

Director of Civil Aviation Annual Report 2014

March 25th 2015

Executive Summary

After major projects over the previous eighteen months including the reclassification of the Channel Islands Control Zone, 2014 has been a relatively quiet year. We have seen the Channel Islands gaining approved third-country status from the European Commission in aviation security, continued close co-operation between Jersey and Guernsey in aviation regulation and the handover to a new Director of Civil Aviation. We have also had to deal with a rapid growth in the availability of low-cost “drones”, the entry into force across Europe of the Single European Rules of the Air, and publication of the report into the Air Search accident in 2013.

Principal Responsibilities of the DCA

The reports for 2012 and 2013 contained a detailed description of the role of the DCA and explained the responsibility to ensure compliance with international standards set out under the Chicago Convention of 1944 and its associated annexes, so for brevity this is not repeated here. Likewise there has been no change during 2014 to the State Safety Programme or State Safety Plan so these are not included and readers are directed to last year’s report¹.

An emerging area for the DCA is Europe. Across Europe almost every aspect of aviation regulation is being integrated at an EU level under the European Aviation Safety Agency (EASA) and whilst the Channel Islands are not obliged to implement EASA rules there are a number of areas where industry stakeholders have indicated that it would be prudent to do so. Ensuring that we make the EASA standards work for us and that where appropriate we choose our own path has become an important – and growing – element of the DCA’s function.

The DCA also has accountability for aviation security across the Channel Islands.

Routine Oversight Activities

There were a number of routine oversight audits undertaken during 2014 by the UK Civil Aviation Authority (across the Channel Islands) on behalf of the DCA. An audit of the air traffic services competency scheme was undertaken in July 2014 with a very positive outcome – only a number of “category 3” observational findings were reported which is a credit to the Jersey ATC team. The next major audit will be undertaken during January 2015 to cover aerodrome licensing. The DCA continues to meet quarterly on a formal basis with the Ports of Jersey management team to discuss regulatory compliance.

¹ Available from the DCA – shortly to be posted to the DCA website at <http://www.gov.je/Travel/MaritimeAviation/CivilAviation/Pages/OfficeDirector.aspx>

In Guernsey and Alderney there was an audit of air traffic services in the autumn that resulted in no major issues with both airports continuing to perform well and demonstrate a high level of compliance with international standards.

Following discussion with the airline's management, the UK CAA and Guernsey's Treasury and Resources, the DCA will also have observer status in Aurigny's flight operations audit in April 2015. This will allow the DCA to better understand Aurigny's regulatory oversight and provide a local voice and assistance where appropriate. It is envisaged that this will be extended to other Channel Islands operators in due course.

Handover of the DCA Role

Fergus Woods retired from the DCA role at the end of July 2014 after completing a detailed handover to Gus Paterson. Fergus had spent some six years establishing then consolidating the Office of the Director of Civil Aviation and has left the Channel Islands with a strong independent statutory regulator. The new DCA has completed the UK DfT Aviation Security Manager course since starting in post.

Co-operation with Guernsey

The shared DCA role continues to prove successful and resilient. During 2014 work has centred on agreeing the Channel Islands Civil Aviation Security Programme (as described below) and the handover to the new DCA (as above). We have also brought into place parallel legislation in both Bailiwicks dealing with Small Unmanned Aircraft (below).

The DCA is also working closely with Guernsey on the proposed implementation of the Single European Rules of the Air (SERA)²; consultation started towards the end of 2014 and will continue into 2015 before a final decision is made in this area.

Legislation

In December the new consolidated *Air Navigation (Jersey) Law 2014*³ came into force. The new law contains provisions required for establishment of the Jersey Aircraft Registry and rules for small unmanned aircraft (both discussed below) together with measures to deal with malicious use of lasers, provisions around aerial work and the requirement for foreign⁴ aircraft to obtain a permit from the DCA before conducting commercial activities in Jersey.

More detailed explanatory notes for the new law can be found on the States Assembly website⁵. This legislation has also brought the two Bailiwicks closer together in terms of their aviation legislation and proves a strong platform for continued co-operation.

² The full text of SERA is published in Commission Implementing Regulation (EU) 923/2012 at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2012:281:0001:0066:EN:PDF>

³ See <http://www.jerseylaw.je/Law/display.aspx?url=lawsinforce\htm\LawFiles\2014%2fL-24-2014.htm>

⁴ For this purpose aircraft not registered in the United Kingdom, Crown Dependencies or Overseas Territories

⁵ See [http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.063-2014.pdf#search=air navigation](http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.063-2014.pdf#search=air%20navigation) and [http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.063-2014Amd.pdf#search=air navigation](http://www.statesassembly.gov.je/AssemblyPropositions/2014/P.063-2014Amd.pdf#search=air%20navigation)

Small Unmanned Aircraft (“Drones”)

In both Jersey⁶ and Guernsey⁷ the DCA has established a proactive regulatory regime for dealing with Small Unmanned Aircraft (SUAs). Such vehicles are known by a number of industry and colloquial names including “remotely piloted vehicle”, “remotely piloted aerial system” and – most commonly – “drones”. Broadly in line with the UK, simple rules are in place for the recreational use of SUAs with a permit system for commercial use that is broadly analogous to that for other aerial work. At present there are less than five licensed commercial operators but this number is expected to grow quickly as the devices gain acceptance. The DCA has been working with Ports of Jersey and the Guernsey Public Services department (operator of both Guernsey and Alderney airports) to raise awareness of the potential hazards to aviation and to ensure that the new rules are accessible and properly understood. It is worth noting that all general provisions of the respective aviation laws in both Bailiwicks apply to SUAs in the same manner as other aircraft.

The DCA has also been in dialogue with Chief Pleas to determine the policy on SUA access to the Sark restricted area (known as “R095”)⁸. The DCA remains the appropriate authority for authorizing access to this airspace and works closely with the insular authorities in this respect. Following legal advice and discussion with the General Purposes and Advisory Committee it has been decided to treat SUAs in the same manner as all other aircraft in the vicinity of Sark to ensure consistency.⁹

Jersey Aircraft Registry

The aircraft registry project is being led by the Economic Development Department, supported by a consultant from Appleby with significant experience in the field. Late in 2014 a technical partner was appointed to work on the development and implementation of the required airworthiness standards and this has progressed well. Although interviews were conducted in November a suitable candidate has yet to be identified for the post of Registrar; it is likely that an interim appointment will be made in due course with the agreement of the DCA. This is to enable the registry to commence operations and continue to develop our business aircraft proposition by working with stakeholders both within the Channel Islands and further afield.

The DCA will be attending the EBACE trade show in Geneva in May 2015 in his role as regulator to support both the Jersey and Guernsey delegations.

Miscellaneous Activities

Both Jersey and Guernsey are now included in the state of registry insurance policy led by the Cayman Islands. This provides liability cover for the Bailiwicks should a locally registered aircraft be

⁶ See hyperlink at 2 above – s52

⁷ In Guernsey two laws apply. See *The Air Navigation (Restriction of Flying) (Small Aircraft) Regulations 2014* at <http://www.guernseylegalresources.gg/article/113959/No-53---The-Air-Navigation-Bailiwick-of-Guernsey-Restriction-of-Flying-Small-Aircraft-Regulations-2014> and s37 of the Air Navigation (Guernsey) Law 2012 at <http://www.guernseylegalresources.gg/article/109460/Air-Navigation-Bailiwick-of-Guernsey-Law-2012-Consolidated-text>

⁸ Formally notified in the UK Aeronautical Information Publication at ENR 5.1-28; see http://www.nats-uk.ead-it.com/public/index.php?option=com_content&task=blogcategory&id=4&Itemid=11.html

lost on the high seas where there is no “state of occurrence”. Such co-operation allows us to benefit from the considerable scale of the Caymans’ operation and the keep the costs at a manageable level.

Following publication of the UK Air Accident Investigation Branch (AAIB) report¹⁰ in to the crash of the Channel Islands Air Search aircraft at Devil’s Hole on November 3rd 2013, the DCA worked closely with Air Search to assist in returning the service to interim operating capability in October 2014. Air Search has implemented a number of improvements to operating practices and has introduced a safety management system and minimum equipment list. Close dialogue continues with a further review scheduled for spring 2015 ahead of agreeing more permanent oversight arrangements.

Towards the close of 2014 we have been exploring the feasibility of developing a stand-alone identity for the DCA in a similar style to other pan-islands agencies - this would allow for a clearer distinction between the aircraft registries and the regulator. A decision will be made during 2015 with potential additional cost being the major consideration, although initial work suggests that this may not be significant.

Throughout the year the routine work of the DCA continued. On a day-to-day basis requests are made by operators wishing to conduct aerial work, photography and survey flights, all of which require a permit from the DCA. For 2015 a simplified permit style has been developed that enables a single document to be used for operators wishing to conduct activities in both Bailiwicks. The DCA is also involved in the planning for events such as Liberation Day and the annual Jersey International Air Display.

Aviation Security

Perhaps the most important achievement of 2014 has been the formal recognition by the EU of both Guernsey and Jersey applying aviation security measures equivalent to the EU common basic standards. This has been a complicated and detailed project which has benefited from the ongoing standardised approach to aviation security by both islands.

The result of this work is that flights from the Channel Islands into the EU are treated as domestic flights for security purposes – enabling passengers to make direct connections through European hubs in the same way that they do though UK airports. We have also maintained our UK domestic status and comply voluntarily with the more stringent security measures in force there.

The year has seen further work establishing the Channel Islands Aviation Security Quality Control Programme and a number of operational audits at the airport have been carried out by the Deputy DCA to verify the security measures are effective and properly implemented in accordance with the provision of all relevant security legislation.

The transfer of compliance oversight in the UK for aviation security from the Department for Transport (DfT) to the Civil Aviation Authority (CAA) is complete and the work to incorporate this new arrangement in the UK to the Channel Islands is now in the final stages and should be finalised

¹⁰ Published in the AAIB October 2014 Bulletin, at p87:

<https://www.gov.uk/government/publications/air-accident-monthly-bulletin-october-2014>

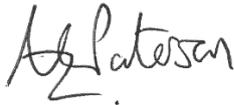
in the first half of 2015. This will facilitate the oversight of security measures required by the UK and EU.

The *Aviation Security (Jersey) (Amendment) Direction 2014*¹¹ was issued in 2014. As previously advised this is likely to be updated on an annual basis to keep up to date with the latest developments and threats. The parallel document was also amended in Guernsey to maintain equivalent measures.

The security environment is continually evolving and we work closely with the UK DfT and CAA in our oversight of local arrangements to ensure that passengers and airlines encounter a standardised approach to aviation security.

DCA

If you have any questions about anything contained in this report or any other aspect of aviation in the Channel Islands, please contact:



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¹¹ Available from the DCA but note that Appendices C and D are restricted