

16 SEP 2013

GUERNSEY

GUERNSEY STATUTORY INSTRUMENT

2013 No. 44

**The Air Navigation (Bailiwick of Guernsey)  
(Savings and Amendment) Regulations, 2013**

<i>Made</i>	<i>3<sup>rd</sup> September, 2013</i>
<i>Coming into operation</i>	<i>16<sup>th</sup> September, 2013</i>
<i>Laid before the States</i>	<i>, 2013</i>

**THE COMMERCE AND EMPLOYMENT DEPARTMENT**, in exercise of the powers conferred upon it by section 149 of the Air Navigation (Bailiwick of Guernsey) Law, 2012 ("**the Law**"), and all other powers enabling it in that behalf, hereby makes the following regulations:-

**Saving of the Air Navigation (Restriction of Flying) (Guernsey) Regulations, 1985.**

1. The Regulations remain in force as if made by the Director of Civil Aviation under section 35 of the Law.

**Amendment of the Regulations.**

2. The Regulations are amended as follows –

(a) in regulation 3 –

(i) after the words " prohibit flight over that area at a height of less than 2,000 feet above ground level", insert ("**the restricted zone**")", and

(ii) for "the States Board of Administration",  
substitute "the Director of Civil Aviation",

and

(b) after regulation 3, insert the following regulations -

"4. (1) The Director of Civil Aviation may –

- (a) without prejudice to the powers of delegation in Schedule 1 of the Aviation Law, delegate the ability to grant permission to enter the restricted zone to an air traffic controller, provided that permission may only be given by the air traffic controller to an aircraft in flight for air safety purposes, and may not extend to landing on Sark or to pre-clearance of any flight plan through the restricted zone,
- (b) grant a one-off permission to enter the restricted zone if it is in the public interest to do so,
- (c) exceptionally, where there are overwhelming reasons to do so, grant a long term permission to enter the restricted zone.

(2) For the purpose of subparagraph (1), "**public interest**" includes, without limitation, flights for the purpose of medical emergency, facilitating Royal or other similar VIP visits, aerial displays, aerial photography, or for the maintenance of public facilities, but does not include flights mainly for the purpose of facilitating private interests.

5. In these Regulations –

"**the Aviation Law**" means the Aviation (Bailiwick of Guernsey) Law, 2008, and

"**Director of Civil Aviation**" means the Director of Civil Aviation whose office was established by the Aviation Law."

**Interpretation.**

4. (1) In these Regulations –

"**the Law**" means the Air Navigation (Bailiwick of Guernsey) Law, 2012, and

"**the Regulations**" means the Air Navigation (Restriction of Flying) (Guernsey) Regulations, 1985<sup>a</sup>.

(2) The Interpretation (Guernsey) Law, 1948<sup>b</sup> applies to the interpretation of these regulations as it applies to the interpretation of an enactment.

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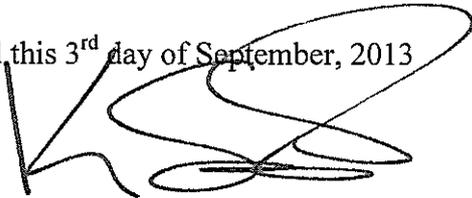
<sup>a</sup> G.S.I. No. 21 of 1985.

(3) Any reference in these regulations to an enactment is a reference thereto as from time to time amended, repealed and replaced (with or without modification), extended or applied.

**Citation.**

5. These Regulations may be cited as the Air Navigation (Bailiwick of Guernsey) (Savings and Amendment) Regulations, 2013.

Dated, this 3<sup>rd</sup> day of September, 2013



DEPUTY K. A. STEWART

Minister of the Commerce and Employment Department

For and on behalf of the Department

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EXPLANATORY NOTE

*(This note is not part of the regulations)*

These Regulations save and amend the Air Navigation (Restriction of Flying) (Guernsey) Regulations, 1985, and clarify the provisions thereof, on, and as a result of, the commencement of the Air Navigation (Bailiwick of Guernsey) Law, 2012.

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<sup>b</sup> Ordres en Conseil Vol. XIII, p. 355.