

**GIBRALTAR**

**DIRECTOR OF CIVIL AVIATION**

**POLICY – 01**

**Aviation Safety Regulation**

# DCA Policy 01 – Aviation Safety Regulation

## Contents

	Page
Contents	2
Amendment Record	2
Purpose of this document	3
Background	3
Legislation	3
Requirements	3
Policy	4

## Amendment Record

	Item	Date
<b>1</b>	Initial Issue	29 January 2009
<b>2</b>	Minor Correction	12 November 2015

# DCA Policy 01 – Aviation Safety Regulation

## Purpose of this document

The purpose of this document is set to out the basis for aviation safety regulation in Gibraltar and to identify the Requirements (acceptable means of compliance) which will be used in determining the granting, issuing or validating of a licence, certificate, approval or authorisation.

## Background

- (a) The International Civil Aviation Organization (ICAO), an agency of the United Nations, codifies the principles and techniques of international air navigation and fosters the planning and development of international air transport to ensure safe and orderly growth
- (b) The United Kingdom is a contracting State to the Convention on International Civil Aviation (the Convention).
- (c) The ICAO Council adopts Standards And Recommended Practices (SARPs) and publishes these in 19 Annexes to the Convention
- (d) Under the Convention, the United Kingdom is responsible for ensuring the maintenance of international standards of aviation in all her Overseas Territories, including Gibraltar, and the Crown Dependencies.
- (e) A Memorandum of Understanding has been agreed between the United Kingdom and Gibraltar identifying how the United Kingdom may be satisfied that Gibraltar is meeting the United Kingdom's obligations under the Convention in relation to Gibraltar.
- (f) Gibraltar has established the post of Director of Civil Aviation to provide an independent aviation safety regulatory function.

## Legislation

Civil Aviation in Gibraltar is required to comply with the Gibraltar Civil Aviation Act 2009 and its subsidiary secondary legislation, as well as International Conventions and Standards (principally those published by the International Civil Aviation Organisation).

The Gibraltar Civil Aviation Act 2009 establishes the position of the Director of Civil Aviation (DCA) and provides the framework for the DCA's authority. The act also enables the secondary legislation, principally the Civil Aviation (Air Navigation) Regulations, to be promulgated by the Minister with responsibility for Transport. This Secondary Legislation permits the DCA to exercise his regulatory obligations, either directly or through a designated person or organisation. The Civil Aviation Act and Secondary legislation can be downloaded from the [Laws of Gibraltar - On-line Service](#) website.

## Requirements

There are two main elements to regulation – determining acceptable means of compliance (Requirements) and assessing if those Requirements have been met.

The Chicago Convention Annexes are not sufficiently explicit to act as standalone Requirements by themselves. As a result, Contracting States have individually developed regulatory regimes which meet the ICAO Standards and Recommended Practices (SARPs). Whilst it would be possible for Gibraltar to develop a totally stand

## **DCA Policy 01 – Aviation Safety Regulation**

alone regulatory regime to meet the Requirements, this would be both costly and cumbersome. Equally if a new regulatory regime were to be developed, it would be difficult for the United Kingdom, as the Contracting State with responsibility for Gibraltar, to meet its safety oversight obligations under the Chicago Convention.

Therefore, the Requirements which will be used in determining the granting, issuing or validating of a licence, certificate, approval or authorisation, will be the same as those of the United Kingdom Civil Aviation Authority (CAA), which are published as Civil Aviation Publications (CAP) and Supporting Notices. Where the requirements set out in a particular CAP are deemed by the DCA Gibraltar not to be appropriate for the specific circumstances of Gibraltar, a Gibraltar Aviation Requirement (GAR) will be promulgated.

Assessments, of compliance against the Requirements, will be commissioned by the DCA from parties familiar with the United Kingdom's Requirements.

It is acknowledged that interpretation of CAPs and Supporting Notices will be required on occasion to accommodate the different regulatory regime, Laws and Government policies which apply in Gibraltar. The DCA will be the interpreter for this purpose.

### **Policy**

- Gibraltar Civil Aviation policy and procedures shall comply with ICAO SARPs and Procedures as far as reasonably practicable.
- Gibraltar's compliance requirements will be, where appropriate, those of the United Kingdom CAA, which are published as CAPs and supporting Notices
- DCA Gibraltar will review UK CAA CAPs to establish their applicability in Gibraltar.
- Where a UK CAA CAP is not appropriate, DCA Gibraltar will develop and promulgate GARs that are compliant with ICAO Standards and safety-related Recommended Practices as far as reasonably practicable.