of signals and markings.
4. Reporting hazardous conditions.

**SECTION III
LOW FLYING RULE**

5. Low flying prohibitions.
6. Exemptions from the low flying prohibitions.

**SECTION IV
GENERAL FLIGHT RULES**

7. Weather reports and forecasts.
8. Avoiding aerial collisions.
9. Converging.
10. Approaching head-on.

11. Overtaking.
12. Flight in the vicinity of an aerodrome.
13. Order of landing.
14. Landing and take-off.
15. Aerobatic manoeuvres.
16. Right-hand traffic rule.
17. Notification of arrival and departure.
18. Flight in Class A airspace.
19. Flight in Class C Airspace.
20. Choice of VFR or IFR.
21. Speed limitations.
22. Use of radio navigation aids.
23. Simulated instrument flight.
24. Practice instrument approaches.

SECTION V

VISUAL FLIGHT RULES

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SECTION I
INTERPRETATION

Interpretation.

1. In these Rules -

"**air-taxiing**" means flight by a helicopter, or other type of aircraft capable of vertical take-off and landing, above the surface of an aerodrome at a ground speed of less than 20 knots for the purpose of taxiing in accordance with normal aviation practice,

"**air traffic control clearance**" means an authorisation by an air traffic control unit for an aircraft to proceed under conditions specified by that unit,

"**anti-collision light**" means -

- (a) in relation to rotorcraft, a flashing red light,
- (b) in relation to any other aircraft, a flashing red or flashing white light,

in either case showing in all directions,

"**Class C ATS route**" means a route notified as such,

"**flight plan**" means a plan containing such information as may be notified in respect of an air traffic control service unit, being information provided or to be provided to that unit which relates to an intended flight, or part of a flight, of an aircraft,

"**ground visibility**" means the horizontal visibility at ground level,

"IFR flight" means a flight conducted in accordance with the Instrument Flight Rules in Section VI of these Rules,

"runway" means an area, whether or not paved, which is provided for the take-off or landing of aircraft,

"simulated instrument flight conditions" means a flight during which mechanical or optical devices are used in order to reduce the field of vision or the range of visibility from the cockpit of the aircraft,

"special VFR flight" means a flight -

- (a) made at any time in a control zone which is Class A airspace,
or
- (b) made in any other control zone in either Instrument Meteorological Conditions or at night,
- (c) in respect of which the appropriate air traffic control unit has given permission for the flight to be made in accordance with special instructions given by that unit instead of in accordance with the Instrument Flight Rules, and
- (d) in the course of which the aircraft complies with any instructions given by that unit and the aircraft remains clear of cloud and with the surface in sight,

"VFR flight" means a flight conducted in accordance with the Visual Flight Rules in Section V of these Rules, and

"with the surface in sight" means with the flight crew being able to see sufficient surface features or surface illumination to enable the flight crew to maintain the aircraft in a desired attitude without reference to any flight instrument.

SECTION II

GENERAL

Application of Rules to aircraft.

2 These Rules, insofar as they apply to aircraft, shall apply –

- (a) to all aircraft within the Bailiwick, and
- (b) to all aircraft registered in Guernsey wherever they may be.

Misuse of signals and markings.

3. (1) A signal or marking which is given a meaning by Section IX or which is required by Section IX to be used in specified circumstances or for a specified purpose shall not be used except with that meaning, in those circumstances or for that purpose.

(2) A person in an aircraft or on an aerodrome or at any place at which an aircraft is taking off or landing shall not –

- (a) make any signal which may be confused with a signal specified in Section IX, or
- (b) except with lawful authority, make any signal which he knows or ought reasonably to know to be a signal in use for signalling to or from any of Her Majesty's forces aircraft.

(3) Signals prescribed in accordance with general international aeronautical practice for the purposes of search and rescue shall not be used for any purpose other than that intended.

Reporting hazardous conditions.

4. (1) If any aircraft encounters hazardous conditions in the course of a flight, the pilot-in-command of the aircraft shall send to the appropriate air traffic control unit, by the quickest means available to him, information containing such particulars of the hazardous conditions as may be pertinent to the safety of other aircraft.

(2) The information shall be sent immediately the aircraft encounters the hazardous conditions or as soon as it is possible to do so afterwards.

SECTION III
LOW FLYING RULE

Low flying prohibitions.

5. (1) Subject to paragraph (2), an aircraft shall comply with the low flying prohibitions in paragraph (3) unless exempted by rule 6.

(2) If an aircraft is flying in circumstances such that more than one of the low flying prohibitions applies, it shall fly at the greatest height required by any of the applicable prohibitions.

(3) The low flying prohibitions are as follows -

(a) Failure of power unit

An aircraft shall not be flown below such height as would enable it to make an emergency landing without causing danger to persons or property on the surface in the event of a power unit failure.

(b) The 500 feet rule

Except with the permission in writing of the Director of Civil Aviation, an aircraft shall not be flown closer than 500 feet to any person, vessel, vehicle or structure.

(c) The 1,000 feet rule

Except with the written permission of the Director of Civil Aviation, an aircraft flying over a congested area shall not fly below a height of 1,000 feet above the highest fixed obstacle within a horizontal radius of 600 metres of the aircraft.

(d) The land clear rule

An aircraft flying over a congested area shall not fly below such height as would permit the aircraft to land clear of the congested area in the event of a power unit failure.

(e) Flying over open air assemblies

Except with the written permission of the Director of Civil Aviation, an aircraft shall not fly over an organised open-air assembly of more than 1,000 persons below whichever is the higher of the following heights -

(i) 1,000 feet, or

(ii) such height as would permit the aircraft to land clear of the assembly in the event of a power unit failure.

(f) Landing and taking off near open air assemblies

An aircraft shall not land or take-off within 1,000 metres of an organised, open-air assembly of more than 1,000 persons except –

- (i) at an aerodrome, in accordance with procedures notified by the Director of Civil Aviation, or
- (ii) at a landing site which is not an aerodrome, in accordance with procedures notified by the Director of Civil Aviation and with the written permission of the organiser of the assembly.

Exemptions from the low flying prohibitions.

6. The exemptions from the low flying prohibitions are as follows -

- (a) Landing and taking off
 - (i) Any aircraft shall be exempt from the low flying prohibitions in so far as it is flying in accordance with normal aviation practice for the purpose of –
 - (A) taking off from, landing at or practising approaches to landing at, or
 - (B) checking navigational aids or procedures at, a licensed aerodrome.
 - (ii) Any aircraft shall be exempt from the 500 feet rule when landing and taking-off in accordance with normal aviation practice or air-taxiing.

(b) Captive balloons and kites

None of the low flying prohibitions shall apply to any captive balloon or kite.

(c) Special VFR flight and notified routes

- (i) Subject to subparagraph (ii), any aircraft shall be exempt from the 1,000 feet rule if –

- (A) it is flying on a special VFR flight, or

- (B) it is operating in accordance with the procedures notified for the route being flown.

- (ii) Unless the written permission of the Director of Civil Aviation has been obtained landings may only be made by an aircraft flying under this exemption at a licensed aerodrome.

(d) Balloons and helicopters over congested areas

- (i) A balloon shall be exempt from the 1,000 feet rule if it is landing because it is becalmed.

- (ii) Any helicopter flying over a congested area shall be exempt from the land clear rule.

(e) Police air operator's certificate

Any aircraft flying in accordance with the terms of a police air operator's certificate shall be exempt from the 500 feet rule, the

1,000 feet rule and the prohibitions on flying over open air assemblies and on landing and taking off near open air assemblies.

(f) Flying displays etc

An aircraft taking part in a flying display shall be exempt from the 500 feet rule if it is within a horizontal distance of 1,000 metres of the gathering of persons assembled to witness the event.

(g) Glider hill-soaring

A glider shall be exempt from the 500 feet rule if it is hill-soaring.

(h) Picking up and dropping at an aerodrome

Any aircraft picking up or dropping tow ropes, banners or similar articles at an aerodrome shall be exempt from the 500 feet rule.

(i) Manoeuvring helicopters

(i) Subject to subparagraph (ii), a helicopter shall be exempt from the 500 feet rule if it is conducting manoeuvres, in accordance with normal aviation practice, within the boundaries of a licensed aerodrome or, with the written permission of the Director of Civil Aviation, at other sites.

(ii) When flying in accordance with this exemption the helicopter must not be operated closer than 60 metres to any persons, vessels, vehicles or structures located outside the aerodrome or site.

- (j) Dropping articles with the permission of the Director of Civil Aviation

Any aircraft shall be exempt from the 500 feet rule if it is flying in accordance with -

- (i) section 73(3)(f) of the Law, or
- (ii) an aerial work certificate granted by the Director of Civil Aviation under section 70(2) of the Law.

SECTION IV GENERAL FLIGHT RULES

Weather reports and forecasts.

7. (1) Subject to paragraph (2), immediately before an aircraft flies the pilot-in-command of the aircraft shall examine the current reports and forecasts of the weather conditions on the proposed flight path, in order to determine whether Instrument Meteorological Conditions prevail, or are likely to prevail, during any part of the flight.

(2) Paragraph (1) shall only apply if it is reasonably practicable for the pilot-in-command to obtain current reports and forecasts of the weather conditions on the proposed flight path.

(3) Subject to paragraph (4), an aircraft which is unable to communicate by radio with an air traffic control unit at the aerodrome of destination shall not begin a flight to the aerodrome if –

- (a) the aerodrome is within a control zone, and
- (b) the weather reports and forecasts which it is reasonably practicable for the pilot-in-command of the aircraft to obtain

indicates that it will arrive at that aerodrome when the ground visibility is less than 10 km or the cloud ceiling is less than 1,500 feet.

(4) Paragraph (3) shall not apply if, before take-off, the pilot-in-command of the aircraft has obtained permission from the air traffic control unit at the aerodrome of destination to enter the aerodrome traffic zone.

Avoiding aerial collisions.

8. (1) Notwithstanding that a flight is being made with air traffic control clearance, it shall remain the duty of the pilot-in-command of an aircraft to take all possible measures to ensure that his aircraft does not collide with any other aircraft.

(2) An aircraft shall not be flown in such proximity to other aircraft as to create a danger of collision.

(3) Subject to paragraph (7), aircraft shall not fly in formation unless the pilots-in-command of the aircraft have agreed to do so.

(4) An aircraft which is obliged by this Section to give way to another aircraft shall avoid passing over or under the other aircraft, or crossing ahead of it, unless passing well clear of it.

(5) Subject to paragraph (7), an aircraft which has the right-of-way under this rule shall maintain its course and speed.

(6) For the purposes of this rule, a glider and a flying machine which is towing it shall be considered to be a single aircraft under the command of the pilot-in-command of the flying machine.

(7) Paragraphs (3) and (5) shall not apply to an aircraft flying under and in accordance with the terms of a police air operator's certificate.

(8) Nothing in these Rules shall relieve the pilot-in-command of an aircraft from the responsibility of taking such action, including collision avoidance manoeuvres based on resolution advisories provided by ACAS equipment, as will best avert a collision.

Converging.

9. (1) Subject to paragraphs (2) and (3) and to rules 10 and 11, aircraft in the air shall give way to other, converging aircraft as follows -

- (a) flying machine shall give way to airships, gliders and balloons,
- (b) airships shall give way to gliders and balloons,
- (c) gliders shall give way to balloons.

(2) Mechanically driven aircraft shall give way to aircraft which are towing other aircraft or objects.

(3) Subject to paragraph (2), when two aircraft are converging in the air at approximately the same altitude, the aircraft which has the other on its right shall give way.

Approaching head-on.

10. When two aircraft are approaching head-on, or approximately so, in the air and there is a danger of collision, each shall alter its course to the right.

Overtaking.

11. (1) Subject to paragraph (3), an aircraft which is being overtaken in the air shall have the right-of-way and the overtaking aircraft, whether climbing, descending or

in horizontal flight, shall keep out of the way of the other aircraft by altering course to the right.

(2) An aircraft which is overtaking another aircraft shall keep out of the way of the other aircraft until that other aircraft has been passed and is clear, notwithstanding any change in the relative positions of the two aircraft.

(3) A glider overtaking another glider in the Bailiwick may alter its course to the right or to the left.

Flight in the vicinity of an aerodrome.

12. (1) Subject to paragraph (2), a flying machine, glider or airship flying in the vicinity of what the pilot-in-command of the aircraft knows, or ought reasonably to know, to be an aerodrome shall -

- (a) conform to the pattern of traffic formed by other aircraft intending to land at that aerodrome or keep clear of the airspace in which the pattern is formed, and
- (b) make all turns to the left unless ground signals otherwise indicate.

(2) Paragraph (1) shall not apply if the air traffic control unit at that aerodrome otherwise authorises.

Order of landing.

13. (1) An aircraft landing or on its final approach to land shall have the right-of-way over other aircraft in flight or on the ground or water.

(2) An aircraft shall not cut in front of another aircraft on its final approach to land or overtake that aircraft.

(3) If an air traffic control unit has communicated to any aircraft an order of priority for landing, the aircraft shall approach to land in that order.

(4) If the pilot-in-command of an aircraft is aware that another aircraft is making an emergency landing, he shall give way to that aircraft.

(5) If the pilot-in-command gives way in the circumstances referred to in paragraph (4) at night then, notwithstanding that he may have previously received permission to land, he shall not attempt to land until he has received further permission to do so.

(6) Subject to paragraphs (2), (3) and (4), if two or more flying machines, gliders or airships are approaching any place for the purpose of landing, the aircraft at the lower altitude shall have the right-of-way.

Landing and take-off.

14. (1) A flying machine, glider or airship shall take off and land in the direction indicated by the ground signals or, if no such signals are displayed, into the wind, unless good aviation practice demands otherwise.

(2) Subject to paragraph (5), a flying machine or glider shall not land on a runway at an aerodrome if there are other aircraft on the runway.

(3) If take-offs and landings are not confined to a runway –

(a) when landing a flying machine or glider shall leave clear on its left any aircraft which has landed, is already landing or is about to take off,

(b) a flying machine or glider which is about to turn shall turn to the left after the pilot-in-command of the aircraft has satisfied

himself that such action will not interfere with other traffic movements, and

- (c) a flying machine which is about to take off shall take up position and manoeuvre in such a way as to leave clear on its left any aircraft which has already taken off or is about to take off.

(4) Subject to paragraph (5), a flying machine shall move clear of the landing area as soon as it is possible to do so after landing.

(5) Paragraphs (2) and (4) shall not apply if the air traffic control unit at the aerodrome otherwise authorises the flying machine or glider.

Aerobatic manoeuvres.

15. An aircraft shall not carry out any aerobatic manoeuvre –

- (a) over any congested area, or
- (b) within controlled airspace except with the consent of the appropriate air traffic control unit.

Right-hand traffic rule.

16. (1) Subject to paragraph (2), an aircraft which is flying within the Bailiwick with the surface in sight and following a road, railway or coastline, or any other line of landmarks, shall keep them on its left.

(2) Paragraph (1) shall not apply to an aircraft flying within controlled airspace in accordance with instructions given by the appropriate air traffic control unit.

Notification of arrival and departure.

17. (1) If the pilot-in-command of an aircraft has caused notice of the intended arrival of the aircraft at an aerodrome to be given to the air traffic control unit or other authority at that aerodrome, he shall ensure that the unit or authority is informed as quickly as possible of -

- (a) any change of intended destination, and
- (b) any estimated delay in arrival of 45 minutes or more.

(2) The pilot-in-command of an aircraft arriving at or departing from an aerodrome in the Bailiwick shall take all reasonable steps to ensure, upon landing or prior to departure, as the case may be, that the person in charge of the aerodrome or the air traffic control unit or flight information service unit at the aerodrome is given notice of the landing or departure.

(3) Before an aircraft of which the maximum total weight authorised exceeds 5,700 kg takes off from an aerodrome in the Bailiwick on a flight with an intended destination more than 40 km from the aerodrome, the pilot-in-command shall cause a flight plan, containing such particulars of the intended flight as may be necessary for search and rescue purposes, to be communicated to the air traffic control unit notified for the purpose of this rule.

Flight in Class A airspace.

18. (1) Subject to paragraphs (2) and (3), the pilot-in-command of an aircraft flying in Visual Meteorological Conditions in Class A airspace shall comply with rules 35, 36 and 37 as if the flight were an IFR flight.

(2) For the purposes of paragraph (1), rule 36(2) shall not apply.

(3) Paragraph (1) shall not apply to the pilot-in-command of a glider which is flying in Class A airspace which is notified for the purpose of this paragraph if the glider is flown in accordance with such conditions as may also be notified for that purpose.

Flight in Class C Airspace.

19. (1) Subject to paragraphs (2) and (3), the pilot-in-command of an aircraft flying in Visual Meteorological Conditions in Class C airspace above flight level 195, or along a Class C ATS route at any level, shall comply with rules 35, 36 and 37 as if the flight were an IFR flight.

(2) For the purposes of paragraph (1), rule 36(2) shall not apply.

(3) Paragraph (1) shall not apply to the pilot-in-command of an aircraft which is flying in accordance with an authorisation issued by the Director of Civil Aviation.

Choice of VFR or IFR.

20. (1) Subject to paragraphs (2) and (3), an aircraft shall always be flown in accordance with the Visual Flight Rules or the Instrument Flight Rules.

(2) In the Bailiwick an aircraft flying at night shall –

(a) be flown in accordance with the Visual Flight Rules outside a control zone, and the aircraft must not be flown at a height of less than 1,000 feet above the highest obstacle within a distance of 5 NM unless –

(i) it is necessary for the aircraft to do so in order to take off or land,

(ii) the aircraft has been otherwise authorised by the competent authority in relation to the area over which the aircraft is flying, or

- (iii) the aircraft flies at an altitude not exceeding 3,000 feet above mean sea level and it remains clear of cloud and with the surface in sight, and
- (b) be flown in accordance with the Instrument Flight Rules in a control zone unless it is flying on a special VFR flight.

Speed limitations.

21. (1) Subject to paragraph (2), an aircraft shall not fly below flight level 100 at a speed which, according to its air speed indicator, is more than 250 knots.

(2) Paragraph (1) shall not apply to –

- (a) flights in Class A airspace,
- (b) VFR flights or IFR flights in Class B airspace,
- (c) IFR flights in Class C airspace,
- (d) VFR flights in Class C airspace or VFR flights or IFR flights in Class D airspace when authorised by the appropriate air traffic control unit,
- (e) an aircraft taking part in an exhibition of flying for which a permission is required by section 59(1) of the Law, if the flight is made in accordance with the terms of the permission granted to the organiser of the exhibition of flying and in accordance with the conditions of the display authorisation granted to the pilot under section 59(6)(a) of the Law,
- (f) the flight of an aircraft flying in accordance with a permit to fly granted under section 6 of the Law, or

- (g) an aircraft flying in accordance with a written permission granted by the Director of Civil Aviation authorising the aircraft to exceed the speed limit in paragraph (1).

(3) The Director of Civil Aviation may grant a permission for the purpose of paragraph (2)(g) subject to such conditions as he thinks fit and either generally or in respect of any aircraft or class of aircraft.

Use of radio navigation aids.

22. (1) Subject to paragraph (2), the pilot-in-command of an aircraft shall not make use of any radio navigation aid without complying with such restrictions and procedures as may be notified in relation to that aid.

(2) The pilot-in-command of an aircraft shall not be required to comply with this rule if -

- (a) he is required to comply with rules 35 and 36, or
- (b) he is otherwise authorised by an air traffic control unit.

Simulated instrument flight.

23. (1) An aircraft shall not be flown in simulated instrument flight conditions unless the conditions in paragraph (2) are met.

(2) The conditions referred to in paragraph (1) are as follows -

- (a) the aircraft is fitted with dual controls which are functioning properly,

- (b) an additional pilot (in this rule called a 'safety pilot') is carried in a second control seat of the aircraft for the purpose of providing assistance to the pilot flying the aircraft, and
- (c) if the safety pilot's field of vision is not adequate, both forwards and to each side of the aircraft, a third person, who is a competent observer, occupies a position in the aircraft from which his field of vision makes good the deficiencies in that of the safety pilot, and from which he can readily communicate with the safety pilot.

Practice instrument approaches.

24. (1) An aircraft shall not carry out an instrument approach practice within the Bailiwick if it is flying in Visual Meteorological Conditions unless the conditions in paragraph (2) are met.

(2) The conditions referred to in paragraph (1) are as follows –

- (a) the appropriate air traffic control unit has previously been informed that the flight is to be made for the purpose of instrument approach practice, and
- (b) if the flight is not being carried out in simulated instrument flight conditions, a competent observer is carried in such a position in the aircraft that he has an adequate field of vision and can readily communicate with the pilot flying the aircraft.

SECTION V

VISUAL FLIGHT RULES

Applicability of the Visual Flight Rules.

25. (1) Within controlled airspace rules 27, 29 and 30 shall be the Visual Flight Rules.

(2) Outside controlled airspace rule 28 shall be the Visual Flight Rules.

Reported visibility.

26. For the purposes of an aircraft taking off from or approaching to land at an aerodrome within Class B, Class C, or Class D airspace, the visibility, if any, communicated to the pilot-in-command of the aircraft by the appropriate air traffic control unit shall be taken to be the flight visibility for the time being.

Flight within controlled airspace.

27. (1) Subject to paragraph (4), an aircraft flying within Class B airspace -

- (a) at or above flight level 100 shall remain clear of cloud and in a flight visibility of at least 8 km, and
- (b) below flight level 100 shall remain clear of cloud and in a flight visibility of at least 5 km.

(2) Subject to paragraphs (2) and (3), an aircraft flying within Class C, Class D or Class E airspace -

- (a) at or above flight level 100 shall remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km,
- (b) below flight level 100 shall remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 km.

- (3) An aircraft shall be deemed to have complied with paragraph (2)(b) if

-

- (a) the aircraft is not a helicopter and it –
 - (i) flies at or below 3,000 feet above mean sea level,
 - (ii) flies at a speed which, according to its airspeed indicator, is 140 knots or less, and
 - (iii) remains clear of cloud, with the surface in sight and in a flight visibility of at least 5 km, or
- (b) the aircraft is a helicopter and it –
 - (i) flies at or below 3,000 feet above mean sea level, and
 - (ii) remains clear of cloud, with the surface in sight and in a flight visibility of at least 1,500 metres.

(4) Paragraphs (1) and (2) shall not apply to a helicopter that is air-taxiing or conducting manoeuvres in accordance with rule 6(i).

Flight outside controlled airspace.

28. (1) An aircraft flying outside controlled airspace at or above flight level 100 shall remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km.

(2) Subject to paragraphs (3), (4) and (5), an aircraft flying outside controlled airspace below flight level 100 shall remain at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 km.

- (3) Paragraph (2) shall not apply to an aircraft which -
 - (a) flies at or below 3,000 feet above mean sea level,
 - (b) remains clear of cloud with the surface in sight, and
 - (c) is in a flight visibility of at least 5 km.

- (4) Paragraph (2) shall not apply to an aircraft which is not a helicopter and which-
 - (a) flies at or below 3,000 feet above mean sea level,
 - (b) flies at a speed which, according to its air speed indicator, is 140 knots or less,
 - (c) remains clear of cloud with the surface in sight, and
 - (d) is in a flight visibility of at least 1,500 metres.

- (5) Paragraph (2) shall not apply to a helicopter which -
 - (a) flies at or below 3,000 feet above mean sea level,
 - (b) flies at a speed which, having regard to the visibility, is reasonable,
 - (c) remains clear of cloud with the surface in sight, and
 - (d) is in a flight visibility of at least 1,500 metres.

VFR flight plan and air traffic control clearance in Class B, Class C or Class D airspace.

29. (1) Subject to rule 31, before an aircraft flies within Class B, Class C or Class D airspace during the notified hours of watch of the appropriate air traffic control unit, the pilot-in-command of the aircraft shall -

- (a) cause to be communicated to the appropriate air traffic control unit a flight plan which complies with paragraphs (2) and (3) (as appropriate), and
- (b) obtain an air traffic control clearance to fly within that airspace.

(2) The flight plan shall contain such particulars of the flight as may be necessary to enable the air traffic control unit to issue a clearance and for search and rescue purposes.

(3) The flight plan required for a flight within Bailiwick of Guernsey reduced vertical separation minimum airspace shall also state whether or not the aircraft is equipped with height keeping systems, as required by sections 49 and 50 of the Law.

(4) The pilot-in-command of an aircraft shall not cause a flight plan to be communicated to the appropriate air traffic control unit for VFR flight in Class C airspace above FL195 or along a Class C ATS route at any level unless authorised to do so by the Director of Civil Aviation.

Maintaining continuous watch and complying with air traffic control instructions.

30. (1) Subject to rule 31, whilst flying within Class B, Class C or Class D airspace during the notified hours of watch of the appropriate air traffic control unit, the pilot-in-command of an aircraft shall -

- (a) cause a continuous watch to be maintained on the notified radio frequency appropriate to the circumstances, and
- (b) comply with any instructions which the appropriate air traffic control unit may give.

Exceptions to rules 29 and 30.

31. (1) Rule 29 shall not apply if the aircraft has otherwise been authorised by the appropriate air traffic control unit.

(2) Rules 29(1) and 30 shall not apply to any glider flying or intending to fly in Class B airspace notified for the purpose of this paragraph.

(3) Rules 29(1) and 30 shall not apply to any glider which -

- (a) flies during the day,
- (b) is in controlled airspace notified for the purpose of this paragraph, and
- (c) remains at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 8 km.

(4) Rules 29(1) and 30 shall not apply to any mechanically driven aircraft without radio equipment if -

- (a) it flies during the day,
- (b) it is in controlled airspace notified for the purpose of this subparagraph,

- (c) it remains at least 1,500 metres horizontally and 1,000 feet vertically away from cloud and in a flight visibility of at least 5 km, and
- (d) its pilot-in-command has previously obtained the permission of the appropriate air traffic control unit to fly within the controlled airspace.

SECTION VI

INSTRUMENT FLIGHT RULES

Instrument Flight Rules.

32. (1) For flights within controlled airspace, rules 33, 34, 35, 36 and 37 shall be the Instrument Flight Rules.

(2) For flights outside controlled airspace, rules 33 and 34 shall be the Instrument Flight Rules.

Minimum height.

33. (1) Subject to paragraphs (2) and (3), an aircraft shall not fly at a height of less than 1,000 feet above the highest obstacle within a distance of 5 nautical miles of the aircraft unless -

- (a) it is necessary for the aircraft to do so in order to take off or land,
- (b) the aircraft flies on a route notified for the purposes of this rule,
- (c) the aircraft has been otherwise authorised by the competent authority in relation to the area over which the aircraft is flying, or

- (d) the aircraft flies at an altitude not exceeding 3,000 feet above mean sea level and remains clear of cloud and with the surface in sight and in a flight visibility of at least 800 metres.

- (2) The aircraft shall comply with rule 5.

- (3) Paragraph (1) shall not apply to a helicopter that is air-taxiing or conducting manoeuvres in accordance with rule 6(i).

Quadrantal rule and semi-circular rule.

34. (1) Subject to paragraphs (2) and (3), an aircraft in level flight above 3,000 feet above mean sea level or above the appropriate transition altitude, whichever is the higher, shall be flown at a level appropriate to its magnetic track, in accordance with Table 1 or Table 2, as appropriate.

(2) For the purposes of paragraph (1), the level of flight shall be measured by an altimeter set -

- (a) in the case of a flight over the Bailiwick, to a pressure setting of 1013.2 hectopascals, or
- (b) in the case of any other flight, according to the system published by the competent authority in relation to the area over which the aircraft is flying.

(3) An aircraft may be flown at a level other than the level required by paragraph (1) if it flies -

- (a) in conformity with instructions given by an air traffic control unit,

(b) in accordance with notified en-route holding patterns, or

(c) in accordance with holding procedures notified in relation to an aerodrome.

(4) For the purposes of this rule '**transition altitude**' means the altitude which is notified in relation to flights over notified areas.

Table 1 - Flights At Levels Below 19,500 Feet

Magnetic Track	Cruising Level
Less than 90°	Odd thousands of feet
90° but less than 180°	Odd thousands of feet + 500 feet
180° but less than 270°	Even thousands of feet
270° but less than 360°	Even thousands of feet + 500 feet

Table 2 - Flights At Levels Above 19,500 Feet

Magnetic Track	Cruising Level
Less than 180°	21,000 feet
	23,000 feet
	25,000 feet
	27,000 feet
	29,000 feet
	31,000 feet
	33,000 feet
	35,000 feet
	37,000 feet
	39,000 feet
	41,000 feet or higher levels at intervals

	of 4,000 feet
180° but less than 360°	20,000 feet
	22,000 feet
	24,000 feet
	26,000 feet
	28,000 feet
	30,000 feet
	32,000 feet
	34,000 feet
	36,000 feet
	38,000 feet
	40,000 feet
	43,000 feet or higher levels at intervals of 4,000 feet

Flight plan and air traffic control clearance.

35. (1) Before an aircraft either takes off from a point within any controlled airspace or otherwise flies within any controlled airspace, the pilot-in-command of the aircraft shall -

- (a) send or transmit a flight plan complying with paragraph (2) to the appropriate air traffic control unit, and
- (b) obtain an air traffic control clearance based on that flight plan.

(2) The flight plan shall -

- (a) contain such particulars of the intended flight as may be necessary to enable the air traffic control unit to issue an air traffic control clearance and for search and rescue purposes, and

- (b) for a flight within Bailiwick of Guernsey reduced vertical separation minimum airspace, also state whether or not the aircraft is equipped with height keeping systems as required by sections 49 and 50 of the Law.

(3) Unless he has requested the appropriate air traffic control unit to cancel his flight plan, the pilot-in-command of the aircraft shall forthwith inform that unit when the aircraft lands within or leaves the controlled airspace.

Compliance with air traffic control clearance and notified procedures.

36. (1) Subject to paragraph (2), the pilot-in-command of the aircraft shall fly in conformity with –

- (a) the air traffic control clearance issued for the flight, as amended by any further instructions given by an air traffic control unit; and, unless he is otherwise authorised by the appropriate air traffic control unit,
- (b) the instrument departure procedures notified in relation to the aerodrome of departure, and
- (c) the holding and instrument approach procedures notified in relation to the aerodrome of destination.

(2) The pilot-in-command of the aircraft shall not be required to comply with paragraph (1) if –

- (a) he is able to fly in uninterrupted Visual Meteorological Conditions for so long as he remains in controlled airspace, and

- (b) he has informed the appropriate air traffic control unit of his intention to continue the flight in compliance with Visual Flight Rules and has requested that unit to cancel his flight plan.

(3) If any deviation is made from the provisions of paragraph (2) for the purpose of avoiding immediate danger the pilot-in-command of the aircraft shall inform the appropriate air traffic control unit of the deviation as soon as possible.

Position reports.

37. The pilot-in-command of an aircraft in IFR flight who flies in or is intending to enter controlled airspace shall report to the appropriate air traffic control unit the time, position and level of the aircraft at such reporting points or at such intervals of time as may be notified for this purpose or as may be directed by the air traffic control unit.

SECTION VII AERODROME TRAFFIC RULES

Application of aerodrome traffic rules.

38. The rules in this Section which expressly apply to flying machines shall also be observed, so far as is practicable, by all other aircraft.

Visual signals.

39. (1) Subject to paragraph (2), the pilot-in-command of a flying machine on, or in the pattern of traffic flying at, an aerodrome shall -

- (a) observe such visual signals as may be displayed at or directed to him from the aerodrome by the authority of the person in charge of the aerodrome, and
- (b) obey any instructions which may be given to him by means of such signals.

(2) The pilot-in-command of a flying machine shall not be required to obey such signals if it is inadvisable to do so in the interests of safety.

Movement of aircraft on aerodromes.

40. An aircraft shall not taxi or air-taxi on the apron or the manoeuvring area of an aerodrome without the permission of either –

- (a) the person in charge of the aerodrome, or
- (b) the air traffic control unit or aerodrome flight information service unit notified as being on watch at the aerodrome.

Access to and movement of persons and vehicles on aerodromes

41. (1) Unless there is a public right of way over it, a person or vehicle shall –

- (a) not go onto any part of an aerodrome without the permission of the person in charge of that part of the aerodrome, and
- (b) comply with any conditions subject to which that permission may be granted.

(2) A person or vehicle shall –

- (a) not go onto or move on the manoeuvring area of an aerodrome which has an air traffic control unit or an aerodrome flight information service unit without the permission of that unit, and
- (b) comply with any conditions subject to which that permission may be granted.

(3) Any permission granted for the purposes of this rule may be granted whether in respect of persons or vehicles generally, or in respect of any particular person or vehicle or any class of person or vehicle.

Right of way on the ground.

42. (1) This rule shall apply to flying machines and vehicles on any part of a land aerodrome provided for the use of aircraft and under the control of the person in charge of the aerodrome.

(2) Notwithstanding any air traffic control clearance it shall remain the duty of the pilot-in-command of a flying machine to take all possible measures to ensure that his flying machine does not collide with any other aircraft or vehicle or with any obstacle.

(3) Where an aircraft is being towed on the ground and the commander of the aircraft is not on board, then notwithstanding any air traffic control clearance it is the duty of the person in charge of the vehicle towing the aircraft to take all possible measures to ensure that the aircraft does not collide with any other aircraft or vehicle or with any obstacle.

(4) Flying machines and vehicles shall give way to aircraft which are taking off or landing.

(5) Vehicles and flying machines which are not taking off or landing shall give way to vehicles towing aircraft.

(6) Vehicles which are not towing aircraft shall give way to aircraft.

Action to be taken in case of danger of collision on the ground.

43. (1) Subject to rules 42 and 14(3), this rule shall apply if there is any danger of collision between two flying machines on the ground.

(2) If the two flying machines are approaching head-on, or approximately so, each shall alter its course to the right.

(3) If the two flying machines are on converging courses, the flying machine which has the other flying machine on its right shall give way to that other flying machine and shall avoid crossing ahead of it unless passing well clear of it.

(4) A flying machine which is being overtaken by another flying machine shall have the right-of-way over the flying machine overtaking it.

(5) An flying machine which is overtaking another flying machine shall keep out of the way of the other flying machine by altering its course to the left until that other flying machine has been passed and is clear, notwithstanding any change in the relative positions of the two flying machines.

(6) A vehicle shall –

- (a) overtake another vehicle on the right hand side of that vehicle, and
- (b) keep to the left when passing another vehicle which is approaching head-on or approximately so.

Launching, picking up and dropping of tow ropes, etc.

44. (1) Tow ropes, banners or similar articles towed by aircraft shall not be launched at an aerodrome except in accordance with arrangements made with –

- (a) the air traffic control unit at the aerodrome, or
- (b) if there is no such unit, the person in charge of the aerodrome.

(2) Tow ropes, banners or similar articles towed by aircraft shall not be picked up by or dropped from aircraft at an aerodrome except -

- (a) in accordance with arrangements made with the air traffic control unit at the aerodrome or, if there is no such unit, with the person in charge of the aerodrome, or
- (b) in the area designated by the marking described in rule 59(9), but only when the aircraft is flying in the direction appropriate for landing.

Flights within aerodrome traffic zones.

45. (1) Paragraphs (2) and (3) shall apply only in relation to those aerodromes described in Column 1 of Table 3 as are notified for the purposes of this rule and at such times as are specified in Column 2 of the Table.

Table 3

Column 1	Column 2
(a) An aerodrome having an air traffic control unit or flight information service unit	During the notified hours of watch of the air traffic control unit or the flight information service unit
(b) A licensed aerodrome having a means of two-way radio communication with aircraft	During the notified hours of watch of the air/ground station

(2) An aircraft shall not fly, take off or land within the aerodrome traffic zone of an aerodrome unless the pilot-in-command of the aircraft has complied with paragraphs (3), (4) or (5), as appropriate.

(3) If the aerodrome has an air traffic control unit the pilot-in-command shall obtain the permission of the air traffic control unit to enable the flight to be conducted safely within the zone.

(4) If the aerodrome has a flight information service unit the pilot-in-command shall obtain information from the flight information service unit to enable the flight to be conducted safely within the zone.

(5) If there is no flight information service unit at the aerodrome the pilot-in-command shall obtain information from the air/ground communication service to enable the flight to be conducted safely within the zone.

(6) The pilot-in-command of an aircraft flying within the aerodrome traffic zone of an aerodrome shall -

- (a) cause a continuous watch to be maintained on the appropriate radio frequency notified for communications at the aerodrome, or
- (b) if this is not possible, cause a watch to be kept for such instructions as may be issued by visual means, and
- (c) if the aircraft is fitted with means of communication by radio with the ground, communicate his position and height to the air traffic control unit, the flight information service unit or the air/ground communication service at the aerodrome (as the case may be) on entering the zone and immediately prior to leaving it.

SECTION VIII

LIGHTS AND OTHER SIGNALS TO BE SHOWN OR MADE BY AIRCRAFT

General.

46. (1) For the purposes of this Section, the horizontal plane of a light shown by an aircraft means the plane which would be the horizontal plane passing through the source of that light if the aircraft were in level flight.

(2) If it is necessary to fit more than one lamp in order to show a light required by this Section because of the physical construction of an aircraft, the lamps shall be so fitted and constructed that, so far as is reasonably practicable, not more than one such lamp is visible from any one point outside the aircraft.

(3) If a light is required by this section to show through specified angles in the horizontal plane, the lamps giving such light shall be so constructed and fitted that the light is visible -

(a) from any point in any vertical plane within those angles throughout angles of 90° above and below the horizontal plane, but

(b) so far as is reasonably practicable, through no greater angle, either in the horizontal plane or the vertical plane.

(4) If a light is required by this Section to show in all directions, the lamps giving such light shall be so constructed and fitted that, so far as is reasonably practicable, the light is visible from any point in the horizontal plane and on any vertical plane passing through the source of that light.

(5) Notwithstanding the provisions of this section the pilot-in-command of an aircraft may switch off or reduce the intensity of any flashing light fitted to the aircraft if such a light does or is likely to -

(a) adversely affect the performance of the duties of any member of the flight crew, or

- (b) subject an outside observer to unreasonable dazzle.

Display of lights by aircraft.

47. (1) During the night an aircraft shall -

- (a) display such of the lights specified in this section as it is required by this section, and
- (b) subject to rule 49(3), not display any other lights which might obscure or otherwise impair the visibility of, or be mistaken for, such lights.

(2) Subject to rule 48(4) an aircraft fitted with an anti-collision light shall display that light in flight during the day.

(3) A flying machine on a Bailiwick aerodrome shall -

- (a) during the night display either the lights which it would be required to display when flying or the lights specified in rule 49(5)(c) unless it is stationary on the apron or on that part of the aerodrome provided for the maintenance of aircraft, and
- (b) during the day and night and subject to paragraph (4), display a red anti-collision light, if it is fitted with one, when it is stationary on the apron with engines running.

Failure of navigation and anti-collision lights.

48. (1) Paragraphs (2), (3) and (4) shall apply to aircraft in the Bailiwick.

(2) An aircraft shall not depart from an aerodrome if there is a failure of any light which these Rules require to be displayed at night and the light cannot be immediately repaired or replaced.

(3) Subject to paragraph (4), if the aircraft is in flight and any such light as is referred to in paragraph (2) fails and cannot be immediately repaired or replaced, the aircraft shall land as soon as it can safely do so, unless authorised by the appropriate air traffic control unit to continue its flight.

(4) An aircraft may continue to fly during the day in the event of a failure of an anti-collision light on the flight as long as the light is repaired at the earliest practicable opportunity.

Flying machines at night.

49. (1) Subject to paragraph (3), a flying machine flying at night shall display lights in accordance with paragraphs (2), (3) or (4), as appropriate.

(2) In the case of -

- (a) a flying machine registered in Guernsey which has a maximum total weight authorised of more than 5,700 kg, or
- (b) any other flying machine registered in Guernsey which conforms to a type first issued with a type certificate on or after 1st April 1988,

the flying machine shall display the system of lights specified in paragraph 5(b).

(3) A flying machine registered in Guernsey which -

- (a) conforms to a type first issued with a type certificate before 1st April 1988, and
- (b) has a maximum total weight authorised of 5,700 kg or less,

shall display the system of lights specified in paragraph (5)(a), paragraph (5)(b), or paragraph (5)(d) (but excluding sub-paragraph (ii) of that paragraph).

(4) In the case of any other flying machine, one of the systems of lights specified in paragraph (5) shall be displayed.

(5) The systems of lights referred to in paragraphs (2), (3) and (4) are as follows -

- (a) a steady green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane, a steady red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane, and a steady white light of at least three candela showing through angles of 70° from dead astern to each side in the horizontal plane,
- (b) the lights specified in subparagraph (a) and an anti-collision light,
- (c) the lights specified in subparagraph (a), but all being flashing lights (rather than steady lights) flashing together,
- (d) the lights specified in subparagraph (a), but all being flashing lights (rather than steady lights) flashing together in alternation with one or both of the following -

- (i) a flashing white light of at least twenty candela showing in all directions,
- (ii) a flashing red light of at least twenty candela showing through angles of 70° from dead astern to each side in the horizontal plane.

(6) If the lamp showing either the red or the green light specified in paragraph (5)(a) is fitted more than 2 metres from the wing tip, another lamp may be fitted at the wing tip to indicate its position showing a steady light of the same colour through the same angle.

Gliders at night.

50. A glider flying at night shall display either a steady red light of at least five candela, showing in all directions, or lights in accordance with rule 49.

Free balloons at night.

51. A free balloon flying at night shall display a steady red light of at least five candela showing in all directions, suspended not less than 5 metres and not more than 10 metres below the basket, or if there is no basket, below the lowest part of the balloon.

Captive balloons and kites at night.

52. (1) A captive balloon or kite flying at night at a height exceeding 60 metres above the surface shall display lights in accordance with paragraphs (2), (3) and (4).

(2) A group of two steady lights shall be displayed consisting of a white light placed 4 metres above a red light, both being of at least five candela and showing in all directions, the white light being placed not less than 5 metres nor more than 10 metres below the basket or, if there is no basket, below the lowest part of the balloon or kite.

(3) On the mooring cable of the balloon or kite, at intervals of not more than 300 metres measured from the group of lights specified in paragraph (2), there shall be displayed -

- (a) groups of two lights of the colour and power and in the relative positions specified in paragraph (2), and
- (b) if the lowest group of lights is obscured by cloud, an additional group of such lights below the cloud base.

(4) On the surface of the ground there shall be displayed a group of three flashing lights arranged -

- (a) in a horizontal plane at the apexes of a triangle, approximately equilateral, each side of which measures at least 25 metres,
- (b) so that one side of the triangle shall be approximately at right angles to the horizontal projection of the cable and shall be delimited by two red lights, and
- (c) so that the third light shall be a green light, placed so that the triangle encloses the object on the surface to which the balloon or kite is moored.

Captive balloons and kites by day.

53. (1) A captive balloon flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable tubular streamers which are -

- (a) not less than 40 centimetres in diameter and 2 metres in length, and

- (b) marked with alternate bands of red and white 50 centimetres wide at intervals of not more than 200 metres measured from the basket or, if there is no basket, from the lowest part of the balloon.

(2) A kite flying by day at a height exceeding 60 metres above the surface shall have attached to its mooring cable either -

- (a) tubular streamers as specified in paragraph (1), or
- (b) at intervals of not more than 100 metres measured from the lowest part of the kite, streamers not less than 80 centimetres long and 30 centimetres wide at their widest point, marked with alternate bands of red and white 10 centimetres wide.

Airships at night.

54. (1) Except as provided in paragraph (2), an airship flying at night shall display the following lights -

- (a) a steady white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane,
- (b) a steady green light of at least five candela showing to the starboard side through an angle of 110° from dead ahead in the horizontal plane,
- (c) a steady red light of at least five candela showing to the port side through an angle of 110° from dead ahead in the horizontal plane,

- (d) a steady white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane, and
- (e) an anti-collision light.

(2) Subject to paragraph (5), an airship flying at night in any of the circumstances referred to in paragraph (3) shall display the lights specified in paragraph (4).

(3) The circumstances are as follows –

- (a) if the airship is not under command,
- (b) has voluntarily stopped its engines, or
- (c) is being towed.

(4) The lights specified are the following lights -

- (a) the white lights specified in paragraph (1)(a) and (d),
- (b) two steady, red lights, each of at least five candela, showing in all directions, suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car, and
- (c) if the airship is making way but not otherwise, the green and red lights specified in paragraph (1)(b) and (c).

(5) An airship picking up its moorings at night shall display the lights specified in paragraph (1).

(6) An airship moored to a mooring mast within the Bailiwick at night shall display, at or near the rear of the airship, a steady, white light of at least five candela showing in all directions.

(7) An airship moored otherwise than to a mooring mast within the Bailiwick at night shall display -

- (a) a white light of at least five candela showing through angles of 110° from dead ahead to each side in the horizontal plane, and
- (b) a white light of at least five candela showing through angles of 70° from dead astern to each side in the horizontal plane.

Airships by day.

55. (1) An airship flying during the day in any of the circumstances referred to in paragraph (2) shall display two black balls suspended below the control car so that one is at least 4 metres above the other and at least 8 metres below the control car.

(2) The circumstances are as follows –

- (a) if the airship is not under command,
- (b) if it has voluntarily stopped its engines, or
- (c) if it is being towed.

(3) For the purposes of this rule and rule 54 –

- (a) an airship shall be deemed not to be under command when it is unable to execute a manoeuvre which it may be required to execute by these Rules, and
- (b) an airship shall be deemed to be making way when it is not moored and is in motion.

SECTION IX

AERODROME SIGNALS AND MARKINGS - VISUAL AND AURAL SIGNALS

General.

56. (1) Within the Bailiwick any signal or marking which is specified in this Section and which is given or displayed -

- (a) by any person in an aircraft,
- (b) at an aerodrome, or
- (c) at any other place which is being used by aircraft for landing or take-off,

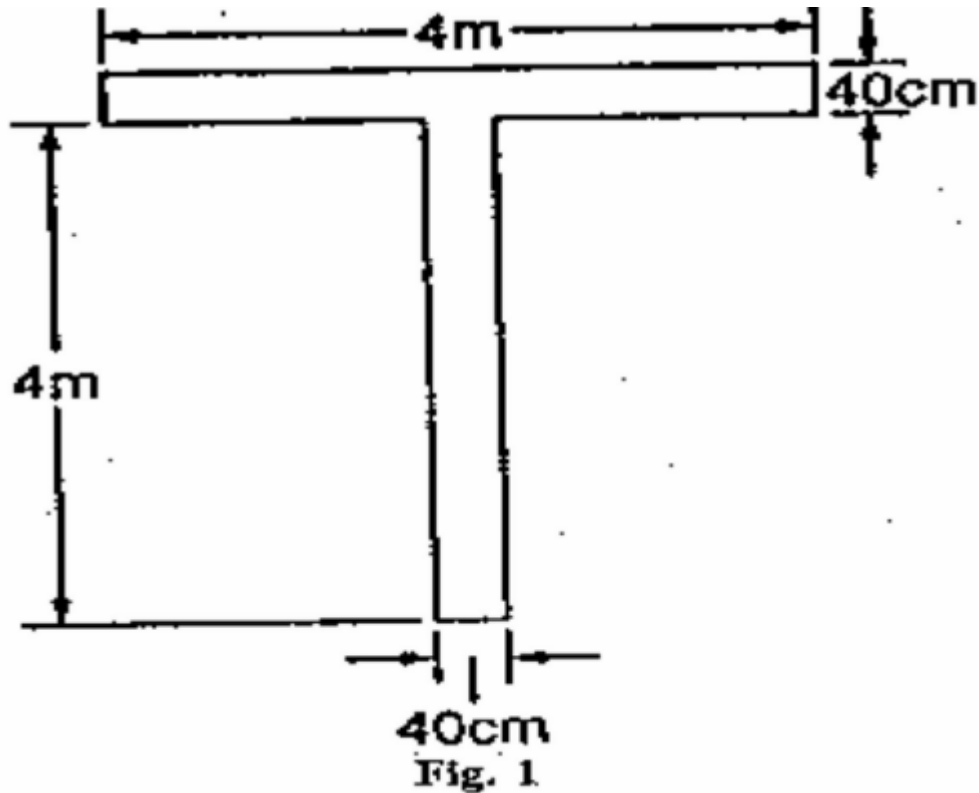
shall have the meaning assigned to it in this Section.

(2) Apart from those referred to in rule 60(6) and the distances at which markings must be placed, all dimensions of signals or markings specified in this Section of these Rules shall be subject to a tolerance of 10 per cent, plus or minus.

Signals in the Signals Area.

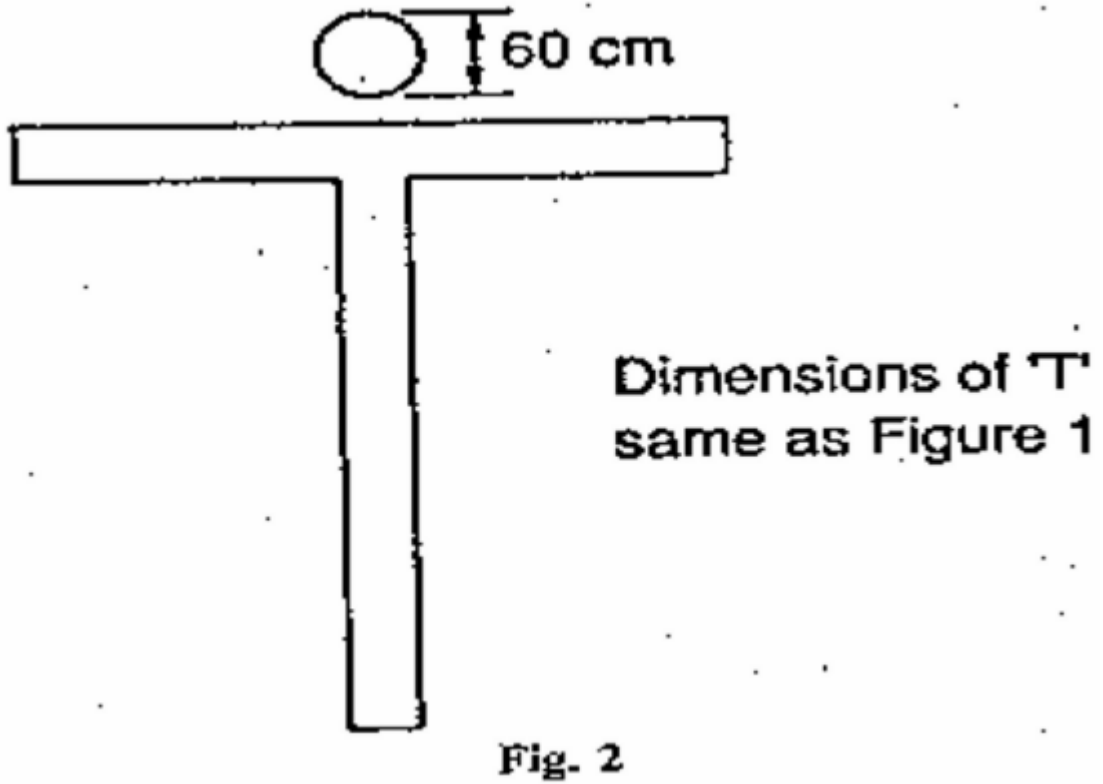
57. (1) Whenever any signal specified in this rule is displayed it shall be placed in a signals area, which shall be a square visible from all directions bordered by a white strip 30 centimetres wide and with the internal sides measuring 12 metres.

- (2) A white landing T, as illustrated in this paragraph,



signifies that aeroplanes and gliders taking off or landing shall do so in a direction parallel with the shaft of the T and towards the cross arm, unless otherwise authorised by the appropriate air traffic control unit.

- (3) A white disc 60 centimetres in diameter displayed alongside the cross arm of the T and in line with the shaft of the T, as illustrated in this paragraph,



signifies that the direction of landing and take off do not necessarily coincide.

- (4) A white dumb-bell, as illustrated in this paragraph,

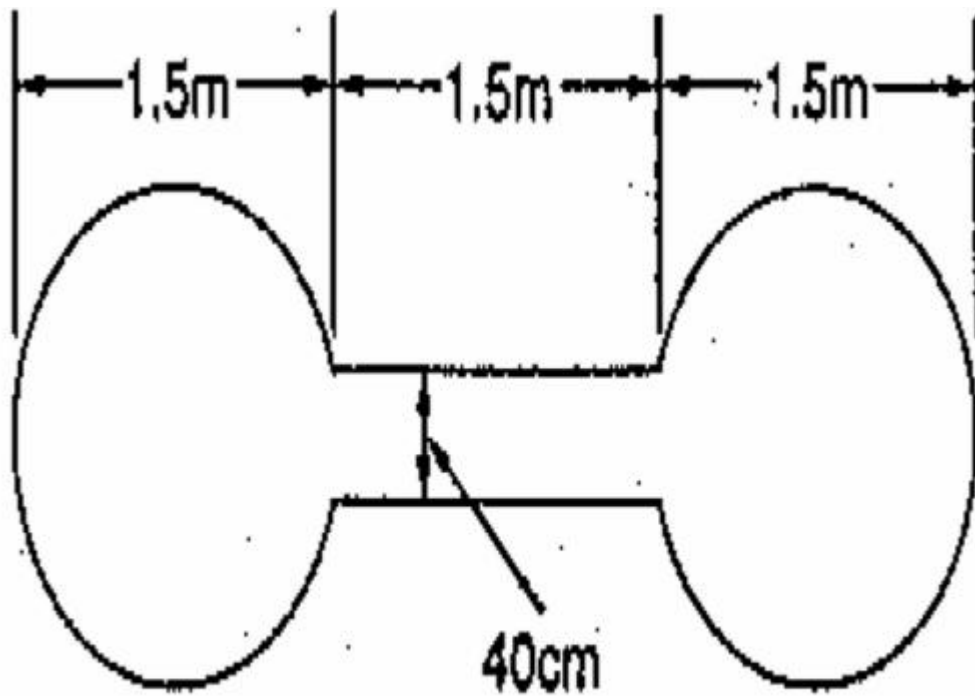


Fig. 3

signifies that movements of aeroplanes and gliders on the ground shall be confined to paved, metallised or similar hard surfaces.

(5) A white dumb-bell, as described in paragraph (4), but with a black strip 60 centimetres wide across each disc at right angles to the shaft of the dumb-bell, as illustrated in this paragraph,

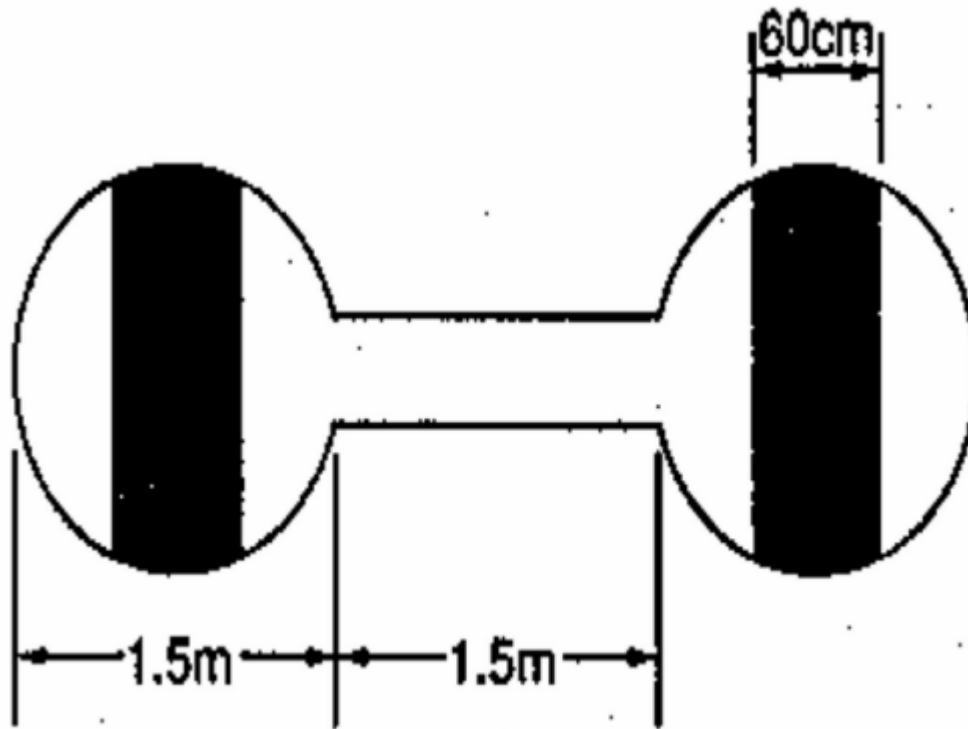


Fig. 4

signifies that aeroplanes and gliders taking off or landing shall do so on a runway but that movement on the ground is not confined to paved, metalled or similar hard surfaces.

- (6) A red and yellow striped arrow, as illustrated in this paragraph,

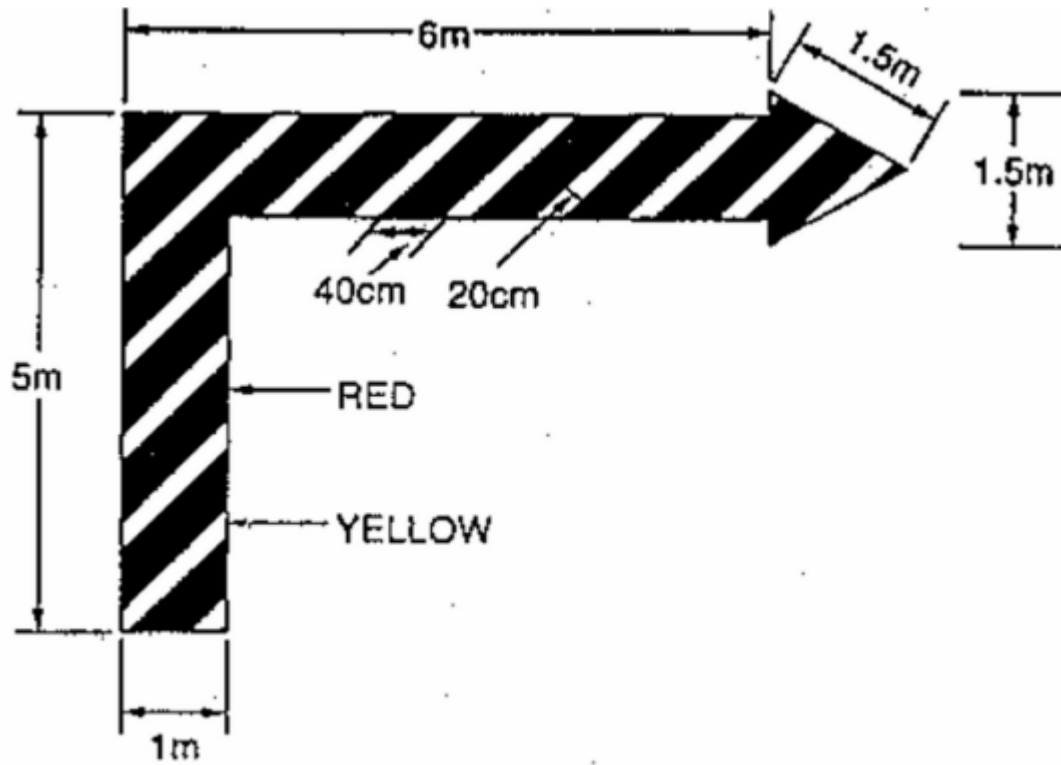
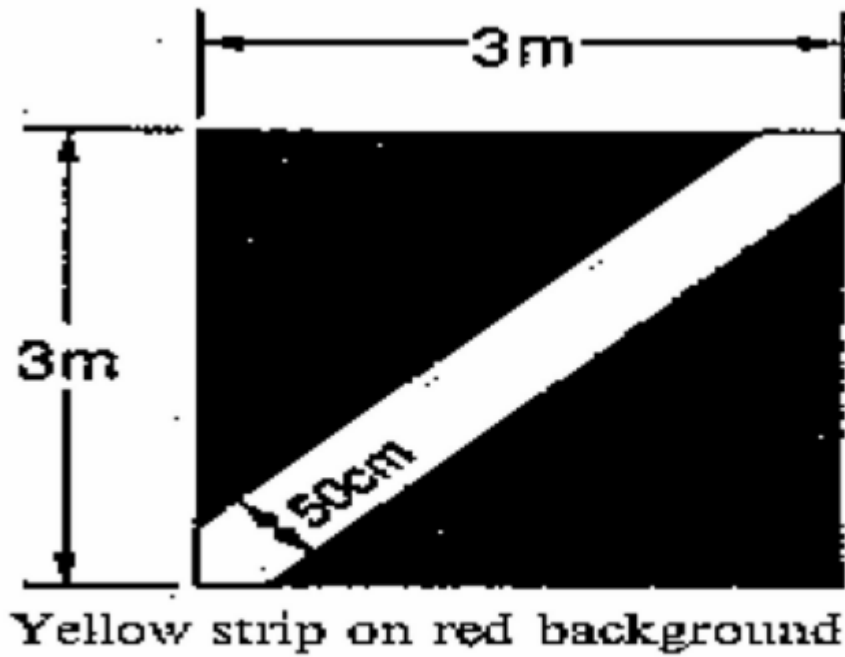


Fig. 5

the shaft of which is one metre wide and which is placed along the whole or a total of 11 metres of two adjacent sides of the signals area, and pointing in a clockwise direction, signifies that a right-hand circuit is in force.

(7) A red panel 3 metres square with a yellow strip along one diagonal 50 centimetres wide, as illustrated in this paragraph,

**Fig. 6**

signifies that the state of the manoeuvring area is poor and pilots must exercise special care when landing.

(8) A red panel 3 metres square with a yellow strip 50 centimetres wide along each diagonal, as illustrated in this paragraph,

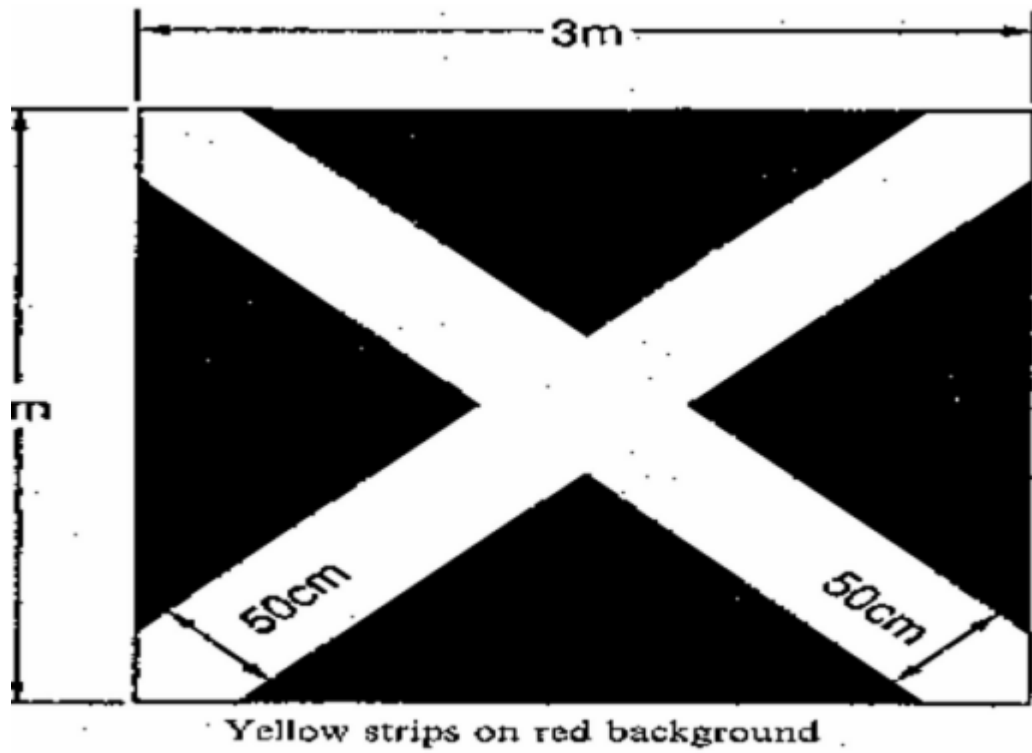
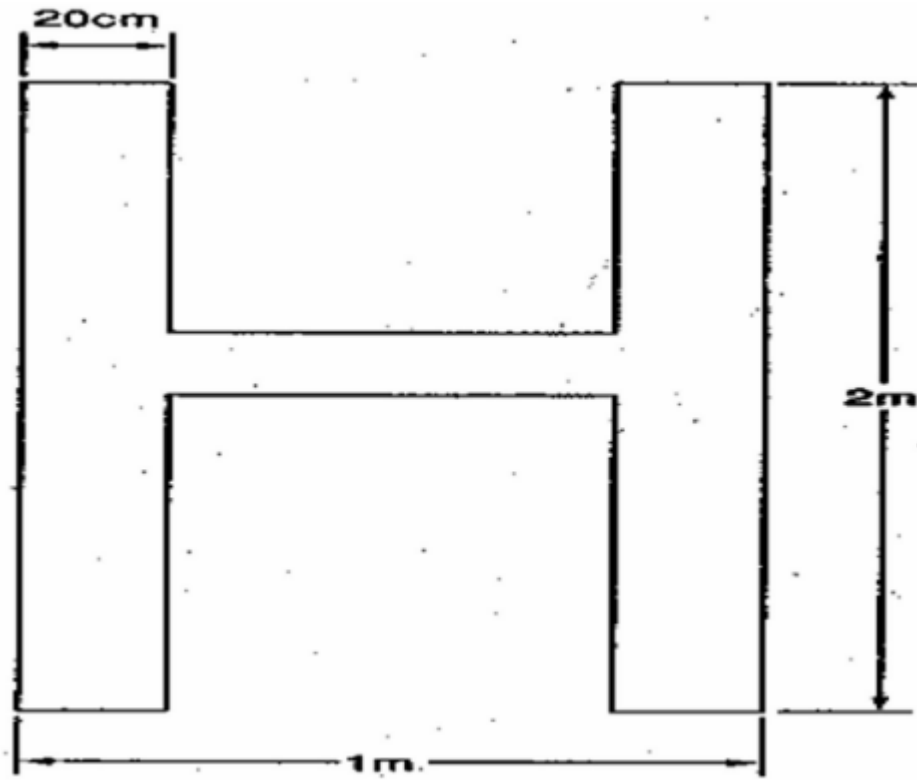


Fig. 7

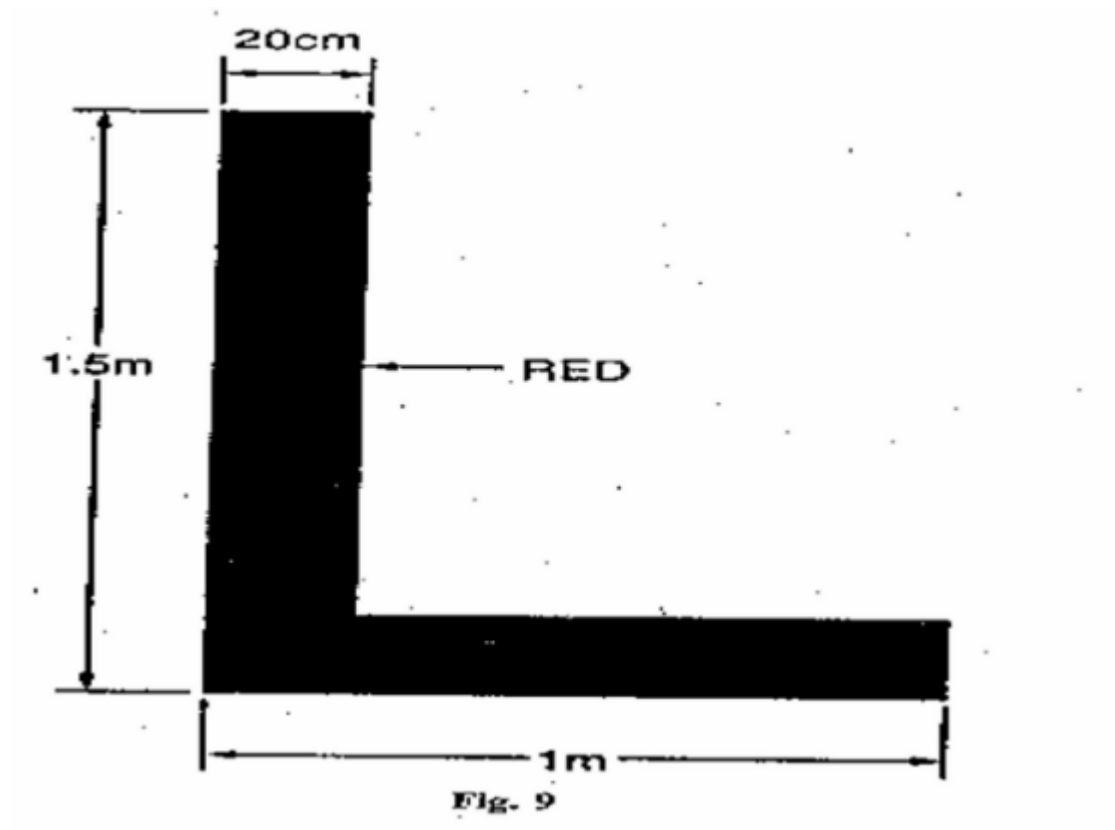
signifies that the aerodrome is unsafe for the movement of aircraft and that landing on the aerodrome is prohibited.

- (9) A white letter H, as illustrated in this paragraph,



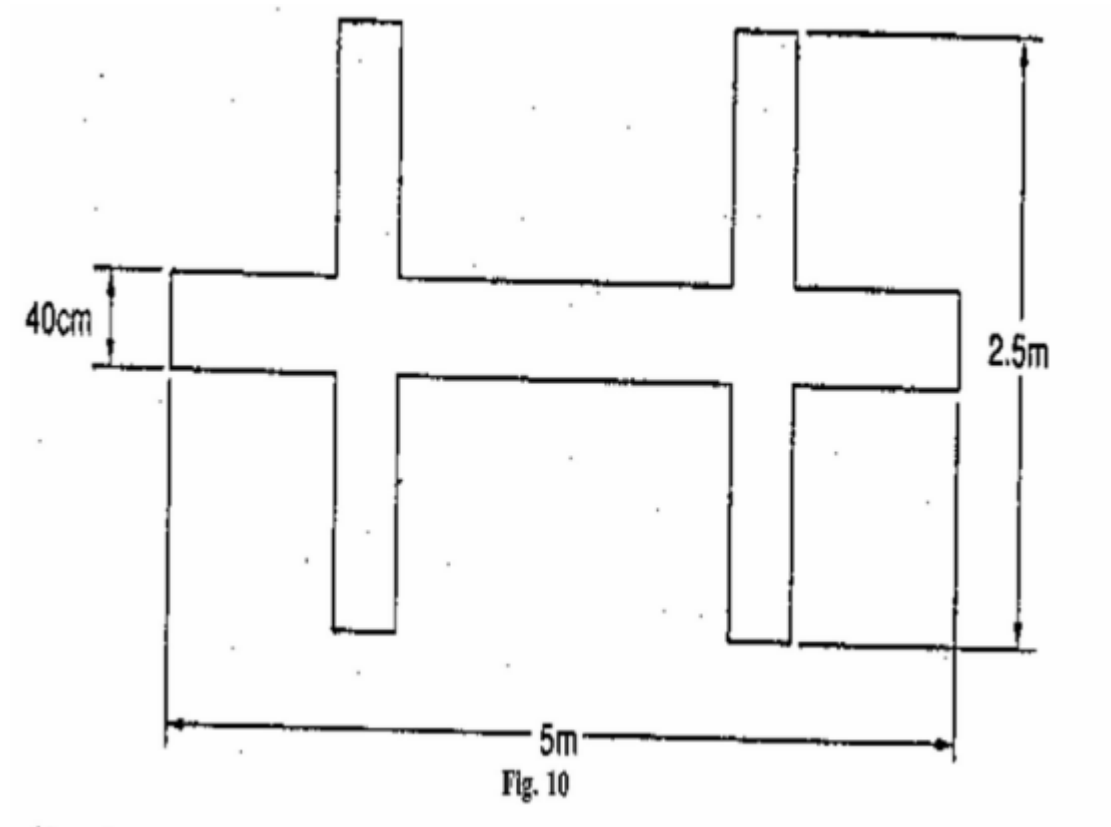
signifies that helicopters shall take off and land only within the area designated by the marking specified in rule 59(7).

(10) A red letter L displayed on the dumb-bell specified in paragraphs (4) and (5), as illustrated in this paragraph,



signifies that light aircraft are permitted to take off and land either on a runway or on the area designated by the marking specified in rule 59(8).

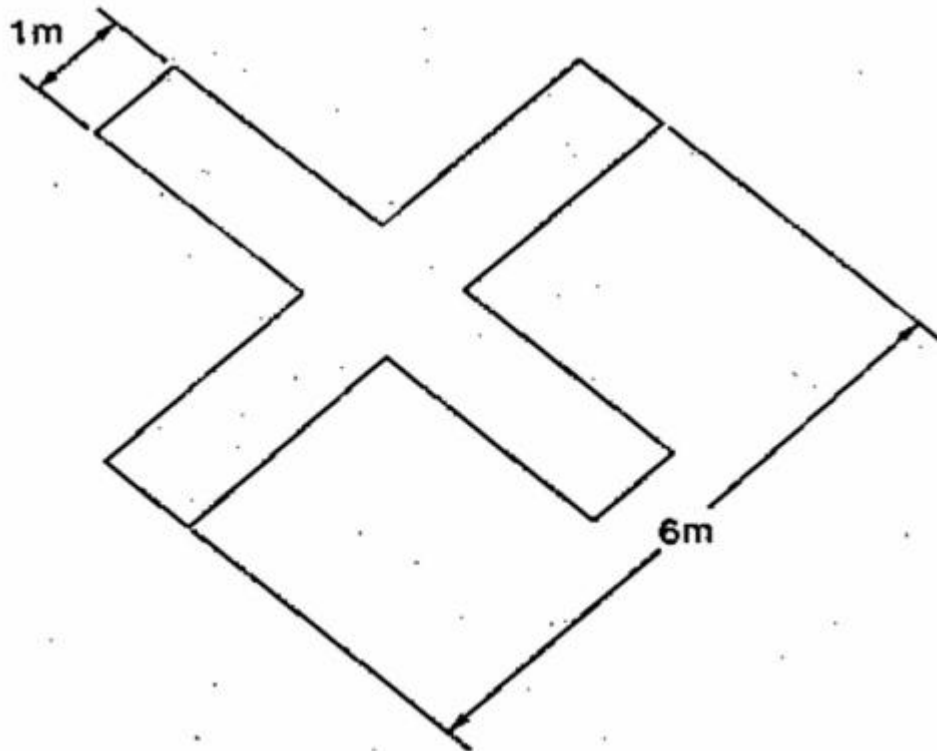
- (11) A white double cross, as illustrated in this paragraph,



signifies that glider flying is in progress.

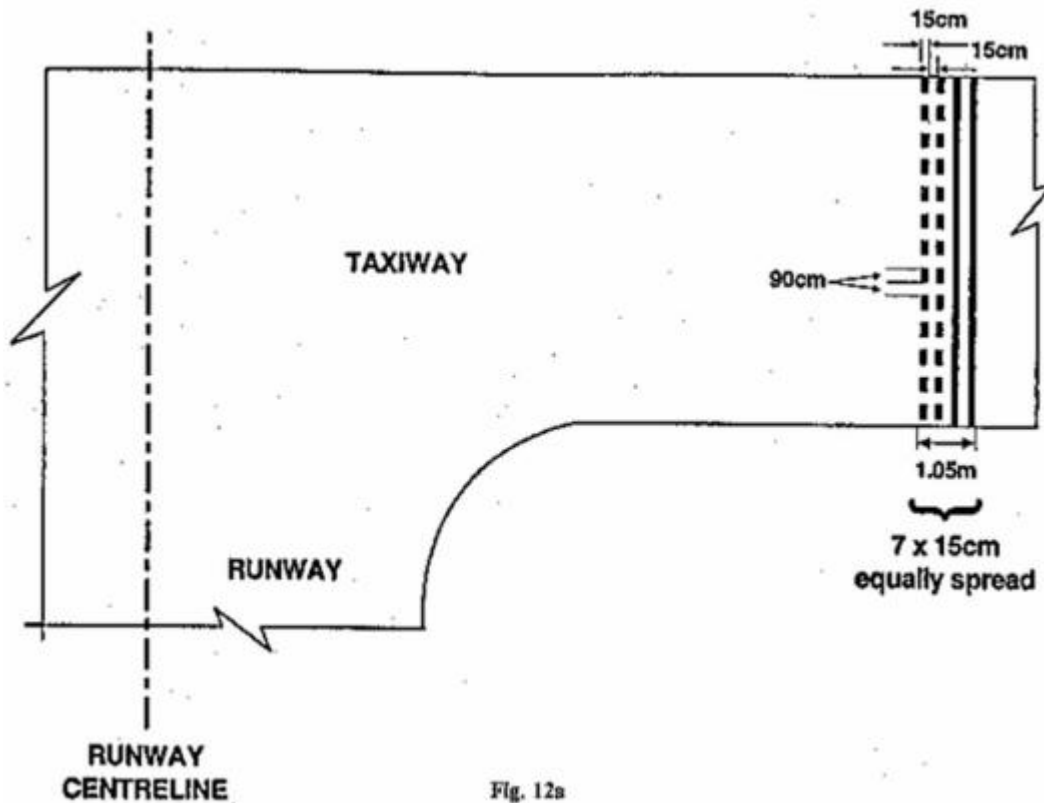
Markings for paved runways and taxiways.

58. (1) Two or more white crosses, as illustrated in this paragraph,

**Fig. 11**

displayed on a runway or taxiway, with each arm of each cross at an angle of 45° to the centre line of the runway, at intervals of not more than 300 metres signify that the section of the runway or taxiway marked by them is unfit for the movement of aircraft.

(2) Subject to paragraph (3), two yellow broken lines and two continuous lines, as illustrated



in this paragraph, signify the designated visual holding position associated with a runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit.

(3) Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the markings referred to in paragraph (2) signify the position closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway when the flying machine or vehicle is required by virtue of rule 42(3) to give way to aircraft which are taking off from or landing on that runway.

(4) Subject to paragraph (5), a yellow marking, as illustrated in this paragraph,

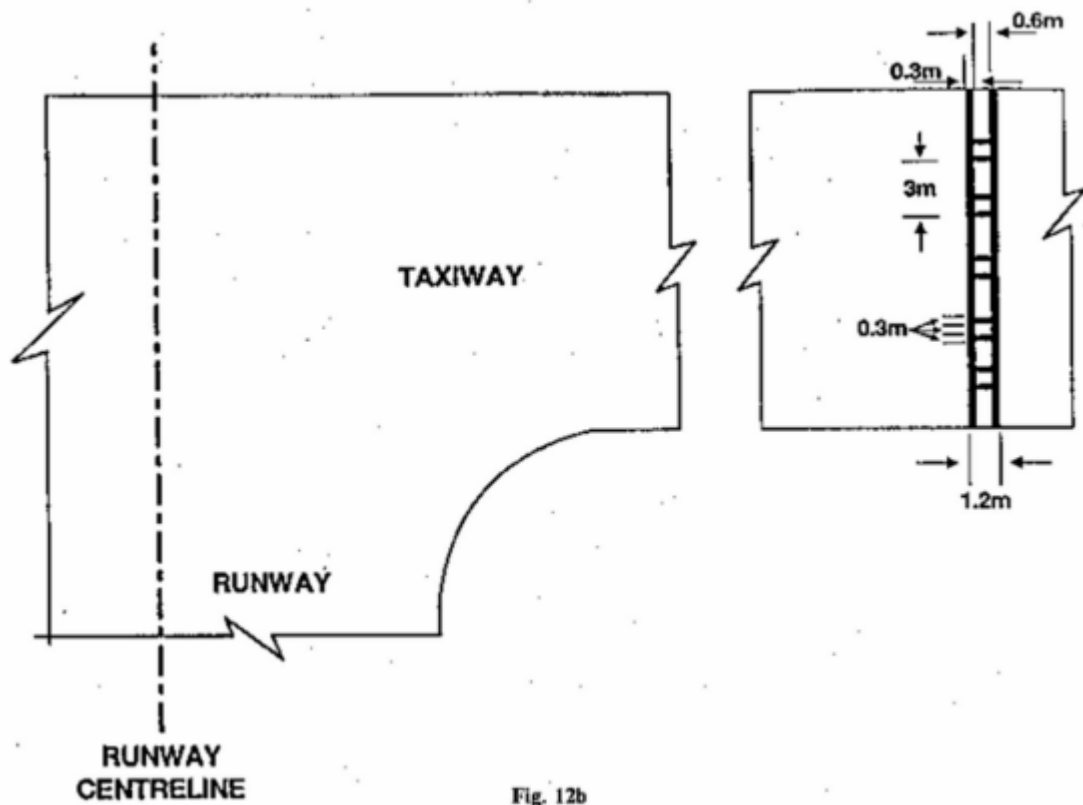
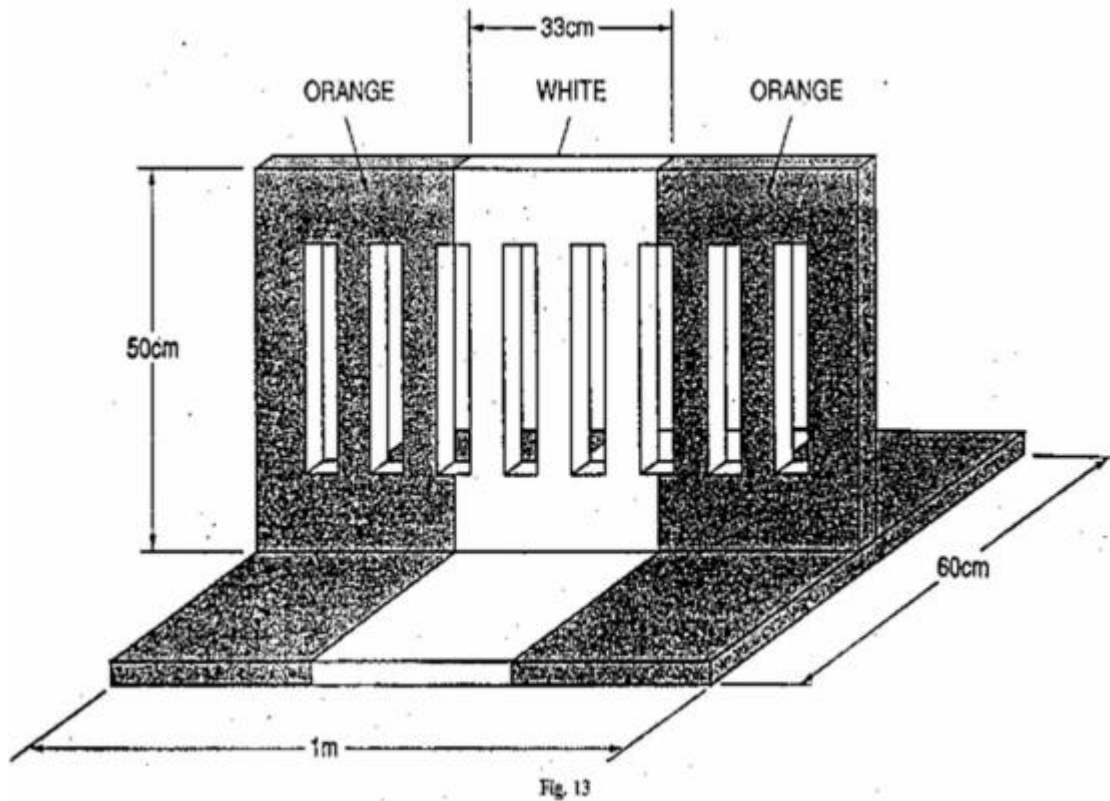


Fig. 12b

signifies a holding position other than that closest to the runway beyond which no part of a flying machine or vehicle shall project in the direction of the runway without permission from the air traffic control unit at the aerodrome during the notified hours of watch of that unit.

(5) Outside the notified hours of watch of that unit or where there is no air traffic control unit at the aerodrome the marking referred to in paragraph (4) may be disregarded.

(6) Orange and white markers, as illustrated in this paragraph,



spaced no more than 15 metres apart, signify the boundary of that part of a paved runway, taxiway or apron which is unfit for the movement of aircraft.

Markings on unpaved manoeuvring areas.

59. (1) Markers with orange and white stripes of an equal width of 50 centimetres, with an orange stripe at each end, alternating with flags 60 centimetres square showing equal orange and white triangular areas, spaced not more than 90 metres apart as illustrated in this paragraph,

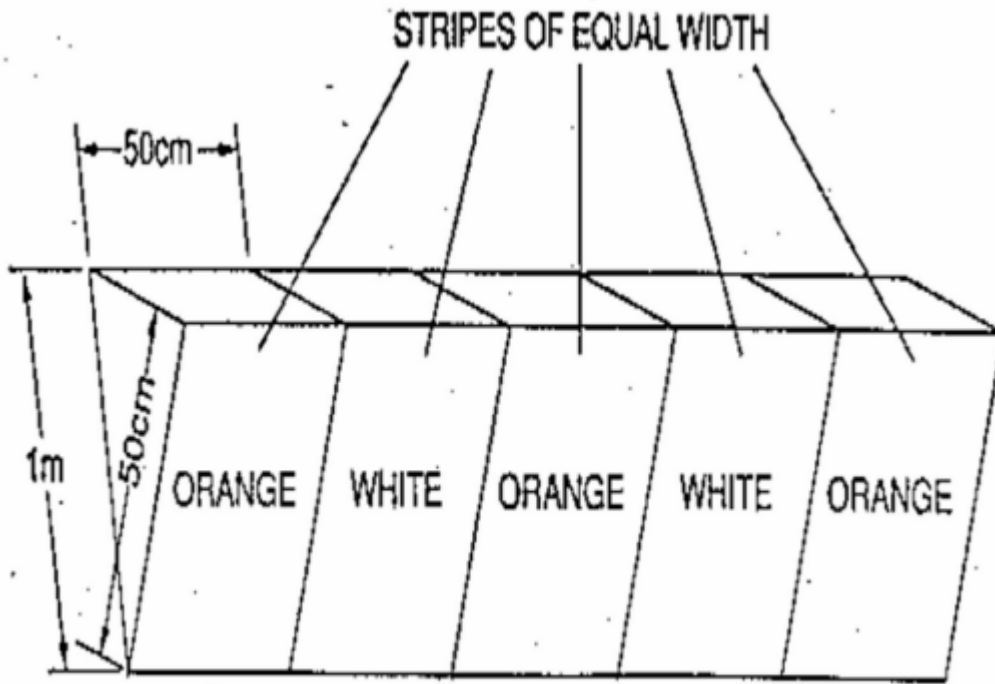


Fig. 14

indicate the boundary of an area unfit for the movement of aircraft.

(2) One or more white crosses, as specified in rule 58(1), also indicate such an area as is referred to in paragraph (1).

(3) Striped markers, as specified in paragraph (1), spaced not more than 45 metres apart, indicate the boundary of an aerodrome.

(4) On structures markers with orange and white vertical stripes, of an equal width of 50 centimetres, with an orange stripe at each end, spaced not more than 45 metres apart, as illustrated in this paragraph,

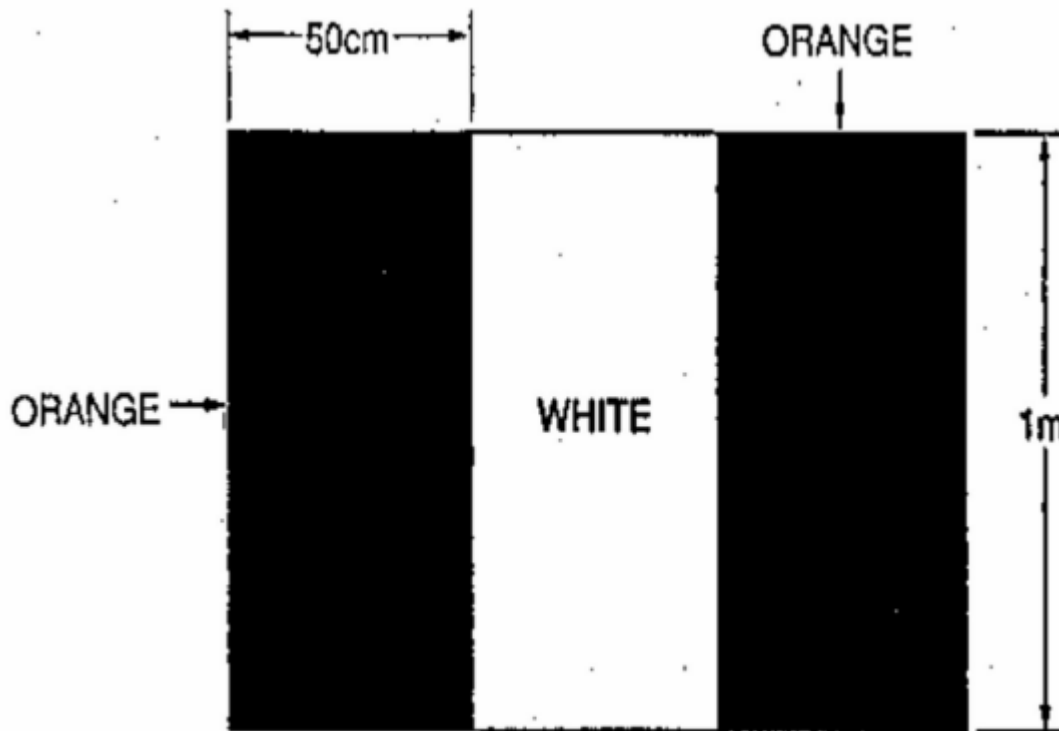


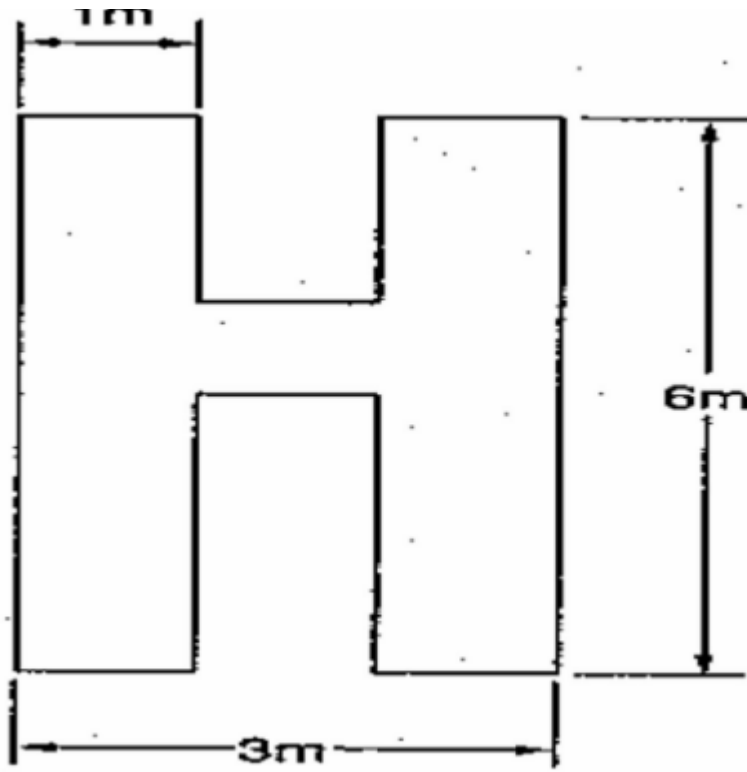
Fig. 15

indicate the boundary of an aerodrome.

(5) The pattern of the marker referred to in paragraph (4) shall be visible from inside and outside the aerodrome and the marker shall be affixed not more than 15 centimetres from the top of the structure.

(6) White, flat, rectangular markers 3 metres long and 1 metre wide, at intervals not exceeding 90 metres, flush with the surface of an unpaved runway or stopway, indicate the boundary of the unpaved runway or stopway.

(7) A white letter H, as illustrated in this paragraph,

**Fig. 16**

indicates an area which shall be used only for the taking off and landing of helicopters.

- (8) A white letter L, as illustrated in this paragraph,

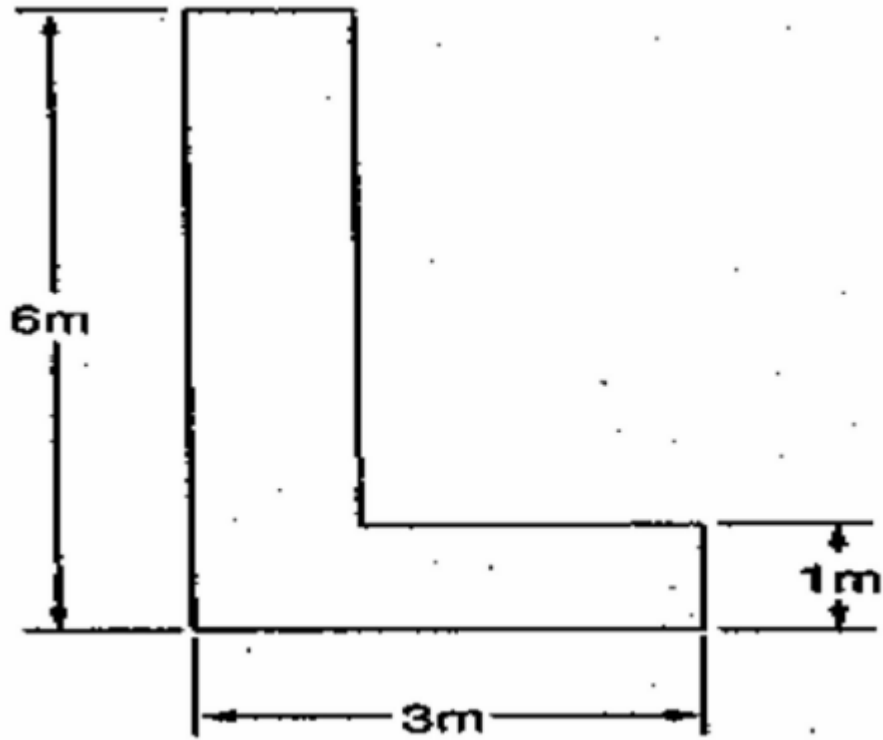


Fig. 17

indicates a part of the manoeuvring area which shall be used only for the taking off and landing of light aircraft.

(9) A yellow cross with two arms each 6 metres long by 1 metre wide at right angles, indicates that tow ropes, banners and similar articles towed by aircraft shall only be picked up and dropped in the area in which the cross is placed.

(10) A white double cross, as illustrated in this paragraph,

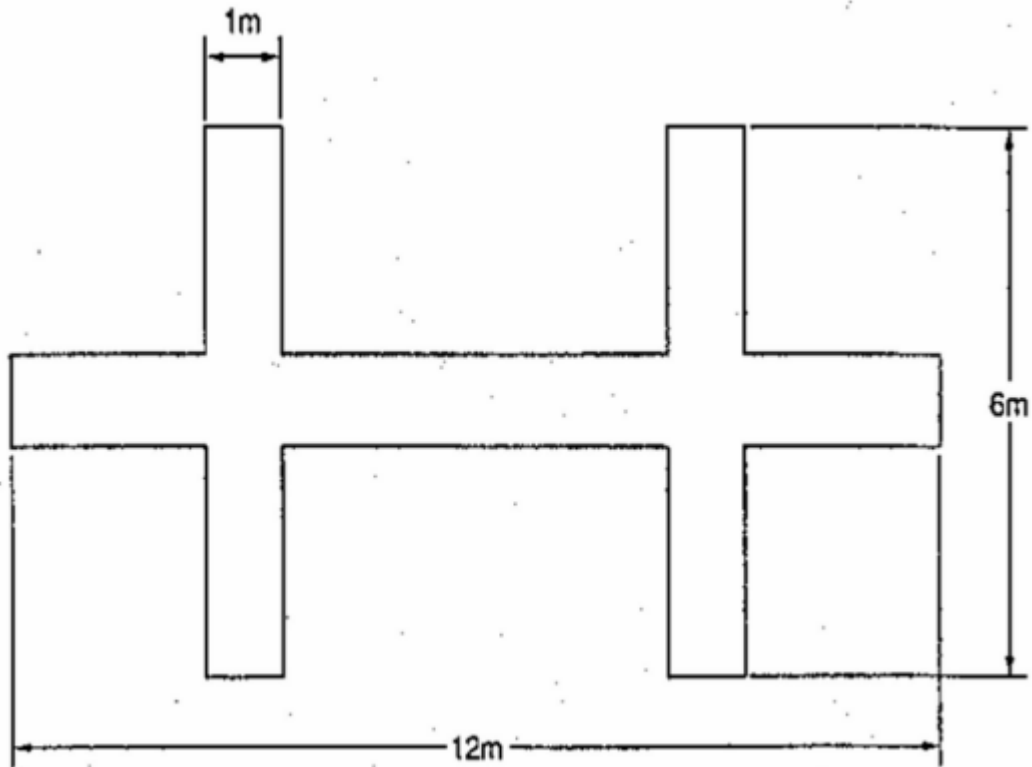


Fig. 18

indicates an area which shall be used only for the taking off and landing of gliders.

(11) Subject to paragraph (12) a white landing T, as specified in rule 57(2), placed at the left-hand side of the runway (when viewed from the direction of landing) indicates the runway to be used for take-off and landing.

(12) The white landing T referred to in paragraph (11), when placed at an aerodrome with no runway, indicates the direction for take-off and landing.

Signals visible from the ground.

60. (1) A black ball, 60 centimetres in diameter, suspended from a mast signifies that the directions of take off and landing are not necessarily the same.

(2) A chequered flag or board, 1.2 metres by 90 centimetres, containing 12 equal squares, 4 horizontally and 3 vertically, coloured red and yellow alternately,

signifies that aircraft may move on the manoeuvring area and apron only in accordance with the permission of the air traffic control unit at the aerodrome.

(3) Two red balls, 60 centimetres in diameter, positioned vertically one above the other, 60 centimetres apart and suspended from a mast, signify that glider flying is in progress at the aerodrome.

(4) Black, Arabic numerals in two-figure groups and, where parallel runways are provided, the letter or letters L (left), LC (left centre), C (centre), RC (right centre) and R (right), placed against a yellow background, indicate the direction for take-off or the runway in use.

(5) A black letter C against a yellow background, as illustrated in this paragraph,

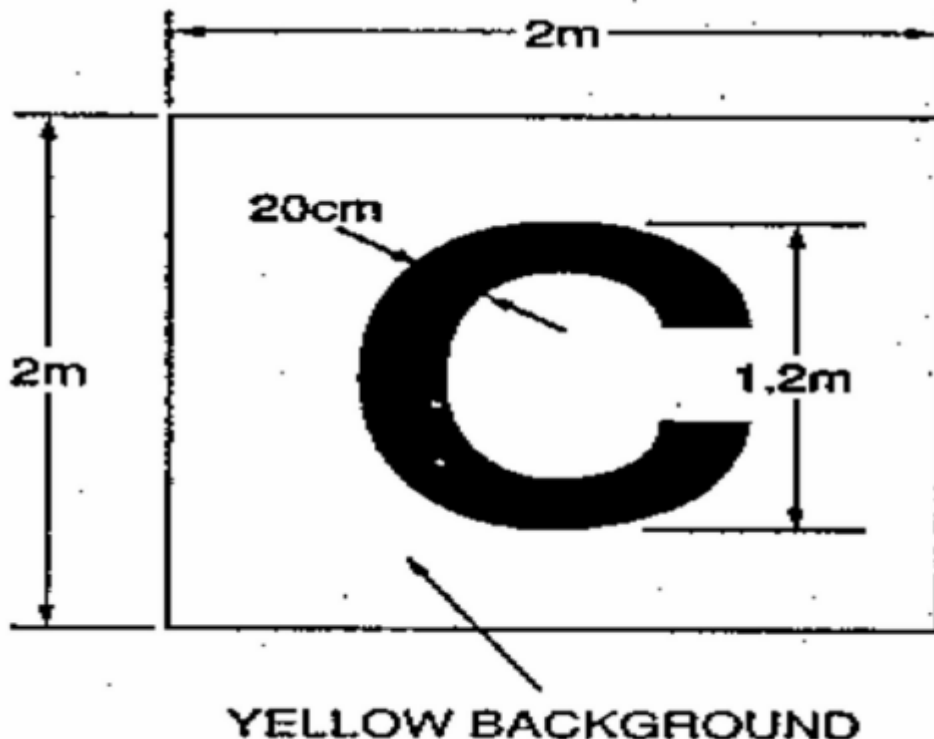


Fig. 19

indicates the position at which a pilot can report to the air traffic control unit or to the person in charge of the aerodrome.

(6) A rectangular green flag of not less than 60 centimetres square and not more than 66 centimetres square, flown from a mast, indicates that a right-hand circuit is in force.

Lights and pyrotechnic signals for control of aerodrome traffic.

61. Each signal described in column 1 of Table 4 shall have the meanings respectively appearing in columns 2, 3 and 4 of the Table in the circumstances specified in the second row of the Table.

Table 4 - Meaning of Lights and Pyrotechnic Signals

Column 1	Column 2	Column 3	Column 4
Characteristic and colour of light beam or pyrotechnic	Directed from an aerodrome to an aircraft in flight	Directed from an aerodrome to an aircraft or vehicle on the aerodrome	Directed from an aircraft in flight to an aerodrome
(a) Continuous red light.	Give way to other aircraft and continue circling.	Stop.	-
(b) Red pyrotechnic light, or red flare.	Do not land; wait for permission.	-	Immediate assistance is required.
(c) Red flashes.	Do not land; aerodrome not available for landing.	Move clear of landing area.	-
(d) Green flashes.	Return to aerodrome; wait for permission to land.	To an aircraft: you may move on the manoeuvring area and apron. To a	-


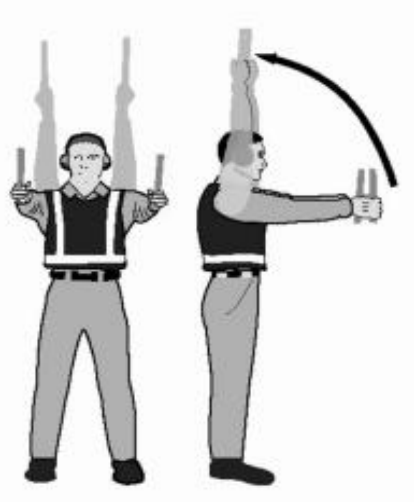
		vehicle: you may move on the manoeuvring area.	
(e) Continuous green light.	You may land.	You may take off (not applicable to a vehicle).	-
(f) Continuous green light, or green flashes, or green pyrotechnic light.	-	-	By night: May I land? By day: May I land from direction different from that indicated by landing T?
(g) White flashes.	Land at the aerodrome after receiving continuous green light, and then, after receiving green flashes, proceed to the apron.	Return to starting point on the aerodrome.	I am compelled to land.
(h) White pyrotechnic lights. Switching on and off the navigation lights. Switching on and off the landing lights.	-	-	I am compelled to land.

Marshalling signals (from a marshaller to an aircraft).

62. (1) Each of the signals for the guidance of aircraft manoeuvring on or off the ground, described in column 1 of Table 5 and as illustrated in column 3, when given by a marshaller to an aircraft, shall have the meanings specified in column 2 of the Table.

(2) By day any such signals shall be given by hand or by circular bats and by night shall be given by torches or by illuminated wands.

Table 5 - Meaning of Marshalling Signals (from a marshaller to an aircraft)

Column 1	Column 2	Column 3
Description of Signal	Meaning of signal	Illustration of signal
1 Raise right hand above head level with wand pointing up; move left-hand wand pointing down toward body.	Wingwalker/guide - This signal provides an indication by a person positioned at the aircraft wing tip, to the pilot/marshaller/ push- back operator, that the aircraft movement on/off a parking position would be unobstructed.	
2 Raise fully extended arms straight above head with wands pointing up	Identify gate	

- 3 Point both arms upward, move and extend arms outward to sides of body and point with wands to direction of next signalman or taxi area.
- Proceed to next signalman or as directed by tower/ground control



- 4 Bend extended arms at elbows and move wands up and down from chest height to head.
- Straight ahead



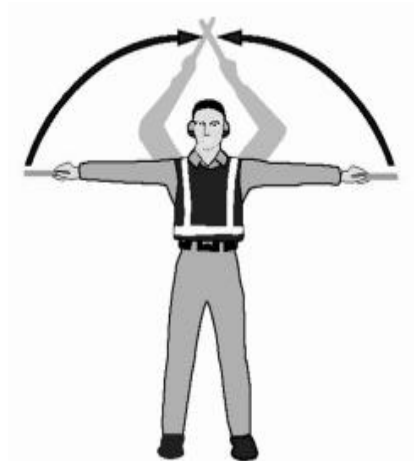
- 5(a) With right arm and wand extended at a 90-degree angle to body, make "come ahead" signal with left hand. The rate of signal motion indicates to pilot the rate of aircraft turn.
- Turn left (from pilot's point of view)



5(b) With left arm and wand extended at a 90-degree angle to body, make "come ahead" signal with right hand. The rate of signal motion indicates to pilot the rate of aircraft turn.



6(a) Fully extend arms and wands at a 90-degree angle to sides and slowly move to above head until wands cross.



6(b) Abruptly extend arms and wands to top of head, crossing wands.



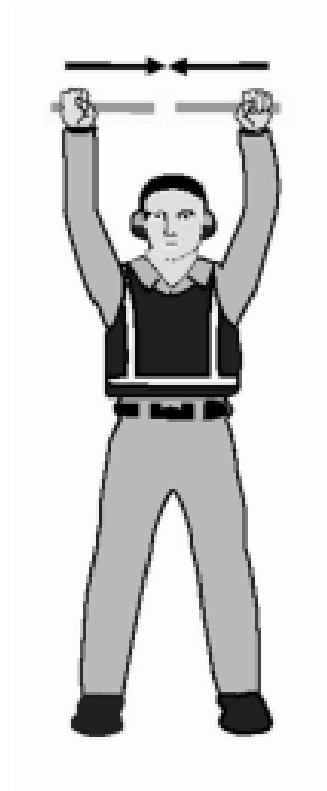
7(a) Raise hand just above shoulder height with open palm. Ensuring eye contact with flight crew, close hand into a fist. Do Not move until receipt of "thumbs up" acknowledgement from flight crew.



7(b) Raise hand just above shoulder height Release brakes
shoulder height with hand closed in a fist. Ensuring eye contact with flight crew, open palm. Do not move until receipt of "thumbs up" acknowledgement from crew.



8(a) With arms and wands Chocks inserted
fully extending above head,
move wands inwards in a
"jabbing" motion until wands
touch. Ensure
acknowledgement is received
from flight crew.



8(b) With arms and wands Chocks removed
fully extended above head,
move wands outward in
"jabbing" motion. Do not
remove chocks until
authorised by crew.



9 Raise right arm to Start engine(s)
head level with wand pointing
up and start a circular motion
with hand; at the same time,
with left arm raised above
head level, point to engine to
be started.



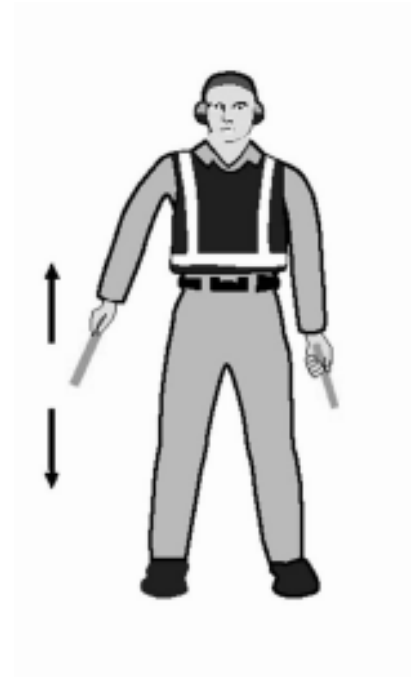
10 Extend arm with wand Cut engine(s)
forward of body at shoulder
level; move hand and wand to
top of left shoulder and draw
wand to top of right shoulder
in a slicing motion across
throat.



11 Move extended arms Slow down
downwards in a "patting"
gesture, moving wands up
and down from waist to
knees.



12 With arms down and Slow down engine(s) on
wands toward ground, wave indicated side
either right or left wand up
and down indicating engine(s)
on left or right side
respectively should be slowed
down.



13 With arms in front of Move Back
body at waist height, rotate
arms in a forward motion. To
stop rearward movement, use
signal 6(a) or 6(b).



14(a) Point left arm with wand down and bring right arm from overhead vertical position to horizontal forward position, repeating right-arm movement.

Turns while backing
(for tail to starboard)



14(b) Point right arm with wand down and bring left arm from overhead vertical position to horizontal forward position, repeating left-arm movement.

Turns while backing
(for tail to port)



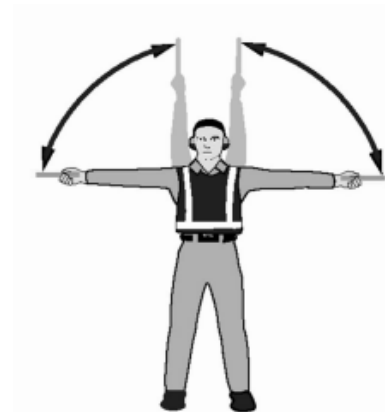
- 15 Raise right arm to head level with wand pointing up or display hand with "thumbs up"; left arm remains at side by knee.
- Affirmative/all clear - This signal is also used as a technical/servicing communication signal.



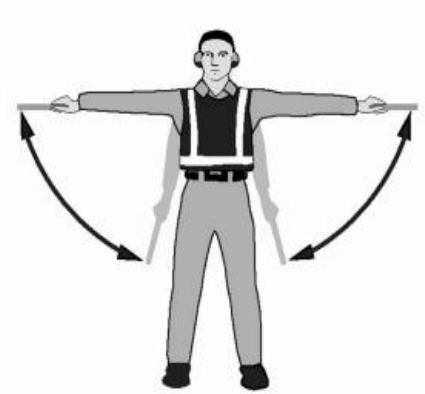
- 16 Fully extend arms and wands at a 90-degree angle to sides.
- Hover



- 17 Fully extend arms and wands at a 90-degree angle to sides and, with palms turned up, move hands upwards. Speed of movement indicates rate of ascent.
- Move upwards



18 Fully extend arms and Move downwards
wands at a 90-degree angle to
sides and, with palms turned
down, move hands
downwards. Speed of
movement indicates rate of
descent.



19(a) Extend arm Move horizontally left
horizontally at a 90-degree
angle to right side of body. (from pilot's point of
view)
Move other arm in same
direction in a sweeping
motion.

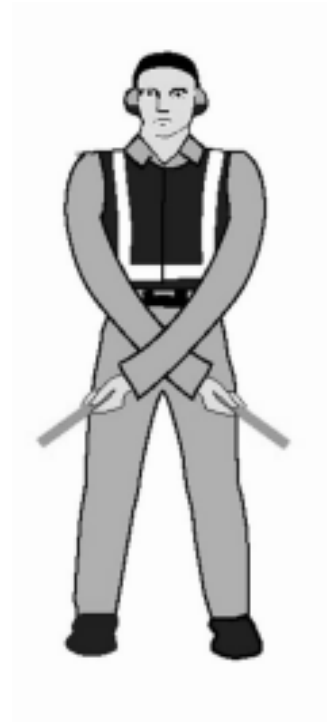


19(b) Extend arm Move horizontally right
horizontally at a 90-degree
angle to left side of body. (from pilot's point of
view)
Move other arm in same
direction in a sweeping
motion.



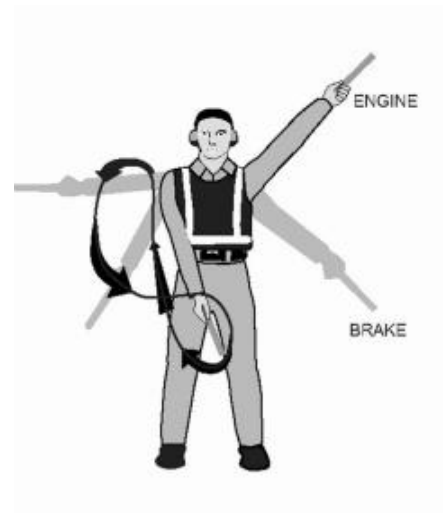
20 Cross arms with
wands downwards and in
front of body.

Land

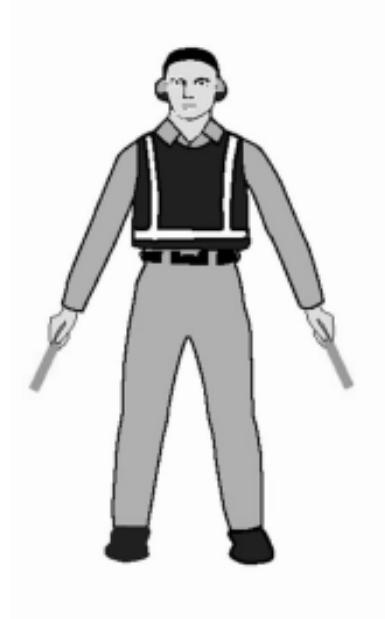


21 Move right-hand
wand in a "fanning" motion
from shoulder to knee, while
at the same time pointing
with left-hand wand to area
of fire.

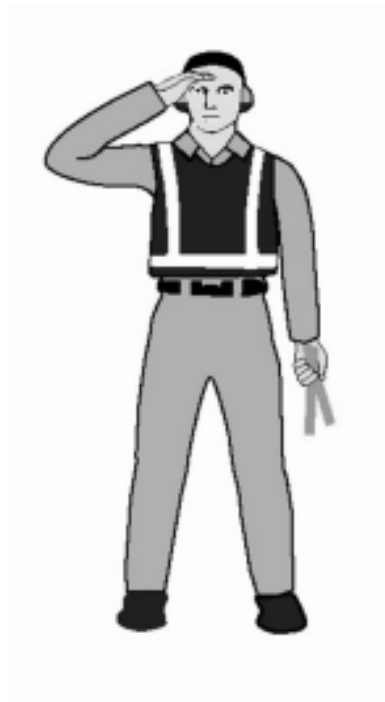
Fire



22 Fully extend arms and Hold position/stand by
wands downwards at a 45-
degree angle to sides. Hold
position until aircraft is clear
for next manoeuvre.



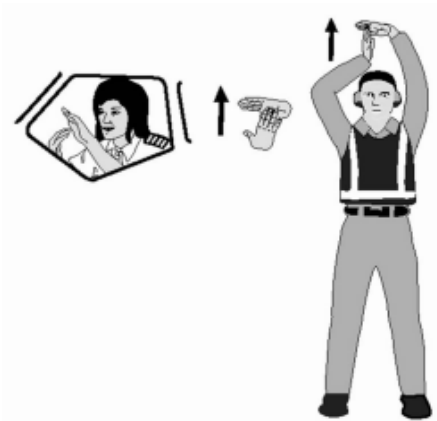
23 Perform a standard Dispatch aircraft
salute with right hand and/or
wand to dispatch the aircraft.
Maintain eye contact with
flight crew until aircraft has
begun to taxi.



- 24 Extend right arm fully above head and close fist or hold wand in horizontal position; left arm remains at side by knee. Do not touch controls (technical/servicing communication signal)



- 25 Hold arms fully extended above head, open left hand horizontally and move finger tips of right hand into a touch open palm of left hand (forming a "T"). At night, illuminated wands can also be used to form the "T" above head. Connect ground power (technical/servicing communication signal)



- 26 Hold arms fully extended above head with finger tips of right hand touching open horizontal palm of left hand (forming a "T"); then move right hand away from the left. Do not disconnect power until authorised by flight crew. At night illuminated wands can also be used to form the "T"
- Disconnect power (technical/servicing communication signal)



above head.

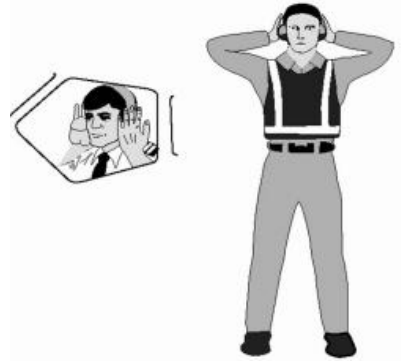
27 Hold right arm straight out at 90 degrees from shoulder and point wand down to ground or display hand with "thumbs down"; left hand remains at side by knee.

Negative
(technical/servicing
communication signal)



28 Extend both arms at 90 degrees from body and move hands to cup both ears.

Establish
communication via
interphone
(technical/servicing
communication signal)



29 With right arm at side and left arm raised above head at a 45-degree angle, move right arm in a sweeping motion towards top of left shoulder.

Open/close stairs
(technical/servicing
communication signal) -
This signal is intended
mainly for aircraft with
the set of integral stairs
at the front



Marshalling signals (from a pilot of an aircraft to a marshaller).

63. Each of the signals described in column 1 of Table 6, when made by a pilot in an aircraft to a marshaller on the ground, shall have the meanings specified in column 2 of the Table -

Table 6 - Meaning of Marshalling Signals (from a pilot of an aircraft to a marshaller)

Column 1	Column 2
Description of Signal	Meaning of Signal
1 Raise arm and hand with fingers extended horizontally in front of face, then clench fist.	Brakes engaged.
2 Raise arm with fist clenched horizontally in front of face, then extend fingers.	Brakes released.
3 Arms extended palms facing outwards, move hands inwards to cross in front of face.	Insert chocks.
4 Hands crossed in front of face, palms facing outwards, move arms outwards.	Remove chocks.
5 Raise the number of fingers on one hand indicating the number of the engine to be started. For this purpose the aircraft engines shall be numbered in relation to the marshaller facing the aircraft, from his right to his left. For example, No 1 engine shall be the port outer engine, No 2 engine shall be the port inner engine, No 3 engine shall be the starboard inner engine and No 4 engine shall be the starboard outer engine.	Ready to start engines.

Distress, urgency and safety signals.

64. (1) The following signals, given either together or separately before the sending of a message, signify that an aircraft is threatened by grave and imminent danger and requests immediate assistance -

- (a) by radiotelephony – the spoken word 'MAYDAY',
- (b) by visual signalling –
 - (i) the signal SOS (...---...);
 - (ii) a succession of pyrotechnic lights fired at short intervals each showing a single red light, or
 - (iii) a parachute flare showing a red light, and
- (c) by sound signalling other than radiotelephony -
 - (i) the signal SOS (...---...), or
 - (ii) a continuous sounding with any sound apparatus.

(2) The following signals, given either together or separately, before the sending of a message, signify that the pilot-in-command of the aircraft wishes to give notice of difficulties which compel it to land but that he does not require immediate assistance -

- (a) a succession of white pyrotechnic lights,
- (b) the repeated switching on and off of the aircraft landing lights, and

- (c) the repeated switching on and off of its navigation lights, in such a manner as to be clearly distinguishable from the flashing navigation lights described in rule 49.

(3) The following signals, given either together or separately, indicate that the pilot-in-command of the aircraft has an urgent message to transmit concerning the safety of a ship, aircraft, vehicle or other property or of a person on board or within sight of the aircraft from which the signal is given -

- (a) by radiotelephony - the repeated spoken word, "PAN PAN",
- (b) by visual signalling - the signal XXX (- .. -- .. -- .. -), and
- (c) by sound signalling other than radiotelephony - the signal XXX (- .. -- .. -- .. -)

SCHEDULE 5

Section 54

THE AIR NAVIGATION (DANGEROUS GOODS) REGULATIONS**PART I****Interpretation.**

- 1.** (1) In these Regulations -

"acceptance check list" means a document used to assist in carrying out a check on the external appearance of packages of dangerous goods and their associated documents to determine that all appropriate requirements have been met,

"Bailiwick of Guernsey operator" means an aircraft operator which appears to the Director to have its principal place of business in the Bailiwick,

"cargo aircraft" means any aircraft which is carrying goods or property but not passengers and for the purposes of these Regulations the following are not considered to be passengers -

- (a) a crew member,
- (b) an operator's employee permitted to be carried by, and carried in accordance with, the instructions contained in the operations manual,
- (c) an authorised representative of a competent national aviation authority,

- (d) a person with duties in respect of a particular shipment on board,

"dangerous goods" means any article or substance which is identified as such in the Technical Instructions,

"dangerous goods accident" means an occurrence associated with and related to the carriage of dangerous goods by air which results in fatal or serious injury to a person or major property damage,

"dangerous goods incident" means an occurrence, other than a dangerous goods accident, which -

- (a) is associated with and related to the carriage of dangerous goods by air, not necessarily occurring on board an aircraft, which results in injury to a person, property damage, fire, breakage, spillage, leakage of fluid or radiation or other evidence that the integrity of the packaging has not been maintained, or
- (b) relates to the carriage of dangerous goods and which seriously jeopardises the aircraft or its occupants,

"dangerous goods transport document" means a document which is specified by the Technical Instructions and contains information about those dangerous goods,

"freight container" means an article of transport equipment for radioactive materials, designed to facilitate the carriage of such materials, either packaged or unpackaged, by one or more modes of transport, but does not include a unit load device,

"handling agent" means an agent who performs on behalf of the operator some or all of the functions of the latter including receiving, loading, unloading, transferring or other processing of passengers or cargo,

"ID number" means an identification number specified in the Technical Instructions for an item of dangerous goods which has not been assigned a UN number,

"non-Bailiwick of Guernsey operator" means an aircraft operator which appears to the Director to have its principal place of business outside the Bailiwick,

"overpack" means an enclosure used by a single shipper to contain one or more packages and to form one handling unit for convenience of handling and stowage, but does not include a unit load device,

"package" means the complete product of the packing operation consisting of the packaging and its contents prepared for carriage,

"packaging" means the receptacles and any other components or materials necessary for the receptacle to perform its containment function,

"proper shipping name" means the name to be used to describe a particular article or substance in all shipping documents and notifications and, where appropriate, on packagings,

"serious injury" means an injury which is sustained by a person in an accident and which -

- (a) requires hospitalisation for more than 48 hours, commencing within seven days from the date the injury was received,

- (b) results in a fracture of any bone (except simple fractures of fingers, toes or nose),
- (c) involves lacerations which cause severe haemorrhage, nerve, muscle or tendon damage,
- (d) involves injury to any internal organ,
- (e) involves second or third degree burns, or any burns affecting more than 5 per cent of the body surface, or
- (f) involves verified exposure to infectious substances or injurious radiation.

"Technical Instructions" means the 2007-2008 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 as, from time to time, amended, revised or revoked and replaced and so approved and published,

"UN number" means the four-digit number assigned by the United Nations Committee of Experts on the Transport of Dangerous Goods to identify a substance or a particular group of substances, and

"unit load device" means any type of container or pallet designed for loading onto an aircraft but does not include a freight container for radioactive materials or an overpack.

(2) Other expressions used in these Regulations shall have the same respective meanings as in this Law.

(3) For the avoidance of doubt any reference in the Technical Instructions or these Regulations to the taking on board, loading onto or carriage of dangerous goods in or on an aircraft shall for the purpose of these Regulations be interpreted as applying also to the placing, suspending or carriage of such goods beneath an aircraft unless the context makes it otherwise apparent.

PART II

Requirements for Carriage of Dangerous Goods

Requirement for approval of operator.

2. (1) An aircraft shall not carry or have loaded onto it any dangerous goods unless -

- (a) the operator is approved under these Regulations, and
- (b) such goods are carried or loaded in accordance with -
 - (i) any conditions to which such approval may be subject, and
 - (ii) in accordance with the Technical Instructions.

(2) An approval under these Regulations -

- (a) shall be granted by the Director of Civil Aviation if he is satisfied the operator is competent to carry dangerous goods safely,
- (b) shall be in writing, and

- (c) may be subject to such conditions as the Director of Civil Aviation thinks fit.

Prohibition of carriage of dangerous goods.

- 3. (1) Subject to paragraphs (2) and (3) a person shall not -

- (a) deliver or cause to be delivered for carriage in, or
- (b) take or cause to be taken on board,

an aircraft any dangerous goods, which he knows or ought to know or suspect to be goods capable of posing a risk to health, safety, property or the environment when carried by air, unless the Technical Instructions have been complied with and the package of those goods is in a fit condition for carriage by air.

(2) Subject to paragraph (3), these Regulations shall not apply to those dangerous goods specified in the Technical Instructions as being -

- (a) for the proper navigation or safety of flight,
- (b) to provide, during flight, medical aid to a patient,
- (c) to provide, during flight, veterinary aid or a humane killer for an animal,
- (d) to provide, during flight, aid in connection with search and rescue operations,
- (e) permitted for carriage by passengers or crew members, or
- (f) intended for use or sale during the flight in question.

- (3) The goods specified in -
- (a) paragraph (2) shall only be carried provided they comply with the following paragraphs and the applicable provisions in paragraphs 1.1.3 and 2.2 of Part 1, and Part 8, of the Technical Instructions,
 - (b) paragraph (2)(a) shall only be carried if -
 - (i) they are required to be carried on an aircraft by or under this Law or are otherwise intended for use on an aircraft for the purpose of the good order of the flight in accordance with the normal practice whether or not, in either case, such goods are required to be carried or intended to be used on that particular flight,
 - (ii) when they are intended as replacements or have been removed for replacement, they comply with paragraph 2.2.2 of Part 1 of the Technical Instructions,
 - (c) paragraph (2)(b) and (2)(c) shall only be carried if -
 - (i) they are or may be required for use during the flight,
 - (ii) they are or may be required for use during a subsequent flight by the same aircraft and it will not be practicable to load the goods onto the aircraft in the intervening period before the commencement of that subsequent flight, or
 - (iii) they were used or might have been required for use during a previous flight by the same aircraft and it has

not been practicable to unload them from the aircraft since that flight,

- (d) paragraph (2)(e) shall only be carried by passengers or crew members if they comply with the provisions in Part 8 of the Technical Instructions, and
- (e) paragraph (2)(f) shall only be carried if the Technical Instructions identify them as being items which can be carried on an aircraft for sale or use during a flight or, when they are intended as replacements for such items or have been removed for replacement, they are carried in accordance with paragraph 2.2.3 of Part 1 of the Technical Instructions.

PART III

Operator's Obligations

Provision of information by the operator to crew etc.

4. (1) The operator of an aircraft flying for the purposes of commercial air transport shall ensure that -

- (a) all appropriate manuals, including the operations manual, contain information about dangerous goods so that ground staff and crew members can carry out their responsibilities in regard to the carriage of dangerous goods, including the actions to be taken in the event of emergencies involving dangerous goods, and
- (b) where applicable, such information is also provided to his handling agent.

(2) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that, before the flight begins, the pilot-in-command of the aircraft is provided with -

- (a) written information about the dangerous goods as specified in paragraph 4.1 of Part 7 of the Technical Instructions, and
- (b) information for use in responding to an in-flight emergency as specified in paragraph 4.8 of Part 7 of the Technical Instructions.

(3) The operator of an aircraft which is involved -

- (a) in an aircraft accident whilst carrying any dangerous goods as cargo on the aircraft, or
- (b) a serious incident in which, in the reasonable opinion of the operator, dangerous goods carried as cargo on the aircraft may be involved,

shall notify the Director of Civil Aviation and a police officer for the area where the accident or serious incident occurred of any dangerous goods carried as cargo on the aircraft.

(4) For the purposes of this regulation, "**serious incident**" means an incident involving circumstances indicating that an accident nearly occurred.

Acceptance of dangerous goods by the operator.

5. (1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in an aircraft until such package, overpack or freight container has been inspected to determine that -

- (a) insofar as it is reasonable to ascertain, the goods are not forbidden for carriage by air in any circumstances by the provisions of the Technical Instructions,
- (b) insofar as it is reasonable to ascertain, the goods are classified as required by the Technical Instructions,
- (c) insofar as it is reasonable to ascertain, the goods are packed as required by the Technical Instructions,
- (d) the package, overpack or freight container is marked and labelled in accordance with the provisions of Chapters 2 and 3 of Part 5 of the Technical Instructions, and
- (e) the package, overpack or freight container is not leaking or damaged so that the contents may escape.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that no package, overpack or freight container which contains dangerous goods is accepted for carriage in that aircraft unless it is accompanied by a dangerous goods transport document, except where the Technical Instructions indicate that such a document is not required, and shall inspect such a document to determine that it complies with the provisions of the Technical Instructions.

(3) For the purpose of each of the inspections required by paragraphs (1) and (2) an acceptance check list shall be used and the results of the inspection shall be recorded thereon.

(4) The acceptance check list shall be in such form and shall provide for the entry of such details as will enable the relevant inspection to be fully and accurately made by reference to the completion of that list.

Method of loading by the operator.

6. (1) The operator of an aircraft in which dangerous goods are to be carried as cargo shall ensure that dangerous goods are not carried in any compartment occupied by passengers or on the flight deck, except in circumstances permitted by the provisions in paragraph 2.1 of Part 7 of the Technical Instructions.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods is loaded, segregated, stowed and secured on an aircraft in accordance with the provisions in Chapter 2 of Part 7 of the Technical Instructions.

(3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that packages, overpacks or freight containers bearing an indication that they can only be carried on a cargo aircraft are loaded and stowed in accordance with the provisions in paragraph 2.4.1 of Part 7 of the Technical Instructions and are not loaded on an aircraft carrying passengers.

Inspections by the operator for damage, leakage or contamination.

7. (1) The operator of an aircraft in which dangerous goods are to be carried shall ensure packages, overpacks or freight containers which contain dangerous goods are inspected for evidence of damage or leakage before being loaded on an aircraft or placed in a unit load device.

(2) The operator of an aircraft in which dangerous goods are to be carried shall ensure a unit load device containing dangerous goods is not loaded unless it has been inspected and found free from any evidence of leakage from or damage to the packages, overpacks or freight containers contained in it.

(3) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which appears to be leaking or damaged is not loaded on an aircraft.

(4) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any package, overpack or freight container which contains dangerous goods which is found to be leaking or damaged on an aircraft is removed and that other cargo or baggage loaded on that aircraft is in a fit state for carriage by air and has not been contaminated.

(5) The operator of an aircraft in which dangerous goods have been carried shall ensure after unloading that all packages, overpacks or freight containers which contain dangerous goods are inspected for signs of damage or leakage and if there is such evidence shall ensure that any part of the aircraft where the package, overpack or freight container was stowed, or any sling or other apparatus which has been used to suspend goods beneath the aircraft is inspected for damage or contamination.

Removal of contamination by the operator.

8. (1) The operator of an aircraft in which dangerous goods are to be carried shall ensure that any contamination found as a result of leaking or damaged packages, overpacks or freight containers is removed without delay.

(2) The operator of an aircraft shall ensure that an aircraft is not permitted to fly for the purpose of carrying passengers or cargo if it is known or suspected that radioactive materials have leaked in or contaminated the aircraft, unless the radiation level resulting from the fixed contamination at any accessible surface and the non-fixed contamination are not more than the values specified in paragraph 3.2 of Part 7 of the Technical Instructions.

PART IV

Shipper's Responsibilities

Shipper's responsibilities.

9. Before consigning any dangerous goods for carriage by air the shipper shall ensure that -

- (a) the goods are not forbidden for carriage by air in any circumstances under the provisions in paragraph 2.1 of Part 1 of the Technical Instructions,
- (b) if the goods are forbidden for carriage by air without approval, all such approvals have been obtained where the Technical Instructions indicate it is the responsibility of the shipper to so obtain them,
- (c) the goods are classified according to the classification criteria contained in Part 2 of the Technical Instructions,
- (d) the goods are packed according to paragraphs 2.2 and 2.4 of Part 1, Part 2, chapters 2 and 3 and paragraphs 4.2, 4.3 and 4.4 of Part 3 and Part 4 of the Technical Instructions and the packagings used are in accordance with such provisions of those paragraphs, chapters and Parts and Part 6 of the Technical Instructions as apply to those goods,
- (e) the package is marked and labelled in English in addition to any other language required by the State of Origin as specified for those goods in paragraph 2.4 of Part 1, chapters 2 and 3 and paragraph 4.5 of Part 3, chapters 2 and 3 of Part 5 and chapter 2 of Part 6 of the Technical Instructions,
- (f) the package is in a fit condition for carriage by air,
- (g) when one or more packages are placed in an overpack, the overpack only contains packages of goods permitted to be

carried by paragraph 1.1 of Part 5 of the Technical Instructions and the overpack is marked and labelled as required by paragraphs 2.4 and 3.2 of Part 5 of the Technical Instructions,

- (h) a dangerous goods transport document -
 - (i) has been completed in English in addition to any other language required by the State of Origin as required by paragraph 4.1 of Part 5 of the Technical Instructions, and
 - (ii) contains a declaration signed by or on behalf of the shipper stating that the Technical Instructions have been complied with in that the dangerous goods -
 - (A) are fully and accurately described,
 - (B) are correctly classified, packed, marked and labelled, and
 - (C) are in a proper condition for carriage by air, and
 - (i) the operator of the aircraft has been furnished with the dangerous goods transport document required by subparagraph (h) and such other documents in respect of dangerous goods as are required by Part 4 and paragraphs 4.3 and 4.4 of Part 5 of the Technical Instructions.

PART V

*Pilot-in-Command's Obligations***Pilot-in-command's duty to inform air traffic services.**

10. The pilot-in-command of an aircraft carrying dangerous goods as cargo shall, in the event of an in-flight emergency and as soon as the situation permits, inform the appropriate air traffic services unit of those dangerous goods in detail or as a summary or by reference to the location from where the detailed information can be obtained immediately.

PART VI*Training***Provision of information and training programmes by operators and shippers.**

11. (1) The operator of an aircraft in which dangerous goods are to be carried shall, before the flight begins, provide the pilot-in-command of the aircraft with written information specifying the matters required by the provisions of Chapter 4.1 of Part 5 of the Technical Instructions and shall preserve a copy thereof for not less than six months.

(2) The operator of an aircraft and a shipper of dangerous goods by air and, in each case, any agent thereof shall inform any of their respective employees whose duties include a function connected with the carriage of passengers or cargo by air of the provisions of the Technical Instructions and for the purpose shall establish and undertake training programmes, as required by Chapter 4 of Part 1 of the Technical Instructions, which shall be submitted to the Director of Civil Aviation for approval on such occasions as the Director may require and which shall be amended as the Director may require.

PART VII*Provision of Information to Passengers and in Respect of Cargo*

Provision of information to passengers.

12. (1) An airport operator and the operator of an aircraft flying for the purpose of commercial air transport of passengers or his agent shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of commercial air transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose -

- (a) at each of the places at an airport where tickets are issued,
- (b) at each of the areas at an airport maintained to assemble passengers to board an aircraft, and
- (c) at any location where a passenger may be checked in.

(2) The operator of an aircraft flying for the purpose of the commercial air transport of passengers or his agent shall ensure that passengers are warned as to the type of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them either by providing information with each passenger ticket, sufficient in prominence for this purpose, or by some other appropriate means such that passengers receive a warning in addition to that required by paragraph (1).

(3) Any person who, in the Bailiwick, makes available flight accommodation shall ensure that persons who are or may become passengers on an aircraft flying for the purposes of commercial air transport are warned as to the types of dangerous goods which they are forbidden from carrying on an aircraft as checked baggage or with them by displaying notices sufficient in number and prominence for this purpose at any place where flight accommodation is offered for sale.

Provision of information in respect of cargo.

13. The operator of an aircraft in which cargo is to be carried and any agent thereof shall ensure that notices giving information about the carriage of dangerous goods

are displayed in sufficient number and prominence for this purpose at those places where cargo is accepted for carriage.

PART VIII

Documents and Records, Enforcement Powers and General

Keeping of documents and records.

14. (1) The operator of an aircraft carrying dangerous goods as cargo shall ensure that a copy of the dangerous goods transport document required by regulation 5(2) and the written information to the pilot-in-command required by regulation 4(2)(a) are retained at a readily accessible location until after the full period of the flight on which the goods were carried.

(2) The operator of an aircraft in which dangerous goods are carried shall preserve for not less than three months -

- (a) any dangerous goods transport document or other document in respect of dangerous goods which has been furnished to him by the shipper in accordance with regulation 5(2),
- (b) the record of any acceptance check list completed in accordance with regulation 5(3), and
- (c) the written information to the pilot-in-command as required by regulation 4(2)(a).

(3) The record referred to in paragraph (2)(b) may be in a legible or a non-legible form so long as the recording is capable of being reproduced in a legible form.

Production of documents and records.

15. (1) The operator of an aircraft on which dangerous goods are to be or have been carried and any agent thereof shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person such of the following documents as may have been requested by that person -

- (a) the written approval referred to in regulation 2(1),
- (b) the dangerous goods transport document or other document in respect of any dangerous goods, referred to in regulation 5(2),
- (c) the completed acceptance check list in a legible form in respect of any dangerous goods, referred to in regulation 5(3),
and
- (d) a copy of the written information provided to the pilot-in-command of the aircraft in respect of any dangerous goods, referred to in regulation 4(2)(a).

(2) The aircraft operator, shipper and any agent of either of them shall, within a reasonable time after being requested so to do by an authorised person, cause to be produced to that person any document which relates to goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

Powers in relation to enforcement of the Regulations.

16. (1) An authorised person may examine, take samples of and seize any goods which the authorised person has reasonable grounds to suspect may be dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(2) An authorised person may open or require to be opened any baggage or package which the authorised person has reasonable grounds to suspect may contain

dangerous goods in respect of which the provisions of these Regulations have not been complied with.

(3) Subject to paragraph (5), any sample taken or goods seized by an authorised person under this regulation shall be retained or detained respectively for so long as the Director of Civil Aviation considers necessary in all the circumstances and shall be disposed of in such manner as the Director of Civil Aviation considers appropriate in all the circumstances.

(4) Without prejudice to the generality of paragraph (3) any sample taken or goods seized under this regulation may be retained or detained respectively -

(a) for use as evidence at a trial for an offence, or

(b) for forensic examination or for investigation in connection with an offence.

(5) The person from whom any goods have been seized by an authorised person under this regulation may apply to the Director of Civil Aviation for the item to be released to him.

(6) An application under this regulation shall be made in writing and shall be accompanied by evidence of ownership by the applicant.

(7) Where the Director of Civil Aviation is satisfied that the applicant is the owner of the item concerned and that further retention of the item is not necessary for the purposes of any criminal proceedings, he shall arrange for the goods concerned to be returned to the applicant.

(8) Where further retention of goods is, in the opinion of the Director of Civil Aviation, no longer necessary and no application has been made under paragraph (5)

or any such application has been unsuccessful, the goods shall be destroyed or otherwise disposed of in accordance with the directions of the Director of Civil Aviation.

Occurrence reporting.

17. (1) A Bailiwick of Guernsey operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or mis-declared dangerous goods in cargo or passenger's baggage, wherever it occurs, is reported to the Director of Civil Aviation.

(2) A non-Bailiwick of Guernsey operator shall ensure that any dangerous goods accident, dangerous goods incident or the finding of undeclared or mis-declared dangerous goods in cargo or passenger's baggage which occurred in the Bailiwick is reported to the Director of Civil Aviation.

(3) A report required under paragraph (1) or (2) shall contain such of the following information as is appropriate to the occurrence -

- (a) date of the occurrence,
- (b) location of the occurrence, flight number and flight date,
- (c) description of the goods and the reference number of the air waybill, pouch, baggage tag and ticket,
- (d) proper shipping name (including the technical name, if applicable),
- (e) UN/ID number,
- (f) class or division in accordance with the Technical Instructions and any subsidiary risk(s),

- (g) type of packaging and the packaging specification marking,
- (h) quantity of dangerous goods,
- (i) name and address of the shipper or passenger,
- (j) suspected cause of the occurrence,
- (k) action taken,
- (l) any other reporting action taken,
- (m) name, title, address and contact number of the reporter, and
- (n) any other relevant details.

(4) Subject to paragraph (5) a report containing as much of the information referred to above as is in his possession shall be despatched in writing, or in such other form as the Director of Civil Aviation may approve, and by the quickest available means to the Director of Civil Aviation within 72 hours of the occurrence coming to the knowledge of the person making the report.

(5) If at that time any of the said information is not in the possession of that person, he shall despatch the information to the Director of Civil Aviation in writing, or in such other form as the Director of Civil Aviation may approve, and by the quickest available means within 72 hours of the information coming into his possession.

(6) Nothing in this regulation shall require a person to report any occurrence which he has reported under section 124 or which he has reason to believe has been or will be reported by another person to the Director of Civil Aviation in accordance with that section.

Dropping articles for agricultural, horticultural, forestry or pollution control purposes.

18. Subject to the provisions of regulation 2(1)(a), nothing in these Regulations shall apply to any aircraft flying solely for the purpose of dropping articles for the purpose of agriculture, horticulture, forestry or pollution control.

Police aircraft

19. Nothing in these Regulations other than regulation 2(1)(a) shall apply to the carriage of dangerous goods by an aircraft flying under and in accordance with the terms of a police air operator's certificate issued by a competent authority acceptable to the Director.

SCHEDULE 6

Section 96

THE AERODROME MANUAL

Information and instructions relating to the following matters shall be included in the aerodrome manual referred to in section 96 -

- (a) the name and status of the official in charge of day to day operation of the aerodrome together with the names and status of other senior aerodrome operating staff and instructions as to the order and circumstances in which they may be required to act as the official in charge,
- (b) the system of aeronautical information service available,
- (c) procedures for promulgating information concerning the aerodrome's state,
- (d) procedures for the control of access, vehicles and work in relation to the aerodrome manoeuvring area and apron,
- (e) procedures for complying with section 124 and for the removal of disabled aircraft,
- (f) in the case of an aerodrome which has facilities for fuel storage, procedures for complying with section 103,
- (g) subject to subparagraph (h), plans to a scale of 1:2500 depicting the layout of runways, taxiways and aprons, aerodrome markings,

aerodrome lighting if such lighting is provided, and the siting of any navigational aids within the runway strip,

- (h) in the case of copies of the manual or extracts thereof provided or made available to a member of the aerodrome operating staff, the plans shall be of a scale reasonably appropriate for the purposes of section 96(10) of this Law,
- (i) in respect of an aerodrome in relation to which there is a notified instrument approach procedure, survey information sufficient to provide data for the production of aeronautical charts relating to that aerodrome,
- (j) description height and location of obstacles which infringe standard obstacle limitation surfaces, and whether they are lit,
- (k) data for and method of calculation of declared distances and elevations at the beginning and end of each declared distance,
- (l) method of calculating reduced declared distances and the procedure for their promulgation,
- (m) details of surfaces and bearing strengths of runways, taxiways and aprons,
- (n) the system of the management of air traffic in the airspace associated with the aerodrome, including procedures for the co-ordination of traffic with adjacent aerodromes, except any such information or procedures already published in any, manual of air traffic services,
- (o) operational procedures for the routine and special inspection of the aerodrome manoeuvring area and aprons,

- (p) if operations are permitted during periods of low visibility, procedures for the protection of the runways during such periods,
- (q) procedures for the safe integration of all aviation activities undertaken at the aerodrome,
- (r) procedures for the control of wildlife hazards,
- (s) procedures for the use and inspection of the aerodrome lighting system, if such a system is provided, and
- (t) the scale of rescue, first aid and fire service facilities, the aerodrome emergency procedures and procedures to be adopted in the event of temporary depletion of the rescue and fire service facilities.

PROJET DE LOI

ENTITLED

The Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012

THE STATES, in pursuance of their Resolutions of the 28th July, 2011^a, 30th September, 2011^b and 31st October, 2012^c, have approved the following provisions which, subject to the Sanction of Her Most Excellent Majesty in Council, shall have force of law in the Bailiwick of Guernsey.

Amendment of the Aviation Law.

1. This Law amends the Aviation (Bailiwick of Guernsey) Law, 2008^d ("the Aviation Law").

Amendment of Part I of the Aviation Law.

2. Part I of the Aviation Law is amended as follows -

- (a) in section 2 after "functions under" insert "the provisions of",
- (b) in section 3 before the words "this Law" wherever appearing insert "the provisions of",

^a Article VII of Billet d'État No. XIII.

^b Article XVI of Billet d'État No. XV of 2011.

^c Article V of Billet d'État No. XXI of 2012.

^d Order in Council No. XXVIII of 2008.

- (c) in section 4 -
 - (i) in subsection (1) after "provided for under" insert "the provisions of ",
 - (ii) in subsection (1)(e) after "activities," delete "and",
 - (iii) in subsection (1)(f) for "." substitute "and,", and
 - (iv) after subsection (1)(f) insert -
 - "(g) to regulate aviation security within the Bailiwick, including, without limitation, to be responsible for maintaining standards of aviation security equivalent to those in place in the UK and Europe, ensuring all relevant persons in the Bailiwick are appropriately audited for compliance with those standards, and enforcing those standards, as appropriate.",
- (d) in section 5(1)(e) delete ", or under,",
- (e) in section 6(1) after "carrying out his functions" insert "under the provisions of this Law",

- (f) in section 6(1)(e) delete "by or under this Law",
- (g) in section 8 -
 - (i) for "this Law" wherever it appears substitute "the Aviation Laws",
 - (ii) in subsection (1)(a)(iii) after "Director of" insert "Civil Aviation"
- (h) in section 9(2) after "by or under" insert "the provisions of", and
- (i) in section 13(1) after the words "functions and powers" insert "under the provisions of this Law".

Amendment of Part II of the Aviation Law.

3. Part II of the Aviation Law is amended as follows -

- (a) in section 27 -
 - (i) in subsection (1) for the words "section 146" substitute "any provision relating to the investigation of accidents in the Air Navigation (Bailiwick of Guernsey) Law, 2012",
 - (ii) in subsection (1)(a) after the words "over the Bailiwick" insert "or occurring elsewhere to aircraft registered in the Bailiwick",

(iii) in subsection (3)(a) delete the words "in the regulations", and

(iv) after subsection (5) insert -

"(6) If any person contravenes or fails to comply with any Ordinance under this section he shall be liable on summary conviction to a fine not exceeding twice level 5 on the uniform scale or to imprisonment for a term not exceeding three months.",

(b) in section 35 -

(i) in subsection (1) in the definition of aerodrome licence for the words "section 105" substitute "the Air Navigation (Bailiwick of Guernsey) Law, 2012", and

(ii) in subsection (3) for the words "a body incorporated" substitute "a legal person established",

(c) after section 35 insert -

"Recording and registration of births and deaths, etc.

35A. (1) The Department may, by regulations, require such persons as may be specified therein to keep records and make returns to the Director of Civil Aviation -

- (a) of births and deaths occurring in any part of the world in any aircraft registered in Guernsey, and
- (b) of the death, outside the Bailiwick, of any person who, being a traveller on such an aircraft, is killed on the journey in consequence of an accident,

and make provision for the keeping by the Director of a record of any returns made to him in accordance with any such requirement.

(2) Any person who fails to comply with any such requirement shall be liable on summary conviction to a fine not exceeding level 3 on the uniform scale.

(3) Where regulations made under subsection (1) provide for the keeping of records by the Director of Civil Aviation, they shall also provide for the transmission of certified copies to the Registrar-General of Births and Deaths for the Bailiwick of Guernsey (which office was created under the Loi relative à l'Enregistrement des Naissances et Décès dans le Bailliage de l'Île de Guernesey, 1935).

(4) The Registrar-General shall cause the certified copies to be filed and preserved in a book to be kept by him for the purpose and to be called the Air Register Book of Births and Deaths.

(5) Regulations made under subsection (1) shall provide for the rectification of any records kept by the Director of Civil Aviation in pursuance of the regulations and for the transmission of certified copies of

any corrected entry in the records to the Registrar-General of Births and Deaths for the Bailiwick of Guernsey.

(6) On receipt of a certified copy of any such corrected entry, the Registrar-General shall cause the corrected entry to be substituted for the corresponding entry for the time being made in the Air Register Book of Births and Deaths.

(7) The enactments relating to the registration of births and deaths in the Bailiwick of Guernsey shall have effect as if the Air Register Book of Births and Deaths were a certified copy or duplicate register transmitted to the Registrar-General in accordance with those enactments.

(8) The Department may by regulations provide -

- (a) for the keeping by the Director of Civil Aviation of a record of persons reported to him as missing, being persons with respect to whom there are reasonable grounds for believing that they have died in consequence of an accident to an aircraft registered in the Bailiwick of Guernsey,
- (b) for the rectification of any such records, and
- (c) for the transmission of information as to the matters for the time being entered on the record to the Registrar-General of Births and Deaths for the Bailiwick of Guernsey.",

(d) in section 39 -

(i) in subsection (1) for "any aircraft " substitute
"a Bailiwick controlled aircraft or (subject to
subsection (2)) any other aircraft ",

(ii) in subsection (2) -

(A) after "on board an aircraft" insert
"which is not a Bailiwick controlled
aircraft", and

(B) for paragraph (b) substitute -

"(b) in the case of an aircraft registered in a country
other than Guernsey, the act or omission
would, if taking place there, also constitute an
offence under the law in force in that
country. ",

(iii) in subsection (3) delete "in which the aircraft is
registered", and

(iv) after subsection (3) insert the following
subsections -

"(3A) The requirement in subsection (2)(b) shall be taken
to be met unless, not later than the rules of court may provide, the
defence serves on the prosecution a notice -

- (a) stating that, on the facts as alleged with respect to the act or omission, the requirement is not in their opinion met,
- (b) showing the grounds for their opinion, and
- (c) requiring the prosecution to prove that it is met.

(3B) The court, if it thinks fit, may permit the defence to require the prosecution to prove that the requirement is met without the prior service of a notice under subsection (3A).",

- (v) in subsection (6) -
 - (A) after the words "means any aircraft" insert the following ", whether or not a Bailiwick controlled aircraft,"
 - (B) after the definition of "aircraft" insert the following definition -

"Bailiwick controlled aircraft" means an aircraft -

- (a) which is for the time being registered in Guernsey, or
- (b) which is not for the time being registered in any country but in the case of which either

the operator of the aircraft or each person entitled as owner to any legal or beneficial interest in it satisfies the following requirements, namely -

- (i) that he is a person qualified to be the owner of a legal or beneficial interest in an aircraft registered in Guernsey, and
- (ii) that he resides or has his principal place of business in the Bailiwick, or
- (c) which, being for the time being registered in some other country, is for the time being chartered by demise to a person who, or to persons each of whom, satisfies the requirements aforesaid, ",
- (e) in section 40(2) after "aircraft while it is", insert "in",
- (f) in section 40(3), delete "." at the end of paragraph (c) and insert the following at the end of the subsection -

"and for the purposes of subsection (2)(b) any Bailiwick controlled aircraft shall be deemed to be registered in Guernsey whether or not it is in fact so registered and whether or not it is in fact registered in some other country.",

(g) in section 40(7) -

(i) in paragraph (a) after "subsection 6(a)" insert
"in the case of a Bailiwick controlled aircraft,
in any country or, in the case of any other
aircraft, in the Bailiwick,"

(ii) in paragraph (b) -

(A) after "in the Bailiwick, or" insert "in
the case of a Bailiwick controlled
aircraft registered in Guernsey,"

(B) for "in any country which is" substitute
"in any other country which is a",

(h) in section 41(4) delete the words that appear after "as
aforesaid that" and substitute the following -

" -

(a) any offence has been committed on a
Bailiwick controlled aircraft while in flight
elsewhere than in or over the Bailiwick, or

(b) there has taken place on board on any other
aircraft an act or omission which constitutes
an offence by virtue of section 39(1), that
officer may inquire into the case upon oath.",
and

- (i) for section 45 substitute the following section -

Offences by legal persons, etc.

45. (1) Where an offence to which this section applies has been committed by a legal person and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of -

- (a) any director, manager, secretary or other similar officer, or any foundation official of the legal person or
- (b) any person who was purporting to act in any such capacity,

he as well as the legal person shall be guilty of that offence and be liable to be proceeded against and punished accordingly.

(2) Where the affairs of a legal person are managed by its members, subsection (1) shall apply in relation to the acts and defaults of a member in connection with his functions of management as if he were a director of the legal person.

(3) Any offence to which this section applies shall, for the purpose of conferring jurisdiction, be deemed to have been committed in any place where the offender may for the time being be.

(4) This section applies to any offence under section 34 or 35(4) or under regulations made by virtue of section 24.

(5) Subsection (3) applies to any offence under any provision made by, or under, this Law, except, without prejudice to section 39(4) an offence under section 40(7).".

Amendment of Part V of the Aviation Law

4. In Part V of the Aviation Law, after section 169 insert the following sections -

"Aviation Security and Safety

Aviation Security: transfer of functions.

169A. The powers, functions and duties conferred on the Public Services Department under and by virtue of the Aviation Security Act, are hereby transferred to the Department.

Confidentiality of Aviation Security Directions.

169B. (1) Where any power to make directions under the Aviation Security Act, or under section 169C, is exercised in such a manner that it includes information disclosure of which is prohibited, or controlled by, the Official Secrets Act 1989, or any other information which, if disclosed might -

- (a) endanger the interests of the Bailiwick abroad,
- (b) seriously obstruct the promotion or protection of the interests of the Bailiwick abroad, or
- (c) endanger or prejudice the safety or security of residents of the Bailiwick,

then that information shall be kept confidential, and the directions shall make provision to ensure that such information remains confidential and is only disclosed in circumstances prescribed by the directions.

(2) If such directions provide that any part thereof is confidential, and any person breaches such duty of confidentiality he shall be liable on summary conviction to a fine not exceeding twice level 5 on the uniform scale or to imprisonment for a term not exceeding three months.

(3) This provision has retrospective effect, save that no proceedings for an offence created under subsection (2) may be brought where the act forming the basis of the offence was committed prior to the commencement of this provision.

Power to make Aviation Security Directions.

169C. (1) Where the Director of Civil Aviation considers it necessary or expedient to implement any international or European rules, regulations or other instruments regulating aviation security ("**aviation security rules**") -

- (a) to preserve the security of the Bailiwick, or
- (b) in the interests of passengers flying in, to or from the Bailiwick,

he may recommend to the Department that directions be made by the Department (and subsequently repealed or amended) to implement any aviation security rules, with such modifications as may be necessary or appropriate for the Bailiwick.

(2) Where the Director of Civil Aviation considers it that it is necessary or expedient to implement any particular provisions to ensure aviation security -

- (a) to preserve the security of the Bailiwick, or
- (b) in the interests of passengers flying in, to or from the Bailiwick,

he may recommend to the Department that directions be made by the Department (and subsequently repealed or amended) to implement such provisions.

(3) On receipt of a recommendation under subsection (1) or (2) the Department may make (and subsequently repeal or amend) the necessary directions in such form as it considers appropriate.

(4) If any person breaches any provision of a direction made under this section he shall be liable on summary conviction to a fine not exceeding twice level 5 on the uniform scale or to imprisonment for a term not exceeding three months.

(5) Without prejudice to subsection (4), any directions made under this section may also prescribe a financial penalty up to a maximum of £200,000 in relation to any breach of those directions, which penalty shall be without prejudice to any other power, penalty, sanction or remedy (criminal, civil or administrative) imposed under the provisions of this Law, which penalty -

- (a) shall be recoverable as a civil debt, and
- (b) may be appealed under section 11.

Power to make Aviation Safety Directions.

169D. (1) Where the Director of Civil Aviation considers it necessary or expedient to implement any international or European rules, regulations or other instruments regulating aviation safety ("aviation safety rules") -

- (a) to preserve the safety of the aircraft, aerodromes, aerodrome users in the Bailiwick, or
- (b) in the interests of passengers flying in, to or from the Bailiwick,

he may recommend to the Department that directions be made by the Department (and subsequently repealed or amended) to implement the aviation safety rules, with such modifications as may be necessary or appropriate for the Bailiwick.

(2) Where the Director of Civil Aviation considers that it is necessary or expedient to implement any particular provisions to ensure aviation safety -

- (a) to preserve the safety of the aircraft, aerodromes or aerodrome users in the Bailiwick, or

- (b) in the interests of passengers flying in, to or from the Bailiwick,

he may recommend to the Department that directions be made by the Department (and subsequently repealed or amended) to implement such provisions.

(3) On receipt of a recommendation under subsection (1) or (2) the Department may make (and subsequently repeal or amend) the necessary directions in such form as it considers appropriate.

(4) If any person breaches any provision of a direction made under this section he shall be liable on summary conviction to a fine not exceeding twice level 5 on the uniform scale or to imprisonment for a term not exceeding three months.

(5) Without prejudice to subsection (4), any directions made under this section may also prescribe a financial penalty up to a maximum of £200,000 in relation to any breach of those directions, which penalty shall be without prejudice to any other power, penalty, sanction or remedy (criminal, civil or administrative) imposed under the provisions of this Law, which penalty -

- (a) shall be recoverable as a civil debt, and
- (b) may be appealed under section 11."

Amendment of Parts VI and VII of the Aviation Law.

5. Parts VI and VII of the Aviation Law are amended as follows -

- (a) in section 170 -
 - (i) in subsections (1)(a) and (1)(b) after the words "functions and powers" insert "under the provisions of this Law", and
 - (ii) in subsection (2)(a) after the words "functions and powers" insert "under the provisions of this Law",
- (b) in section 179 -
 - (i) delete the definition of "aviation facility" and re-insert the same after the definition of "aviation activities",
 - (ii) after the definition of "aviation function" insert the following definitions -

""**Aviation Laws**" means -

- (a) this Law,
- (b) the Aviation Security Act,
- (c) the Air Navigation (Bailiwick of Guernsey) Law, 2012, and
- (d) any other enactment or statutory instrument prescribed for the

purposes of this section by
regulations of the Department,

"Aviation Security Act" means the
Aviation Security Act 1982,"

(iii) in the definition of "licensed aerodrome" for
"section 117" substitute "the Air Navigation
(Bailiwick of Guernsey) Law, 2012",

(iv) for the definition of "military aircraft"
substitute -

"military aircraft" has the meaning
given in section 39(b),"

(v) after the definition of "private flight" insert -

"provisions of this Law" means any
provision of this Law or of any Ordinance,
regulations or rules hereunder and the
provisions of the Aviation Laws and any
Ordinance, regulations or rules thereunder,"

(vi) for the definition of "resident person"
substitute the following -

"resident person" means a person
who is a British citizen and who is ordinarily
resident in the Bailiwick,"

(vii) in subsection (2) after the words "in flight" insert the words "for the purposes of the Aviation Laws", and

(vii) in subsection (3) for the words "this Law" substitute the words "the Aviation Laws".

(2) Any reference in this Law to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

(3) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of this Law throughout the Bailiwick.

Citation.

6. This Law may be cited as the Aviation (Amendment) (Bailiwick of Guernsey) Law, 2012.

^d Ordres en Conseil Vol. XIII, p. 355.

The Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance, 2012

THE STATES, on the representations of the Home Department, in pursuance of their Resolution of the 27th day of September, 2007^a, and in exercise of the powers conferred on them by sections 3A(3) and 14 of the Road Traffic (Compulsory Third Party Insurance) (Guernsey) Law, 1936 as amended^b, and all other powers enabling them in that behalf, hereby order:-

Amendment of the 1972 Ordinance.

1. (1) Part 2 of the Schedule to the Road Traffic (Compulsory Third-Party Insurance) (Guernsey) Ordinance, 1972^c is further amended as follows.

(2) In paragraph 7(1), in sub-paragraph (b) delete "printed on it by its manufacturer".

(3) In paragraph 7(2), at the end insert "; save that this paragraph shall not apply to a temporary insurance disc.".

^a Article XIII of Billet d'État No. XX of 2007.

^b Ordres en Conseil Vol. X, p. 388; Vol. XII, p. 380; Vol XV, p. 43; Vol. XVIII, pp. 35 and 257; Vol. XX, p. 246; Vol. XXII, p. 560; Vol. XXIII, p. 188; Vol. XXIII, p. 227; Vol. XXIV, p. 250; Vol XXVII, p. 76 and 415; Vol. XXVIII, p. 303; Vol XXIX, p. 214; Vol XXX, p. 243; Vol. XXXI, p. 278; Vol. XXXI, p. 423; Vol. XXXIII, p. 49; Vol. XLII (2), p. 766; Order in Council No. XIX of 2007 and No. II of 2009; Recueil d'Ordonnances Tome XXVI, p. 90 and Tome XXIX, p. 406.

^c Recueil d'Ordonnances Tome XVIII, p. 130; as amended by Tome XIX, p. 318; Tome XXI, p.188; Tome XXII, p. 104; Tome XXVI, p. 90; Tome XXIX, p. 406 and Tome XXXIII, p. 519; Ordres en Conseil Vol. XXXI, p. 278 and Vol. XXXIII, p. 127.

(4) In paragraphs 7(3) and 7(6), in item (c)(ii) in each case for "the name of the policy holder", substitute "'Fleet Reg. Keeper" or "Rider Policy" as appropriate".

Citation and commencement.

2. This Ordinance may be cited as the Road Traffic (Compulsory Third Party Insurance) (Amendment) (Guernsey) Ordinance, 2012, and shall come into force on the 17th December, 2012.

The Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2012

THE STATES, in pursuance of their Resolution of the 26th October, 2006^a, and in exercise of the powers conferred on them by section 7 of the Offences (Fixed Penalties) (Guernsey) Law, 2009^b and all other powers enabling them, hereby order:-

Amendment of the 2009 Law.

1. In the Schedule to the Offences (Fixed Penalties) (Guernsey) Law, 2009, insert the following entries in columns (1), (2), (3), (4) and (5) respectively –

" Offences against section 1(b) of the Ordonnance supplémentaire à l'Ordonnance ayant rapport au Trafic Véhiculaire en cette Ile du 2 mars 1929 (le 14 décembre 1929)	Carrying a passenger in front of the seat on a bicycle.	A	£40	£30
Offences against section 1 of The Road Traffic (Motor Vehicles at Roadside by Night) Ordinance, 1974	Parking a motor vehicle at the roadside at night except in permitted circumstances set out in the Ordinance.	A	£40	£30

" .

^a Article XIII of Billet d'État No. XVII of 2006.

^b Order in Council No. XV of 2010.

Interpretation.

2. (1) The Interpretation (Guernsey) Law, 1948^c applies to the interpretation of this Ordinance.

(2) Any reference in this Ordinance to an enactment is a reference thereto as from time to time amended, re-enacted (with or without modification), extended or applied.

Extent.

3. This Ordinance shall have effect in the Islands of Guernsey, Herm and Jethou.

Citation.

4. This Ordinance may be cited as the Offences (Fixed Penalties) (Guernsey) Law, 2009 (Amendment) Ordinance, 2012.

Commencement.

5. This Ordinance shall come into force on the 12th December, 2012.

^c Ordres en Conseil Vol. XIII, p. 355.

The Income Tax (Guernsey) (Approval of Agreements with Italy and Latvia) Ordinance, 2012

THE STATES, in exercise of the powers conferred on them by section 75C of the Income Tax (Guernsey) Law, 1975 as amended^a and all other powers enabling them in that behalf, hereby order:-

Approval of Agreements.

1. The agreements providing for the obtaining and exchanging of information in relation to tax, made between the States of Guernsey and the Governments of -

- (a) the Italian Republic, signed on the 5th September, 2012, and
- (b) the Republic of Latvia, signed on the 5th September, 2012,

are, pursuant to section 75C of the Income Tax (Guernsey) Law, 1975, as amended, hereby specified for the purposes of that Law.

Citation.

2. This Ordinance may be cited as the Income Tax (Guernsey) (Approval of Agreements with Italy and Latvia) Ordinance, 2012.

^a Ordres en Conseil Vol. XXV, p. 124; section 75C was inserted by section 5 of the Income Tax (Guernsey) (Amendment) Law, 2005 (Order in Council No. XVII of 2005).

Commencement.

3. This Ordinance shall come into force on the 12th December, 2012.