

GUERNSEY STATUTORY INSTRUMENT
2016 No. 11

**The Air Navigation (Bailiwick of Guernsey)
(Air Operators' Certificates) Regulations, 2016**

<i>Made</i>	<i>25th February, 2016</i>
<i>Coming into operation</i>	<i>9th March, 2016</i>
<i>Laid before the States</i>	<i>, 2016</i>

THE COMMERCE AND EMPLOYMENT DEPARTMENT, in exercise of the powers conferred upon it by sections 59A(5), 149 and 151 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:-

Application.

1. (1) These regulations apply to aircraft registered in Guernsey, flying for the purposes of commercial air transport.

(2) The following sections of the Law do not apply to aircraft to which these regulations apply –

- (a) section 8(3) (aircraft records),
- (b) section 45 (survival equipment),
- (c) section 46 (use of oxygen), and
- (d) section 68 (commercial air transport aircraft – aerodrome operating minima).

(3) Without prejudice to the application of any other provision of the Law to aircraft to which these regulations apply, the following sections of the Law also apply to such aircraft –

- (a) sections 29 and 30 (fatigue of crew) and for these purposes the reference to an operations manual in section 29(1)(c)(i) shall be construed as a reference to the operations manual required by regulation 6,
- (b) section 57 (exits), and
- (c) section 106(2)(d) and for these purposes the reference to an operations manual shall be construed as a reference to the operations manual required by regulation 6.

Principal place of business.

2. For the purposes of section 59A of the Law an operator has its "principal place of business" in the Bailiwick if -

- (a) the head office or registered office of the organisation within which –
 - (i) the principal financial functions, and
 - (ii) operational control of the activities

relating to the air operator's certificate are exercised, is within the Bailiwick, or

- (b) a place in the Bailiwick is the primary location from which flight operations and maintenance management and control are exercised, where the majority of the operational and safety-related records are kept and at which accountable managers are based.

Security programme.

3. An application for an air operator's certificate under section 59A of the Law must be accompanied by the proposed security programme for commercial air transport operation which must –

- (a) comply with the requirements for such security programmes as published by the Director from time to time, and
- (b) be implemented and maintained by the operator whilst the air operator's certificate is in force.

Pilots required on commercial air transport flights.

4. (1) An aircraft which is –

- (a) an aeroplane powered by one or more turbine jets,
- (b) an aeroplane powered by one or more turbine propeller engines and with a maximum approved passenger seating configuration of 10 or more, or
- (c) a helicopter with a maximum approved passenger seating configuration of 10 or more,

must carry at least two pilots as members of the flight crew..

(2) An aircraft, other than an aircraft described in paragraph (1) must carry at least two pilots as members of the flight crew if it is flying in circumstances where the pilot-in-command is required to comply with the instrument flight rules or is flying at night unless –

- (a) use of a single pilot is approved by the Director of Civil Aviation, or
- (b) it is a helicopter flying by day and remaining clear of cloud and with the surface in sight.

Required cabin crew of aircraft.

5. (1) This regulation applies to an aircraft which has a maximum approved passenger seating configuration of more than 19 and on which at least one passenger is carried.

(2) The crew of an aircraft on such a flight must include cabin crew carried for the purposes 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 must not act as members of the flight crew.

(3) On such a flight not less than one cabin crew member must be carried for every 50 or fraction of 50 passenger seats installed in the aircraft.

(4) The number of members of the cabin crew calculated in accordance with paragraph (3) need not be carried if –

- (a) the Director of Civil Aviation has granted written permission to the operator to carry a lesser number on that flight, and
- (b) the operator carries the number specified in that permission and complies with any conditions subject to which the permission is granted.

Operations manual.

6. (1) This regulation does not apply to aircraft used for the time being solely for flights for training persons to perform duties in an aircraft, not intended to exceed 60 minutes in duration.

(2) An aircraft to which this regulation applies must not fly for the purposes of commercial air transport unless, at least 30 days prior to such flight, the operator of the aircraft has supplied to the Director a copy of the whole of the operations manual in effect for the aircraft.

(3) An operations manual –

- (a) must contain all information and instructions necessary to enable the operating staff to perform their duties as such, including such information and instructions required by the GARs,
- (b) but is not required to contain any information or instructions available in a flight manual accessible to the persons by whom the information or instructions may be required.

(4) Any subsequent amendments or additions to the operations manual must be supplied to the Director by the operator before or immediately after they come into effect.

(5) If an amendment or addition relates to the operation of an aircraft to which the operations manual did not previously apply, that aircraft must not fly for the purpose of commercial air transport until the amendment or addition has been supplied to the Director.

(6) The operator must make such amendments or additions to the operations manual as the Director may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety or efficiency of air navigation.

(7) An operator of an aircraft to which this regulation applies must-

- (a) make available to each member of the operating staff an operations manual, acceptable to the Director, which complies with paragraph (3),
- (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 the crew member's duties on the flight.

Use of airborne collision avoidance system.

7. Notwithstanding section 51 of the Law, on any flight on which an airborne collision avoidance system is required to be carried in an aeroplane under section 12 of the Law, the system shall be operated in accordance with procedures contained in the operations manual for the aircraft.

Operation of radio in aircraft.

8. In any aircraft operating under instrument flight rules, the flight crew members required to be on flight deck duty must not make use of a hand-held microphone (whether for the purpose of radio communication or of intercommunications within the aircraft) when below the transition altitude.

Training programme.

9. (1) The operator of an aircraft must –

- (a) establish a ground and flight training programme, approved by the Director, to ensure that flight and cabin crew members are adequately trained and competent to perform their duties, and
- (b) ensure that the details of the approved training programme are incorporated into the operations manual required by regulation 6.

(2) This regulation does not apply to aircraft flying, or intended by the operator of the aircraft to fly, solely under and in accordance with the terms of a police air operator's certificate.

(3) The operator must make such amendments or additions to the training programme as the Director may require for the purpose of ensuring the safety of the aircraft, or of persons or property carried in it, or for the safety of air navigation.

Commercial air transport aircraft registered in Guernsey--aerodrome-operating minima.

10. (1) An aircraft must 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 and in accordance with the terms of an approval issued by the Director.

(2) An aircraft to which this regulation applies must 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,

except under and in accordance with the terms of an approval so to do issued by the Director.

(3) The operator of every aircraft to which this regulation applies must establish and include in the operations manual relating to the aircraft the particulars of the aerodrome operating minima ("**the particulars**") appropriate to every aerodrome of intended departure or landing and every alternate aerodrome.

(4) In relation to any flight where an operations manual is not required under regulation 6, or it is not practicable to include the particulars in the operations manual, the operator of the aircraft must, prior to the commencement of the flight, cause to be provided in writing to the pilot-in-command of the aircraft the particulars calculated in accordance with the required data and instructions (as defined in paragraph (5) of this regulation) and the operator shall cause a copy of

the particulars to be retained outside the aircraft for a minimum period of three months.

(5) The operator of every aircraft for which an operations manual is required by regulation 6, must include in that manual such data and instructions ("**the required data and instructions**") as will enable the pilot-in-command of the aircraft to calculate the aerodrome operating minima appropriate to aerodromes the use of which cannot reasonably have been foreseen by the operator prior to the commencement of the flight.

(6) The operator of every such aircraft for which an operations manual is not required by regulation 6 must, prior to the commencement of the flight, cause to be provided in writing to the pilot-in-command of the aircraft the required data and instructions, and the operator must cause a copy of the required data and instructions to be retained outside the aircraft for a minimum period of three months.

(7) The specified aerodrome operating minima must not permit a landing or take-off in circumstances where the relevant aerodrome operating minima declared by the competent authority would prohibit it, unless that authority otherwise permits in writing.

(8) In establishing aerodrome-operating minima for the purposes of this article the operator of the aircraft must take into account the following matters -

- (a) the type and performance and handling characteristics of the aircraft and any relevant conditions in its certificate of airworthiness,
- (b) the composition of its crew,
- (c) the physical characteristics of the relevant aerodrome and its surroundings,
- (d) the dimensions of the runways which may be selected

for use, and

- (e) whether or not there are in use at the relevant aerodrome any aids, visual or otherwise, to assist aircraft in approach, landing or take-off, being aids which the crew of the aircraft are trained and equipped to use; the nature of any such aids that are in use; and the procedures for approach, landing and take-off which may be adopted according to the existence or absence of such aids,

and must establish in relation to each runway which may be selected for use such aerodrome operating minima as are appropriate to each set of circumstances which can reasonably be expected.

- (9) An aircraft must not commence a flight at a time when –
 - (a) the cloud ceiling or the runway visual range at the aerodrome of departure is less than the relevant minimum specified for take-off, or
 - (b) according to the information available to the pilot-in-command of the aircraft it would not be able without contravening paragraphs (10) or (11), to land at the aerodrome of intended destination at the estimated time of arrival there and at any alternate aerodrome at any time at which according to a reasonable estimate the aircraft would arrive there.

(10) An aircraft to which regulation 6 applies, when making a descent to an aerodrome, must not descend from a height of 1000 feet or more above the aerodrome to a height 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.

- (11) An aircraft, when making a descent to an aerodrome, must

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.

(12) 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 must select prior to take-off an alternate aerodrome unless no aerodrome suitable for that purpose is available.

(13) In this regulation –

- (a) "**specified**" in relation to aerodrome operating minima means such particulars of aerodrome operating minima as have been specified by the operator in, or are ascertainable by reference to, the operations manual relating to that aircraft, or provided in writing to the pilot-in-command of the aircraft by the operator in accordance with paragraph (4), and
- (b) "**Category I operation**", "**Category II operation**" and "**Other than Standard Category II operation**" have the same meaning as in section 68(8) of the Law.

Interpretation.

11. (1) In these Regulations –

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

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

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

all other words and phrases used in these Regulations and not defined herein have the same meaning as given in the Law.

(2) The Interpretation (Guernsey) Law, 1948^a applies to the interpretation of these Regulations as it applies to the interpretation of an enactment.

(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.

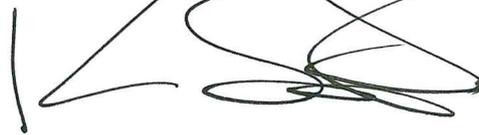
Citation.

12. These Regulations may be cited as the Air Navigation (Bailiwick of Guernsey) (Air Operators' Certificates) Regulations, 2016.

Commencement.

13. These Regulations shall come into force on the 9th March, 2016.

Dated this 25th day of February, 2016



DEPUTY K. A. STEWART

Minister of the Commerce and Employment Department
For and on behalf of the Department

EXPLANATORY NOTE

^a Ordres en Conseil Vol. XIII, p. 355.

(This note is not part of the regulations)

These Regulations apply to aircraft registered in Guernsey flying for the purpose of commercial air transport and contain requirements for the holders of air operators' certificates. The Regulations also specifically apply various provisions of the Law to aircraft registered in Guernsey flying for the purpose of commercial air transport and exempt such aircraft from other provisions of the Law (in addition to those provisions that apply in any event).