

Gibraltar Director of Civil Aviation

Aviation Safety Regulation

Policy 01

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Revision History

Version	Item	Date
1	Initial Issue	29 November 2009
2	Minor Correction	12 November 2015
3	Complete Review	9 November 2022
4	Review Unchanged	01 October 2023
5	“Government’s of” added in Background paragraph (e)	01 October 2024

Purpose of this document

The purpose of this document is to set 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 established by the Convention signed in Chicago in 1944 on International Civil Aviation (the Convention), 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.
- (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 its Overseas Territories, including Gibraltar.
- (e) A Memorandum of Understanding has been agreed between the Governments of 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 (DCA) 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 legislation, as well as International Conventions and Standards (principally those published by ICAO).

The Gibraltar Civil Aviation Act 2009 establishes the position of the 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 Civil Aviation. This subsidiary legislation permits the DCA to exercise his regulatory obligations, either directly or through a designated person or organisation. The Civil Aviation Act and subsidiary 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 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 SARPs. Whilst it would be possible for Gibraltar to develop a totally stand-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 Convention.

Therefore, the Requirements which will be used in determining the granting, issuing or validating of a licence, certificate, approval, permission 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 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 CAA, which are published as CAPs and Supporting Notices
- The DCA will review UK CAA CAPs to establish their applicability in Gibraltar.
- Where a CAA CAP is not appropriate, the DCA will develop and promulgate GARs that are compliant with ICAO SARPs as far as reasonably practicable.