

STATES OF JERSEY



DRAFT CIVIL AVIATION (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-

Lodged au Greffe on 23rd December 2011
by the Chief Minister

STATES GREFFE



Jersey

DRAFT CIVIL AVIATION (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-

REPORT

Summary

This report explains the proposal to amend the functions of the Channel Islands Director of Civil Aviation – who is responsible to the Chief Minister as an independent regulator for aviation safety – to also include the regulation of aviation security.

Current functions

The office of the Director of Civil Aviation (DCA) was established under the Civil Aviation (Jersey) Law 2008. The functions of the DCA set out in Article 10 might be summarised as –

- Ensuring the safety of aerodromes and air traffic, including air traffic control in the Channel Islands Control Zone, and regulatory oversight of the meteorological service for the purposes of air navigation.
- Advising the Chief Minister on aviation safety, and external relations and international conventions relating to aviation.
- Conducting the functions of the DCA in accordance with the policies of the Council of Ministers in respect of civil aviation and as directed by the Chief Minister.

The functions of the DCA may be amended by the States by Regulations.

Proposed amendment

The purpose of the amendment is to assign to the office of the Director of Civil Aviation certain additional functions, carried out on behalf of the Chief Minister, in respect of the regulation of aviation security in Jersey.

The functions provide for the independent regulation of aviation security in accordance with international standards, in particular –

- Ensuring the security of aerodromes, passengers and goods carried by air, and air traffic.
- Advising the Chief Minister on aviation security in Jersey and in the Channel islands Control Zone.

Practical arrangements

In order to carry out the functions of aviation security regulator, a suitably qualified and experienced person with specific expertise in security matters will be employed within the office of the DCA.

The appointment involves collaboration with Guernsey, based on the same successful model as the Director of Civil Aviation established for aviation safety regulation. A shared regulator for Jersey and Guernsey will bring together the regulation of both aviation safety and aviation security in a single office for quality assurance and oversight for the Channel Islands and the CI air traffic control zone. It is also the most cost-effective solution as the cost is divided between both Bailiwicks.

In addition, the arrangement provides greater resilience / back-up of skills within the office of the Director of Civil Aviation and enables consistent and simplified implementation of aviation security standards for operators across the Channel Islands (with potential reduced bureaucracy and lower costs for operators).

Accordingly, the proposed amendment of the Civil Aviation (Jersey) Law 2008, by Regulations under Article 10, would insert additional functions of the Director of Civil Aviation with regard to aviation security. In turn, these functions will be delegated by the DCA to the aviation security regulator.

Manpower and resources

The Director of Civil Aviation is currently in place as a joint aviation safety regulator. A part-time role of Aviation Security Regulator has been created, employed by the States of Guernsey and contracted to provide services for Jersey, in addition to acting as a Deputy for the DCA (resulting in a saving of the cost of temporary cover during absences).

The estimated 2012 cost for aviation security for Jersey will be –

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|--|-------------------|
| Contracted part-cost for Aviation Security Regulator shared with Guernsey (includes employer's overheads, pension, social security etc.) | £27,000 |
| Annual security oversight audit (currently funded by Jersey airport) | £8,000 |
| Miscellaneous travel / accommodation costs etc. | £4,000 |
| Total | £39,000.00 |

The costs of aviation security regulation are included in the annual aerodrome licence fee which funds the Directorate of Civil Aviation for Jersey. The proportion of the fee attributable to aviation security regulation will be recovered by Jersey Airport through an increase of 13p on the airport passenger security charge.

Explanatory Note

These Regulations revise the functions of the Director of Civil Aviation described in Article 10 of the Civil Aviation (Jersey) Law 2008.

It is already a function of the Director of Civil Aviation to ensure the safety of aerodromes and air traffic. The amendments made to Article 10 by these Regulations add functions of ensuring security of aerodromes, passengers, cargo and air traffic, and advising the Chief Minister on matters of civil aviation security.

The Director of Civil Aviation is already required by Article 10 to discharge his or her functions in the manner that will best achieve compliance with the Chicago Convention on international civil aviation and other agreements and obligations relating to civil aviation that bind Jersey. This amendment specifies that the agreements and obligations to which the Director of Civil Aviation must have regard in discharging his or her functions, and on which he or she must advise the Chief Minister, are agreements and obligations relating to safety or security of civil aviation.

If made, these Regulations would come into force on the following day.



Jersey

DRAFT CIVIL AVIATION (AMENDMENT OF LAW) (JERSEY) REGULATIONS 201-

Made [date to be inserted]

Coming into force [date to be inserted]

THE STATES, in pursuance of Article 10 of the Civil Aviation (Jersey) Law 2008¹, have made the following Regulations –

1 Article 10 of the Civil Aviation (Jersey) Law 2008 amended

In Article 10 of the Civil Aviation (Jersey) Law 2008² –

- (a) after paragraph (1)(a) there shall be inserted the following sub-paragraph –
 - “(aa) to ensure the security of aerodromes, passengers and goods carried by air, and air traffic;”;
- (b) after paragraph (3)(a) there shall be inserted the following sub-paragraph –
 - “(aa) the security of civil aviation in Jersey and in the Channel Islands Control Zone;”;
- (c) in paragraphs (3)(e) and paragraph (4)(b) –
 - (i) the word “other” shall be deleted; and
 - (ii) after the words “in respect of” there shall be inserted the words “the safety or security of”.

2 Citation and commencement

These Regulations may be cited as the Civil Aviation (Amendment of Law) (Jersey) Regulations 201- and shall come into force on the day after the day they are made.

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- ¹ *chapter 03.530*
² *chapter 03.530*