

GUERNSEY STATUTORY INSTRUMENT

2017 No. 36

**The Air Navigation (Air Transport Licensing Laws)
(AOC Amendment) (Bailiwick of Guernsey)
Regulations, 2017**

<i>Made</i>	6 th July, 2017
<i>Coming into operation</i>	10 th July, 2017
<i>Laid before the States</i>	, 2017

THE STATES COMMITTEE FOR ECONOMIC DEVELOPMENT, in exercise of the powers conferred upon it by sections 59A(5), 149 and 151 of the Air Navigation (Bailiwick of Guernsey) Law, 2012^a ("**the Law**"), hereby makes the following regulations.

Amendment of section 7 of the Air Transport Laws.

1. (1) The Air Transport Licensing (Guernsey) Law, 1995^b and the Air Transport Licensing (Alderney) Law, 1996^c are amended as follows ("**the Air**

^a Order in Council No. XI of 2013, as amended by Ordinances No. XVII of 2016 and No. IX of 2016.

^b Order in Council No. XV of 1995 (Ordres en Conseil Vol. XXXVI, p. 370); as amended by Order in Council No. VII of 2008 and by Ordinances No. XXXIII of 2003 and No. IX of 2016.

^c Order in Council No. VII of 1996, as amended by the States Committees (Transfer of Functions) (Alderney) Ordinance, 1997 and by the Ordinance No. XXXIII of 2003.

Transport Laws").

(2) In section 7(2) of the Air Transport Laws, for the words after the word "shall", where it first appears, substitute the following text –

"–

- (a) before determining the application, obtain the opinion of the Director of Civil Aviation as to whether the applicant has the necessary aviation permissions, and
- (b) must refuse the application if, in the opinion of the Director of Civil Aviation, the applicant does not have the necessary aviation permissions for the flights to which the application relates, and, notwithstanding the provisions of section 14, no appeal shall lie to the Royal Court against a refusal on this ground."

(3) In section 9 of the Air Transport Laws for the phrase "CAA licence or permission granted by the Secretary of State" wherever it appears substitute "aviation permission".

(4) In section 22 of the Air Transport Laws –

- (a) delete the definition of "CAA licence" and the

definition of "permission granted by the Secretary of State", and

- (b) insert the following definitions in the appropriate places –

"Aviation Laws" means -

- (a) the Air Navigation (Bailiwick of Guernsey) Law, 2012,
- (b) the Aviation (Bailiwick of Guernsey) Law, 2008,
- (c) the Aviation Security Act 1982 , and
- (d) any other enactment or statutory instrument prescribed for the purposes of this regulation by regulations of the Committee,

"aviation permissions" means the permissions necessary for the carriage of passengers for reward under -

- (a) the law of the State of Registry of the operator and,
- (b) the Aviation Laws of the Bailiwick,

"Director of Civil Aviation" means the Director

of Civil Aviation as defined in section 1 of the Aviation (Bailiwick of Guernsey) Law, 2008,".

Interpretation.

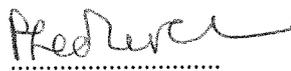
2. (1) In these regulations "Air Transport Laws" has the meaning given in regulation 1(1).

(2) The Interpretation (Guernsey) Law, 1948^d applies to the interpretation of these regulations.

Citation and commencement.

3. These Regulations may be cited as the Air Navigation (Air Transport Licensing Laws) (AOC Amendment) (Bailiwick of Guernsey) Regulations, 2017 and shall come into force on the 10th July, 2017.

Dated this 6th day of July, 2017



P. FERBRACHE

President of the Committee for Economic Development

For and on behalf of the Committee

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations amend the Air Transport Licensing (Guernsey) Law, 1995 and the Air Transport Licensing (Alderney) Law, 1996 to take into account of the new power of the Director of Civil Aviation to issue air operator's certificates under the Air Navigation (Bailiwick of Guernsey) Law, 2012 in order to ensure that Guernsey registered air operators can be issued licences under both Air Transport Licensing Laws.

