

**SECOND SUPPLEMENT TO THE
GIBRALTAR GAZETTE
No. 4135 of 18 December, 2014**

LEGAL NOTICE NO. 255 OF 2014.

CIVIL AVIATION ACT 2009

**CIVIL AVIATION (AIR NAVIGATION) (AMENDMENT)
REGULATIONS 2014**

In exercise of the powers conferred on it by section 16 of the Civil Aviation Act 2009, and of all other enabling powers, and in order to implement Commission Regulation (EU) No 923/2012 of the European Parliament and of the Council of 26 September 2012 laying down the common rules of the air and operational provisions regarding services and procedures in air navigation and amending Implementing Regulation (EU) No 1035/2011 and Regulations (EC) No 1265/2007, (EC) No 1794/2006, (EC) No 730/2006, (EC) No 1033/2006 and (EU) No 255/2010, and in order to implement Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, and to partly implement Commission Regulation (EU) No 965/2012 laying down technical requirements and administrative procedures related to air operations pursuant to Regulation (EC) No 216/2008, the Government has made the following Regulations—

Title and commencement.

1. These Regulations may be cited as the Civil Aviation (Air Navigation) (Amendment) Regulations 2014 and come into operation on the day of publication.

Amendment of the Civil Aviation (Air Navigation) Regulations 2009.

2. The Civil Aviation (Air Navigation) Regulations 2009 (hereinafter referred to as “the Regulations”) are amended in accordance with the provisions of these Regulations.

Amendment of regulation 2.

3.(1) In regulation 2(1) of the Regulations—

- (a) for the definition of “aerodrome” substitute–

““aerodrome” means a defined area (including any buildings, installations and equipment) intended to be used either wholly or in part for the arrival, departure and surface movement of aircraft;”;

- (b) for the definition of “aerodrome control service” substitute–

““aerodrome control service” means an air traffic control service to aerodrome traffic;”

- (c) after the definition of “aerodrome operating minima” insert–

““aerodrome traffic” means all traffic on the manoeuvring area of an aerodrome and all aircraft flying in the vicinity of an aerodrome and for this purpose an aircraft operating in the vicinity of an aerodrome includes, but is not limited to, aircraft entering or leaving an aerodrome traffic circuit;

““aerodrome traffic circuit” means the path to be flown by aircraft operating in the vicinity of an aerodrome under SERA.3225(b);”;

- (d) for the definition of “aerodrome traffic zone” substitute–

““aerodrome traffic zone” means, subject to regulation 110, an airspace of defined dimensions established around an aerodrome for the protection of aerodrome traffic;”;

- (e) in the definition of “air/ground communications service” for “pilots of aircraft flying in the vicinity of the aerodrome” substitute “aerodrome traffic”;”;

- (f) for the definition of “air traffic control service” substitute–

““air traffic control service” means a service provided for the purpose of–

- (a) preventing collisions between aircraft and, on the manoeuvring area, between aircraft and obstructions; and

- (b) expediting and maintaining an orderly flow of air traffic;”;
- (g) for the definition of “air traffic control unit” substitute–
““air traffic control unit” means a unit of air traffic controllers established by a person to provide an area control service, an aerodrome control service or an approach control service;”;
- (h) for the definition of “apron” substitute–
““apron” means a defined area of an aerodrome which is intended to accommodate aircraft for the purpose of loading or unloading passengers, mail or cargo, refuelling, parking or maintenance;”;
- (i) for the definition of “area control service” substitute–
“area control service” means an air traffic control service for an aircraft flying in a control area;”;
- (j) for the definition of “Basic EASA Regulation” substitute–
““Basic EASA Regulation” means Regulation (EC) No. 216/2008 of the European Parliament and of the Council of 20th February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and repealing Council Directive 91/670/EEC, Council Regulation (EC) No. 1592/2002 and Directive 2004/36/EC, as the same may be amended from time to time;”;
- (k) after the definition of “Basic EASA Regulation” insert–
““BGTW” means British Gibraltar Territorial Waters which is the area of sea, the sea bed and subsoil within the seaward limits of the territorial sea adjacent to Gibraltar under British sovereignty and which, in accordance with the United Nations Convention on the Law of the Sea 1982, currently extends to three nautical miles and to the median line in the Bay of Gibraltar;”;

- (l) for the definition of “cloud ceiling” substitute–
““cloud ceiling” means the height above the ground or water of the base of the lowest layer of cloud below 6,000 m (20,000 ft) covering more than half the sky;”;
- (m) after the definition of “EASA” insert–
““EASA aerodrome certificate” means a certificate issued under the EASA Aerodromes Regulation;
“EASA Aerodromes Regulation” means Commission Regulation (EU) No 139/2014 of 12 February 2014 laying down requirements and administrative procedures related to aerodromes pursuant to Regulation (EC) No 216/2008 of the European Parliament and of the Council, as the same may be amended from time to time;”;
- (n) after the definition of “EASA certificate of airworthiness” insert–
““EASA certificated aerodrome” means an aerodrome for which an EASA aerodrome certificate is in force;”;
- (o) in the definition of “flight information service” for subparagraph (ii) substitute–
“(ii) the grant or refusal of a permission under SERA.8015 or under rule 13 in the Schedule to the Rules of the Air 2014; and”;
- (p) in the definition of “flight visibility” for “deck” substitute “cockpit”;
- (q) for the definition of “instrument Flight Rules” substitute–
““Instrument Flight Rules” means Instrument Flight Rules prescribed by Section 5 of SERA and Section 4 of the Schedule to the Rules of the Air 2014;”;
- (r) for the definition of “manoeuvring area” substitute–
““manoeuvring area” means that part of an aerodrome used for the take-off, landing and taxiing of aircraft, excluding the apron;”;

- (s) in the definition of “offshore” for the words “the territorial waters adjacent to Gibraltar” substitute the word “BGTW”;
- (t) for the definition of “precision approach” substitute—

““precision approach” means an instrument approach using precision lateral and vertical guidance with minima as determined by the category of operation;”;
- (u) delete the definition of “precision approach radar”;
- (v) after the definition of “self-sustaining glider “ insert—

““SERA” means Annex 1 of the Standardised European Rules of the Air Regulation;”;
- (w) for the definition of “special VFR flight” substitute—

““Special VFR flight” means a VFR flight cleared by an air traffic control unit to operate within a control zone in meteorological conditions below visual Meteorological Conditions;”;
- (x) after the definition of “State of the operator” insert—

““Standardised European Rules of the Air Regulation” means Regulation (EU) No 923/2012 of the European Parliament and of the Council of 26 September 2012, as the same may be amended from time to time;”;
- (y) delete the definition of “territorial waters”;
- (z) for the definition of “visual Flight Rules” substitute—

““Visual Flight Rules” means Visual Flight Rules prescribed by Section 5 of SERA and Section 4 of the Rules of the Air 2014;”;

Amendment of regulation 16.

4. In regulation 16 of the Regulations, in sub-regulation (5) for “the Rules of the Air 2009” substitute “SERA and the Rules of the Air 2014”.

Revocation of regulation 33.

5. Regulation 33 is deleted.

Amendment of regulation 34.

6. Regulation 34(2) is deleted.

Regulation 45.

7. In regulation 45 of the Regulations for “Regulations or under EU-OPS” substitute “Regulations, under EU-OPS or the EASA Aerodromes Regulation”.

Amendment of regulation 50.

8. In regulation 50 of the Regulations, for sub-regulation (11)(b) substitute—

“(b) the “notified operating hours” means the hours referred to in regulation 83”.

Amendment of regulation 52.

9. In regulation 52 of the Regulations, in sub-regulation (5)(b) for “at the times referred to in Rule 45(1) of the Rules of the Air 2009” substitute “during the hours referred to in regulation 83”.

New regulation 52A.

10. After regulation 52 of the Regulations insert—

“SERA.

52A.(1) Subject to sub-regulations (2) and (3), it is an offence to contravene, to permit the contravention of, or to fail to comply with—

(a) the provisions of SERA specified in Section 4 of Part A of Schedule 5; and

- (b) the provisions of SERA specified in Section 4 of Part B of Schedule 5.
- (2) It is lawful for the specified provisions of SERA referred to in sub-regulation (1) to be departed from to the extent necessary for—
 - (a) avoiding immediate danger;
 - (b) complying with the law of any country other than Gibraltar

within which the aircraft then is; or
 - (c) complying with MAA01: Military Aviation Authority Regulation Policy and FLY 2000 Series Regulatory Articles issued by the Secretary of State.
- (3) It is lawful for the specified provisions of SERA referred to in sub-regulation (1) to be departed from by an aircraft of which the commander is acting as such in the course of the commander's duty as a member of any of Her Majesty's naval, military or air forces.
- (4) If any departure from the specified provisions of SERA is made for the purpose of avoiding immediate danger, the commander of the aircraft must cause written detailed information about the departure, and of the circumstances giving rise to it, to be given within 10 days of the departure to the competent authority of the country in whose territory the departure was made or if the departure was made over the high seas, to the Director.
- (5) If it is proved that an act or omission of any person which would otherwise have been a contravention by that person of a provision of SERA was due to any cause not avoidable by the exercise of reasonable care by that person, the act or omission shall be deemed not to be a contravention by that person of that provision.”.

Amendment of Regulation 88.

11. In regulation 88 of the Regulations—

- (a) in the regulation heading, for the words “territorial waters” substitute the word “BGTW”;
- (b) in sub-regulation (1), for the words “waters within or adjacent to Gibraltar up to the seaward limits of the territorial waters” substitute the word “BGTW”.

New regulation 98A.

12. After regulation 98 of the Regulations insert—

“Grounded aircraft not to fly.

98A. An aircraft which has been grounded in accordance with paragraph ARO.RAMP.140 of Part-ARO of Annex II to Commission Regulation 965/2012 and which has not subsequently been permitted to fly must not be flown.”.

Revocation of regulations 99, 100 and 101.

13. Delete regulations 99 (power to prevent third-country aircraft taking off), 100 (notifying competent authority of the detention of a third-country aircraft) and 101 (validity of certificate of airworthiness) of the Regulations.

Amendment of regulation 105.

14. In regulation 105 of the Regulations—

- (a) in sub-regulation (1), after “Regulations” insert “,SERA”;
- (b) in sub-regulation (2), for “or EU-OPS” substitute “, EU-OPS or SERA”.

Amendment of regulation 106.

15. In regulation 106 of the Regulations, for the words “territorial waters adjacent to Gibraltar” substitute the word “BGTW”.

Amendment of regulation 107.

16. In regulation 107 of the Regulations, in sub-regulation (6), for “and in addition the Rules of the Air 2009” substitute “and in addition the Rules of the Air 2014” and for “Military Flying Regulations” to “Aviation Publication 67)” substitute “MAA01: Military Aviation Authority regulatory Policy 2000 Series (FLY) Regulatory Articles”.

New regulation 110.

17. For regulation 110 of the Regulations substitute—

“Dimensions of aerodrome traffic zone.

110. The dimensions of the aerodrome traffic zone for Gibraltar Airport shall be those notified by the Government in the Gazette.”.

Amendment of regulation 114.

18. After regulation 114(1) of the Regulations, insert—

“(1A) The Director is the competent authority for Gibraltar for the purpose of the Standardised European Rules of the Air Regulation, the EASA Aerodromes Regulation and Subpart RAMP of Part-ARO of Annex II to Commission Regulation (EU) No 965/2012.”.

Amendment of Schedule 5.

19. In Schedule 5 of the Regulations—

- (a) after the heading “Part ZA”, insert the heading “Section 1”;
- (b) at the end of Part ZA insert—

“Section 2

Provision of the Aerodromes Regulation	EASA	Subject Matter
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ADR.OR.B.035b	Failure to return certificate after revocation or surrender
ADR.OR. B.060(a)	Failure to notify competent authority about intention to transfer the operation of the aerodrome
ADR.OR.D.035	Failure to establish an adequate system of record keeping or to keep records”

- (c) In section 1 of Part A, after the entry for regulation 52, insert–

“52A(1)(a)	Requirement to comply with provisions of SERA”
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- (d) In Part A, at the end, insert–

“Section 3

Provision of the Aerodromes Regulation	EASA	Subject Matter
ADR.OR.B.005		Operating an aerodrome without an EASA certificate
ADR.OR.B.025(a)(1)		Failure to perform and document all required actions, inspections, tests, safety assessments or exercises
ADR.OR.B.030		Failure to comply with the scope and privileges of the terms of

	approval as attached to the aerodrome certificate
ADR.OR.B.040(c)	Failure to obtain prior approval for a change, failure to operate under the conditions prescribed during such changes
ADR.OR.B.050(b)	Failure to initiate a change process or to implement the necessary changes following amendment of the certificate specifications
ADR.OR.C.005	Aerodrome operator responsibilities for the safe operation and maintenance of the aerodrome
ADR.OR.C.015	Failure to grant access
ADR.OR.C.020	Obligation of aerodrome operator and apron management provider to identify root cause of notified non-compliance with Regulation 216/2008, define a corrective action plan and demonstrate corrective action implementation
ADR.OR.C.025	Failure to implement safety measures
ADR.OR.E.005	Failure to establish and maintain an aerodrome manual
ADR.OPS.B.055	Failure to ensure that organisations involved in storing and dispensing of fuel to aircraft have required precautions
ADR.OPS.B.090	Permitting use of aerodromes by aircraft with a higher code letter than the aerodrome design

characteristics specified in the
terms of the approval certificate
without prior approval

Section 4

Provision of SERA	Subject Matter
SERA.2005	Flight to be in accordance with the Rules of the Air
SERA.2010(a)	Pilots in command to be responsible for the operation of the aircraft
SERA.3105	Aircraft not to be flown below minimum heights
SERA.3110	Aircraft to be flown at cruising levels
SERA.3135	Aircraft not to be flown in formation flights except under pre-arrangements made between the pilots in command
SERA.3140	Unmanned free balloons to be operated so as to minimise hazards
SERA.3145	Aircraft not to be flown in prohibited and restricted areas
SERA.3201	Pilots in command to be responsible for taking action to avoid collisions
SERA.3205	Aircraft not to be flown in such proximity as to cause a collision hazard
SERA.3210 (excluding (d)(4)(i) and (ii))	para Aircraft to comply with rules as to right of way
SERA.3215	Aircraft flying at night to display lights

SERA.3220	Aircraft not to be flown in simulated instrument flight unless fully functioning dual controls installed and a safety pilot carried on board
SERA.3225	Aircraft operating on or in the vicinity of an aerodrome to observe other aerodrome traffic and conform to the pattern of traffic at the aerodrome
SERA.3230	Aircraft conducting water operations to comply with rules for avoiding collisions
SERA.3301	Aircraft to comply with signals
SERA.4001	A flight plan to be submitted before specified categories of flight
SERA.4020	An arrival report to be made to the appropriate air traffic services unit after landing
SERA.5005 (excluding para (g))	Visual Flight Rules
SERA.5010.	Additional conditions to be observed by aircraft when flying under special Visual Flight Rules in control zones
SERA.5015	Instrument Flight Rules – Rules to be complied with by aircraft when flying under Instrument Flight Rules
SERA.5020	Instrument Flight Rules – Rules to be complied with by aircraft when flying under Instrument Flight Rules within controlled airspace
SERA.5025	Instrument Flight Rules - Rules to

SERA.6005 be complied with by aircraft when flying under Instrument Flight Rules outside controlled airspace Requirements for communications and SSR transponder”;

(e) in Part B–

(i) after the entry for regulation 48, insert–

“52A(1)(b) Requirement to comply with provisions of SERA”; and

(ii) after the entry for regulation 98 insert–

“98A Grounded aircraft not to fly”;

(f) In Part B, at the end, insert–

“Section 4

Provision of SERA	Subject Matter
SERA.2020	Problematic Use of Psychoactive Substances
SERA.3101	Negligent or Reckless Operation of Aircraft
SERA 11015(b)	Interception”;

(g) in Part C–

(i) after the heading “Provisions referred to in regulation 105(7)”, insert the heading “Section 1”;

(ii) at the end, insert–

“Section 2

Provision in EASA Aerodromes Regulation	Subject Matter
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ADR.OR.C.030	Failure to report any accident, serious incident or occurrence or to report in the form and manner required or within the required time limit”.
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Dated 18th December, 2014.

DR J GARCIA,
For the Government.

EXPLANATORY MEMORANDUM

These Regulations implement EC Regulation 923/2012, EC Regulation 139/2014 and part of EC Regulation 965/2012 by making amendments to the Civil Aviation (Air Navigation) Regulations 2009.

