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# STATES OF JERSEY



## JERSEY DIRECTOR OF CIVIL AVIATION: ANNUAL REPORT FOR 2012

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Presented to the States on 16th April 2013  
by the Chief Minister

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STATES GREFFE



**JERSEY  
DIRECTOR OF CIVIL AVIATION**

**Annual Report for 2012**

**Foreword, by the Director of Civil Aviation – Fergus Woods**

Welcome to this report of the Director of Civil Aviation for Jersey. It is delivered in accordance with Article 9 of the Civil Aviation (Jersey) Law 2008.

The operation of Jersey Airport and the Channel Islands Control Zone airspace remain safe and effective. This has been achieved during a period of turbulence and change resulting from the introduction of new equipment and the significant impact on the management structure due to the project to integrate the Airport and Harbour. Further structural pressure can be anticipated during 2013 as the commercialisation of the ports project gets fully underway. I am happy to report that the resilience of the Airport and its people undergoing these changes has been remarkable and, importantly, their performance has ensured no diminution of their excellent safety record during 2012.

Co-operation with Guernsey on the DCA project continues to work well. The important addition of the aviation security function exemplifies how joint working operates to our mutual benefit both practically and financially.

F Woods

Director of Civil Aviation for Jersey

March 2013

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### 1. DCA Principal Functions and Activities

The main purpose of the Director of Civil Aviation is to act as Jersey's aviation safety regulator: responsible for licensing and regulating civil aviation activities in the Bailiwick on behalf of the Chief Minister's Department, ensuring compliance with all international requirements and in accordance with the relevant provisions of the Civil Aviation (Jersey) Law 2008, the Air Navigation (Jersey) Order 2008 and other regulations.

(The attached Appendix provides an extract from the Civil Aviation (Jersey) Law 2008 identifying the functions of the DCA in Article 10.)

To these functions has been added responsibility for regulating aviation security. The proposals described in the DCA's Annual Report for 2011 were implemented during 2012 and are further described in paragraph 6 of this report.

### 2. Relationship with the United Kingdom and International Civil Aviation Organisation (ICAO) compliance

The United Kingdom is an ICAO "Contracting State" and performs that function, also, on behalf of its Overseas Territories and Crown Dependencies (including the Bailiwick of Jersey). Accordingly, the UK has a responsibility to ensure that it and its Overseas Territories and Crown Dependencies perform their aviation activities in compliance with ICAO Standards and Recommended Practices (SARPS).

Initially, the UK achieved regulatory compliance by developing its own aviation laws, regulations and requirements. These took the form, amongst others, of a Civil Aviation Act, an Air Navigation Order and a wide selection of supporting compliance material

known as Civil Aviation Publications (or CAPs). Of course, all of these documents have been the subject of development and amendment over the years to align with changes to the ICAO SARPS and, more generally, to take account of changing ideas of best practice in aviation safety and its oversight. More recently, (well, in the past 25 years or so), the UK has participated in projects to develop standardised and harmonised European rules for the regulation of aviation safety. These projects started with the establishment of the European Joint Aviation Authorities in the 1980's and followed with the European Aviation Safety Agency (EASA), an organ of the European Commission, from 2003. A significant change has been in the area of legal competence. When EASA was established it took over from European member states' National Aviation Authorities (NAAs) the legal competence for the regulation of initial airworthiness matters, leaving NAAs responsible for the regulation of the Continuing Airworthiness of aircraft (to common agreed European standards). EASA's legal competence has gradually expanded since 2003 to encompass the regulation of aircraft operations including personnel licensing and soon to include the Certification of Aerodromes and then the regulation of Air Traffic Management during the period until 2016 or so. The vision for the Agency is for it to become the "one-stop-shop" for all aviation regulatory matters and aviation excellence in Europe.

This development has impacted significantly on European Member States and their NAAs. Created under European Regulations having direct applicability in EU Member States, the Agency has taken over many of the functions of NAAs resulting to an extent in a reduction in their size, particularly in the area of rulemaking.

So what of the effect on the Crown Dependencies (CDs)? Firstly, not being EU Member States, the EASA Regulations are not directly applicable in the CDs. Our previous reliance on UK aviation laws, rules and regulations has become less relevant and is due to become so to an increasing extent as time goes by as UK regulations are superseded more and more by European Regulations. The creation of the Office of the DCA under the Civil Aviation (Jersey) Law 2008 anticipated this trend and set in play the means by which Jersey would take more direct responsibility for the regulation, oversight and safety management of its own aviation activities.

However, greater independence in this area brought with it the increased burden of discharging for ourselves our international responsibilities under ICAO. As part of the shift in roles we agreed, in 2008, a Memorandum of Understanding between the DCA and the UK Department for Transport (DfT) covering our and the DfT's roles and responsibilities for ensuring ICAO compliance in the Bailiwick.

It is worth noting at this point that the UK Civil Aviation Authority (CAA) has no jurisdiction in Jersey. It is the UK Government's independent aviation safety regulator and adviser, but its jurisdiction is limited to the UK area of authority, which does not include the Crown Dependencies. It is the DCA who has full responsibility under the law for regulating aviation safety here. That said, there are strong historical links between

the CAA and the regulation of Jersey Airport and air traffic services. Principally for that reason, and in agreement with the Airport, the DCA opted to continue to use UK guidance material as the basis for compliance with ICAO SARPS. This suits the airport, which is familiar with the requirements. The DCA also makes regular use of support services provided by CAA International to assist in the audit and inspection of Jersey's aviation facilities and services. In particular, Jersey Airport is unique in having responsibility for operating the Channel Islands Control Zone (CICZ) as delegated airspace from the French even though most of it lies within French airspace in the Brest Flight Information Region. Jersey is an Air Navigation Service Provider (ANSP) as defined in the European Single European Skies Regulations. France, as the National Safety Authority (NSA) is responsible for certificating its ANSPs in accordance with the common, harmonised European Standards detailed in the regulations. However, due to Jersey's strong links with the UK, France agreed to an arrangement whereby the UK CAA would conduct the safety oversight audits and inspections to the European standards, leaving France to issue the ANSP Certificate once it was satisfied as to Jersey's compliance based on the reports of the CAA. All very well in theory, this arrangement took somewhat longer than expected to reach a satisfactory conclusion in practice. In fact, Jersey did not receive its ANSP certificate until late in 2012 despite the audit process having commenced in 2008! It is important to note that the delay was a result of procedural difficulties arising from the many parties involved and does not reflect in any way on Jersey Airport's compliance with the SES regulations and safety standards, which was entirely satisfactory throughout the period.

Secondly, in terms of impacts on Jersey, we have choices to make. As very near neighbours of such a large and influential bloc as the European Union, it is inevitable that we should consider the extent to which it is in our interests to adopt European Regulations, or at least align our laws and requirements with them. An imminent example is whether to align with the draft European Regulations for the certification of aerodromes. At a practical level and certainly for the next few years we can happily continue relying on the UK developed compliance material on the subject (CAP 168), which ensures our compliance with the relevant ICAO Annex (Annex 14). However, there is a risk over time of that document gradually becoming obsolete as ICAO and EASA further develop aerodrome requirements and the CAA no longer updates its CAPs to conform. This is not an ICAO compliance issue as such; rather, it is about our willingness and ability to maintain, for ourselves, appropriate compliance guidance material for the use of regulated parties. Clearly, this is also an issue for Guernsey with whom we share a DCA. It should rightly be decided in discussion with them in a worthy effort to achieve similarity between the regulatory regimes of both Bailiwicks. Alignment with European requirements is, in some cases, more a matter of pure practicality rather than simple preference. Take, for example, the new Standardised European Rules of the Air (known as SERA). They became law in Europe on 14 December 2012, though with a 2-year derogation to enable Member States time to implement the Regulation. It is a safety imperative that we align our Rules of the Air to SERA because of our geographic proximity to UK and French airspace. In this case the DCA has opted to follow the UK in

achieving compliance by the end of the derogation period on 14 December 2014.

Paragraph 6 of this report deals with our implementation of changes to the regulation of aviation security in the Bailiwicks. It demonstrates another field in which it has been very much in our interests to align fully with EU Regulations. It is also another example of excellent joint working between the Bailiwicks of Guernsey and Jersey to our mutual benefit.

The final point with respect to the impact on us of taking over responsibility for our own aviation regulation is the consequential need to update our laws and regulations on a regular basis. The regulation of aviation safety and security is an ever-evolving subject. Our previous method of relying on extending updated UK regulations to have effect in the Bailiwick is no longer valid. We are obliged to amend our Aviation Law (infrequently) and our Air Navigation Order (more often) to ensure they remain relevant and in step with changes to global standards and practices. This should be achieved as much as possible in a harmonised way with Guernsey to ensure that the aviation regulations and requirements in the Channel Islands converge wherever possible.

### **3. Co-operation with Guernsey**

The co-operative nature of the arrangement with Guernsey, whereby the role of the DCA is shared between the Bailiwicks, has been further enhanced with the joint approach on the aviation security issue. The aircraft registry project is another area where co-operation with Guernsey has the potential to benefit both jurisdictions.

### **4. Aircraft Registry for the Channel Islands**

At the beginning of 2012 the way ahead for the creation of an aircraft registry for Jersey was unclear. Early in the year Guernsey had indicated their intention to engage with a commercial partner, SGI Aviation of the Netherlands, to enter a development phase prior to commencing operations late in 2013. Contracts were signed in April 2012 just at the time when the newly elected States of Guernsey took over responsibility following their election.

The timing coincided with the commencement in Jersey of a Scrutiny Panel Review of the issue, which concluded with the publication of their report on 14 September 2012.

<http://www.statesassembly.gov.je/ScrutinyReports/2012/Report%20-%20Aircraft%20Registry%20-%2014%20September%202012.pdf> )



While it was obvious that there were likely to be benefits to working together to create a Channel Islands aircraft registry there was no agreement on how to structure such an arrangement. Discussions continued during the second half of the year with the two lead departments, Economic Development in Jersey and Commerce and Employment in Guernsey, edging ever closer to a consensus without actually achieving one. The main discussion points have been:

- The basic model: whether one registry or two
- The location for the administrative office
- The legal framework and required legislative changes
- Ensuring fair and equal access to the registry by business located in both islands
- Other points raised under the Scrutiny Review regarding viability and selling points.

By the year-end we had reached the critical point where a firm decision was needed either way to proceed jointly or go our separate ways on the issue. Critical though that point is, there is good cause for optimism for a successful outcome during 2013 of a genuinely joint Channel Islands Aircraft Registry project.

## 5. Miscellaneous Activities

### **New Air Traffic Control Centre (ATCC):**

The new ATCC continues to benefit from improving performance resulting from a programme of continuous improvement to the software systems combined with Air Traffic Controllers becoming more used to the system and therefore, more comfortable with its day to day operation. Happily, there was no need to resort to the Prior Permission Required (PPR) system instigated during the peak season in 2011 to ensure safe flow management. It seems that the improvements to the system enable ATC to cope satisfactorily.

### **Radar Replacement Project:**

The introduction of new or replacement pieces of equipment never goes as smoothly as anticipated. So it has proved for the new radar unit at Jersey Airport. Problems with data integration and overall performance falling below what was expected required the introduction of a stabilisation and optimisation programme in co-operation with the manufacturer to resolve the issues. By the end of the year the project had very nearly met its targets, which can be expected to be achieved during 2013 and merit the granting of an unrestricted approval.

### **Jersey Airport Airspace Re-design Project:**

See paragraph 7. c

## 6. Aviation Security

The Aviation Security Regulator commenced his duties for both Guernsey and Jersey on the 27 February 2012. Co-operation between the islands on this issue is a significant success, bringing, as it does, the economy of a shared post and the efficiency of identical regulations for both jurisdictions. The effectiveness of this new post is further enhanced by the fact that the post-holder also performs the function of Deputy DCA providing increased expertise and resilience to the office of the DCA.

During this first year much progress has been made on introducing a new security regime to ensure continuing equivalence with EU and UK standards. Several important steps have been achieved to ensure that Jersey meets the new security standards that are now in force.

Working arrangements are now in place with the UK Department for Transport (DfT) for the next five years to safeguard the advisory work undertaken by the DfT with the airports.

Similarly, a Memorandum of Understanding with the DfT is now in place, which covers Jersey's and the DfT's roles and responsibilities for ensuring ICAO and EU compliance.

The approval of the Aviation Security (Jersey) Direction 2012 in October has implemented the required legislative changes which aligns Jersey's regulations with UK and EU security legislation and forms the Civil Aviation Security Programme, common to both Guernsey and Jersey.

A security quality control programme has been developed and 2013 will see the implementation of the programme.

These achievements prepare the way for the DfT to approach the EU Commission later in 2013 to seek "Recognised Third Country Status" based on Jersey being identified as having in place measures equivalent to EU and UK standards. The DfT plans to approach the Commission on behalf of all three Crown Dependencies together, so the actual timing of the approach will depend on there being an equivalent level of preparedness in Guernsey, Jersey and the Isle of Man. Under our shared arrangements with Guernsey we can be confident that the Channel Islands will reach the appropriate level together.

## 7. DCA - Functions

### a. Safety of Aerodromes and Air Traffic

**Aerodrome** - The Aerodrome and Rescue and Fire Fighting Service visit took place in April 2012 as part of the programme of formal audit and inspection of the facilities conducted with the assistance of expert inspectors from the UK Civil Aviation Authority. There were no major findings. Accordingly, the aerodrome licence issued to Jersey Airport remains valid on an ongoing basis. However, the issue of obstacles within the aerodrome safety domain remains one that requires attention and the delivery of a long-term plan. For example, the “1937 Building” which houses the Arrivals terminal and the old ATC tower is located entirely within an obstacle free zone known as the 1 in 7 slope. On a positive note, the partial demolition work to remove the top-deck was completed leaving the façade looking much more like its original 1937 presence. The remaining construction is still, nevertheless, formally an obstruction. Its ultimate removal will need to be addressed in combination with the Airport’s capital expenditure programme because it will require an appropriate solution to replace the current Arrivals hall. In the meantime, a risk impact assessment of the building was carried out by an independent contractor and concluded that, while the structure breaches the 1 in 7 slope, the risk to flight operations is minimal. The DCA is content to proceed without imposing any operational limitations for the time being on the basis that the demolition of the building will be addressed under the long-term and capital expenditure plans for the Airport.

Further progress is needed with respect to the resolution of more immediate obstacle problem caused by residential buildings just to the north of the airport boundary.

**Air Traffic** – The continuing effort to improve the systems and procedures in the new ATCC is gradually paying dividends. The interim audit review, which took place in July, produced a satisfactory result.

Further progress was achieved in the negotiations with the French and UK authorities with respect to the granting of the certificate approving Jersey as an Air Navigation Service Provider (ANSP) under the Single European Skies legislation. The certificate was issued in December after what had been an extraordinarily long period of time since the initial inspection visit in 2008.

**b. Approval of Air Traffic Controllers**

The visit also provided the CAA their opportunity to maintain continuous oversight as the licensing authority for the air traffic controllers operating at Jersey Airport. There have been a number of new controllers qualifying to operate in Jersey. All Controllers hold a licence validation issued by the DCA that entitles them to operate here based on their UK issued licence.

**c. Safety Regulation of the Channel Islands Control Zone (CICZ)**

Following preparatory work undertaken in 2011 the Jersey Airport Airspace Re-design Project made further, though at times, slow progress during 2012. Initially scoped as a single project with an intended “big-bang” implementation scheduled for 2013/14, the concept was revised during 2012, breaking it into a number of smaller, more manageable projects. The revised projects fall under the following headings and timings:

April 2013	Introduction of GNSS/ LNAV instrument approaches in Jersey. Baro/VNAV approaches following in Q4 2013
May 2013	Transition Altitude change for the CICZ from 3000 ft. to 5000 ft.
October 2013	Revised inter-Island IFR procedures including the introduction of omni-directional departures
January 2014	Implementation of the airspace re-classification in the CICZ. Consultation on the proposal to change to Class D up to FL 80 with Class A above, ends in May 2013
March 2014	Introduction of RNAV STARS and some SIDS

**d. Aviation Meteorological Services**

The Jersey Meteorological Office provides aviation meteorological services to the airport, under a continuing longstanding arrangement. The Meteorological Office also provided forecasting services for Guernsey Airport.

The focus of the Director of Civil Aviation's activities remains the carrying out of his functions under the Article 10 of the Civil Aviation (Jersey) Law 2008.

- (1) *It is the responsibility of the Director of Civil Aviation –*
  - (a) *to ensure the safety of aerodromes and air traffic;*
  - (aa) *to ensure the security of aerodromes, passengers and goods carried by air, and air traffic;*
  - (b) *to licence aerodromes;*
  - (c) *to approve air traffic controllers.*
  
- (2) *It is also the responsibility of the Director to regulate, from Jersey –*
  - (a) *the operation of the Channel Islands Control Zone and the safety of air traffic in that zone; and*
  - (b) *the operation of meteorological services for the purposes of international air navigation in Jersey and the Channel Islands Control Zone.*
  
- (3) *The Director shall also tender advice to the Minister on –*
  - (a) *the safety of civil aviation in Jersey and in the Channel Islands Control Zone;*
  - (aa) *the security of civil aviation in Jersey and the Channel Islands Air Traffic Zone;*
  - (b) *international relations in respect of civil aviation (including relations with international agencies);*
  - (c) *the Chicago Convention;*
  - (d) *the Memorandum of Understanding between the Government of the United Kingdom and the Government of the French Republic signed on 16th February 2000 (relating to the application of the Eurocontrol Route Charges Joint System in the Channel Islands Control Zone); and*
  - (e) *international agreements and international obligations in respect of the safety or security of civil aviation that are binding on Jersey*