

Subsidiary Legislation made under s.34.

**Operating (Domestic Affairs) Regulations 2026**

**LN.2026/025**

*Notice of Commencement - (LN.2026/029)*

**1.2.2026**

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**ARRANGEMENT OF REGULATIONS**

Regulation

1. Title.
2. Commencement.
3. Schedule.
4. Enforcement action by the Authority.

**SCHEDULE**

**2024-06**

**Civil Aviation**

**2026/025**

**Operating (Domestic Affairs) Regulations 2026**

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*In exercise of the powers conferred on him by section 34 of the Civil Aviation Act 2024, the Director General has made the following Regulations –*

**Title.**

1. These Regulations may be cited as the Operating (Domestic Affairs) Regulations 2026

**Commencement.**

2. These Regulations come into operation on the day appointed by the Director General by Notice in the Gazette.

**Schedule.**

3. The provisions in the Schedule have effect.

**Enforcement action by the Authority.**

4.(1) The Authority may, in accordance with the powers set out in section 25 (Suspension of an aviation document), section 26 (Revocation of an aviation document) and section 27 (Administrative penalties) of the Act, take enforcement action for breaches of the provisions in the Schedule.

- (2) The Authority may not impose an administrative penalty in respect of any conduct if –
  - (a) the person has been convicted of an offence in respect of that conduct; or
  - (b) criminal proceedings for an offence have been instituted against the person in respect of the conduct and the proceedings have not been concluded.

**SCHEDULE**

**CHAPTER 1**

**GENERAL**

**DOM.105 Applicability**

- (a) These regulations apply to all persons or organisations within the territory of Gibraltar.
- (b) These regulations do not apply to an aircraft engaged in police, national security or customs operations.

**DOM.110 Use of Radio Within the Territory of Gibraltar**

- (a) No person shall cause or permit any call sign to be used for a purpose other than a purpose for which that call sign has been notified.
- (b) No person shall use a radio or transmitting device on an aviation frequency unless authorised to do so by the Authority or under a radio licence issued by the Authority or the Gibraltar Regulatory Authority.

**DOM.115 Definitions**

The following definitions are applicable to these regulations;

**MoD** means the Ministry of Defence of His Majesty's Government in the United Kingdom and includes a serving member of His Majesty's armed forces, Ministry of Defence (MoD) employees and employees of contractors to the MoD performing duties as such at the Gibraltar Airport.

**CHAPTER 2**

**AIR TRAFFIC SERVICES**

**DOM.205 Requirement for an Air Traffic Control Approval**

- (a) No person shall provide an air traffic control service other than under, and in accordance with, the terms of an air traffic control approval granted to him by the Authority.
- (b) The Authority shall grant an air traffic control approval once it is satisfied that the applicant is competent, having regard to his organisation, staffing, equipment,

maintenance and other arrangements, to provide a service which is safe for use by aircraft.

- (c) The holder of an approval shall not permit any person to act as an air traffic controller or a student air traffic controller in the provision of the service under the approval unless;
  - (1) such person holds an appropriate licence; and
  - (2) the holder has satisfied himself that such person is competent to perform his duties.

**DOM.210 Manual of Air Traffic Services**

A person shall not provide an air traffic control service at any place unless;

- (a) the service is provided in accordance with the standards and procedures specified in a manual of air traffic services in respect of that place;
- (b) the manual shall be submitted to the Authority for approval prior to use; and
- (c) any amendments or additions shall be submitted to the Authority for approval.

**DOM.215 Licensing of Air Traffic Controllers**

- (a) A person shall not provide air traffic control services unless that person holds either a student air traffic controller licence or an air traffic controller licence specified in sub-regulation (b).
- (b) A student air traffic controller licence or air traffic controller licence referred to in subparagraph (a) is a licence issued by;
  - (1) the Authority;
  - (2) the United Kingdom CAA; or
- (c) An air traffic controller holding a UK ATC licence shall, prior to providing air traffic control services, have his licence recognised by the Authority.

**DOM.220 Air Traffic Service Equipment**

- (a) A person shall not cause or permit any air traffic service equipment to be established

or used in Gibraltar otherwise than under and in accordance with an approval granted by the Director General to the person in charge of the equipment.

- (b) An approval shall be granted under sub-paragraph (a) upon the Director General being satisfied;
  - (1) as to the intended purpose of the equipment;
  - (2) that the equipment is fit for its intended purpose; and
  - (3) that the person is competent to operate the equipment.
- (c) The person in charge of the aeronautical radio station at the Gibraltar Airport shall cause to be notified in relation to that aeronautical radio station the type and availability of operation of any service which is available for use by any aircraft.
- (d) An approval granted under sub-paragraph (a) may, in addition to any other conditions which may be imposed, include a condition requiring the person in charge of the equipment to use a person approved by the Director General under sub-paragraph (e) for the provision of particular services in connection with the equipment and in particular, but without limitation, may include a condition requiring that the equipment be flight checked by such an approved person.
- (e) The Director General may approve a person to provide particular services in connection with approved equipment.
- (f) For the purpose of sub-paragraphs (a) and (e) an approval may be granted in respect of one or more than one person or generally.
- (g) The provisions of this regulation shall not apply to any air traffic service equipment in respect of which the Director General has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of this regulation.
- (h) This regulation does not apply to air traffic service equipment or to aeronautical radio stations established or used by a member of MoD personnel.
- (i) In these regulations “air traffic service equipment” means ground based equipment, including an aeronautical radio station, used or intended to be used in connection with the provision of a service to an aircraft in flight or on the ground which equipment is not otherwise approved by or under these regulations but excluding;
  - (1) any public electronic communications network; and

- (2) any equipment in respect of which the Director General has made a direction that it shall be deemed not to be air traffic service equipment for the purposes

**DOM.225 Air Traffic Service Equipment Records**

- (a) The person in charge of any air traffic service equipment and any associated apparatus required under sub-paragraph (b) or (c) shall keep records in respect of such equipment or apparatus in accordance with Part A of the Appendix to CAR DOM.220 and shall preserve such records for a period of one year or such longer period as the Director General may in a particular case direct.
- (b) The person in charge of an aeronautical radio station which is used for the provision of an air traffic control service by an air traffic control unit shall provide recording apparatus in accordance with sub-paragraph (d).
- (c) The Director General may direct the person in charge of any other air traffic service equipment to provide recording apparatus in accordance with sub-paragraph (d).
- (d) The person in charge of the air traffic service equipment in respect of which recording apparatus is required to be provided under sub-paragraph (b) or (c) shall, subject to sub-paragraph (g);
- (1) ensure that when operated the apparatus is capable of recording and replaying the terms or content of any message or signal transmitted or received by or through that equipment; or in the case of an aeronautical radio station the apparatus is capable of recording and replaying the terms or content of any voice radio message or signal transmitted to an aircraft either alone or in common with other aircraft or received from an aircraft by the air traffic control unit;
  - (2) ensure that the apparatus is in operation at all times when the equipment is being used in connection with the provision of a service provided for the purpose of facilitating the navigation of aircraft;
  - (3) ensure that each record made by the apparatus complies with Part B of the Appendix to CAR DOM.220;
  - (4) not cause or permit that apparatus to be used unless it is approved by the Director General; and
  - (5) comply with the terms of such an approval.
- (e) The Director General may, in considering whether or not to grant an approval, without limitation, have regard to the matters specified in Part C of the Appendix to CAR

DOM.220.

- (f) An approval may be granted;
- (1) in addition to any other conditions which may be imposed, subject to conditions relating to the matters to which the Director General may have had regard to under sub-paragraph (e);
- (2) in respect of one or more than one person or generally.
- (g) If any apparatus provided in compliance with sub-paragraph (b) or (c) ceases to be capable of recording the matters required by this regulation to be included in the records, the person required to provide that apparatus shall ensure that, so far as practicable, a record is kept which complies with Part B of the Appendix to CAR DOM.220 and on which the particulars specified therein are recorded together with, in the case of apparatus provided in compliance with sub-paragraph (b), a summary of voice communications exchanged between the aeronautical radio station and any aircraft.
- (h) If any apparatus provided in compliance with sub-paragraph (b) or (c) becomes unserviceable, the person in charge of the air traffic service equipment shall ensure that the apparatus is rendered serviceable again as soon as reasonably practicable.
- (i) The person in charge of any air traffic service equipment shall preserve any record made in compliance with sub-paragraph (d) or (g) for a period of 30 days from the date on which the terms or content of the message or signal were recorded or for such longer period as the Director General may in a particular case direct.
- (j) Subject to sub-paragraph (k), a person required by this regulation to preserve any record by reason of his being the person in charge of the air traffic service equipment shall, if he ceases to be such a person, continue to preserve the record as if he had not ceased to be such a person, and in the event of his death the duty to preserve the record shall fall upon his personal representative.
- (k) If another person becomes the person in charge of the air traffic service equipment the previous person in charge or his personal representative shall deliver the record to that other person on demand, and it shall be the duty of that other person to deal with any such record delivered to him as if he were the previous person in charge.
- (l) The person in charge of any air traffic service equipment shall, within a reasonable time after being requested to do so by an authorised person, produce any record required to be preserved under this regulation to that authorised person.
- (m) The provisions of this regulation shall not apply to any air traffic service equipment in

respect of which the Director General has made a direction that it shall be deemed not to be air traffic service equipment for the purposes of this regulation.

(n) This regulation does not apply to air traffic service equipment, associated apparatus or to aeronautical radio stations established or used by a member of MoD personnel.

(o) In these regulations;

“record” means (in addition to a record in writing);

(1) a disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);

(2) a film, tape or other device in which visual images are embodied so as to be capable of being reproduced from it (with or without the aid of some other instrument);

(3) a photograph.

#### **DOM.230 Instrument Flight Procedures**

(a) An instrument flight procedure within Gibraltar must not be notified unless that procedure has been designed or approved by the Director General.

(b) The Director General must not notify or approve an instrument flight procedure unless the Director General is satisfied that the procedure is safe for use by aircraft.

(c) Subject to sub- paragraph (e), the Director General may approve an instrument flight procedure where an application for approval of the procedure has been made.

(d) An applicant for approval of an instrument flight procedure must supply such evidence and reports as the Director General may require.

(e) The Director General is not obliged to accept an application for the approval of an instrument flight procedure where that application is not supported by a report submitted by a person approved under sub-paragraph (f).

(f) The Director General must grant an approval to submit reports supporting an application for approval of an instrument flight procedure if the Director General is satisfied that;

(1) the Authority has approved the applicant as a person competent to design an



instrument flight procedure that is safe for use by aircraft; or

- (2) the applicant is competent having regard to the applicant's organisation, staffing, equipment, knowledge, experience, competence, skill and other arrangements to design an instrument flight procedure that is safe for use by aircraft.
- (g) The applicant for an approval under sub-paragraph (f) must supply such evidence and undergo such examinations and tests and undertake such courses of training as the Director General may require.
- (h) For the purposes of this regulation, the Director General may subject to such conditions as the Director General thinks fit;
  - (1) approve any course of training;
  - (2) authorise a person to conduct such examinations or tests as the Director General may specify; and
  - (3) approve a person to provide any course of training.

### **Appendix to CAR DOM.220**

#### **Air Traffic Service Equipment — Records**

##### **1. PART A**

Records to be kept in accordance with CAR DOM.220(a);

- (a) A record of any functional tests, flight checks and particulars of any maintenance, repair, overhaul, replacement or modification.
- (b) Subject to paragraph (c), the record shall be kept in a legible or a non-legible form so long as the record is capable of being reproduced by the person required to keep the record in a legible form and it shall be so reproduced by that person if requested by an authorised person.
- (c) In any particular case the Authority may direct that the record is kept or be capable of being reproduced in such a form as it may specify.

##### **2. PART B**

Records to be kept in accordance with CAR DOM.220(d)(3);

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Each record made by the apparatus provided in compliance with regulation DOM.220(b) or (c) shall be adequately identified and in particular shall include;

- (a) the identification of the aeronautical radio station;
- (b) the date or dates on which the record was made;
- (c) a means of determining the time at which each message or signal was transmitted or received;
- (d) the identity of the aircraft to or from which and the radio frequency on which the message or signal was transmitted or received; and
- (e) the time at which the record started and finished.

**3. PART C**

Matters to which the Authority may have regard in granting an approval of apparatus in accordance with CAR DOM.220(e).

- (a) The purpose for which the apparatus is to be used.
- (b) The manner in which the apparatus has been specified and produced in relation to the purpose for which it is to be used.
- (c) The adequacy, in relation to the purpose for which the apparatus is to be used, of the operating parameters of the apparatus (if any).
- (d) The manner in which the apparatus has been or will be operated, installed, modified, maintained, repaired and overhauled.
- (e) The manner in which the apparatus has been or will be inspected.

**CHAPTER 3**

**GIBRALTAR AIRPORT**

**DOM.305 Noise and vibration caused by aircraft at the Gibraltar Airport**

- (a) Notwithstanding the Civil Aviation Act – 2024, Section 46, the Director General may prescribe the conditions under which noise and vibration may be caused by aircraft (including military aircraft) at the Gibraltar Airport; and such conditions may include

conditions in relation to noise and vibration caused in the manufacture, repair or maintenance of aircraft at the Gibraltar Airport.

- (b) The Director General shall not, under this regulation, prescribe conditions in accordance with sub-paragraph (a) in relation to military aircraft except with the prior approval of the Governor.

**DOM.310 Aviation Fuel at the Gibraltar Airport**

- (a) Subject to sub-paragraph (b), a person who has the management of any aviation fuel installation at the Gibraltar Airport shall not cause or permit any fuel to be delivered to that installation or from it to an aircraft unless;
- (1) when the aviation fuel is delivered into the installation he is satisfied that;
    - (i) the installation is capable of storing and dispensing the fuel so as not to render it unfit for use in aircraft;
    - (ii) the installation is marked in a manner appropriate to the grade of fuel stored or, if different grades are stored in different parts, each part is so marked; and
    - (iii) in the case of delivery into the installation or part thereof from a vehicle or vessel, the fuel has been sampled and is of a grade appropriate to that installation or that part of the installation as the case may be and is fit for use in aircraft; and
  - (2) when any aviation fuel is dispensed from the installation he is satisfied as the result of sampling that the fuel is fit for use in aircraft.
- (b) sub-paragraph (a) shall not apply in respect of fuel which has been removed from an aircraft and is intended for use in another aircraft operated by the same operator as the aircraft from which it has been removed.
- (c) A person to whom sub-paragraph (a) applies shall keep a written record in respect of each installation of which he has the management, which record shall include;
- (1) particulars of the grade and quantity of aviation fuel delivered and the date of delivery;
  - (2) particulars of all samples taken of the aviation fuel and of the results of tests of those samples; and

(3) particulars of the maintenance and cleaning of the installation,

and he shall preserve the written record for a period of 12 months or such longer period as the Director General may in a particular case direct and shall, within a reasonable time after being requested to do so by an authorised person, produce such record to that person.

- (d) A person shall not cause or permit any aviation fuel to be dispensed for use in an aircraft if he knows or has reason to believe that the aviation fuel is not fit for use in aircraft.
- (e) If it appears to the Director General or an authorised person that any aviation fuel is intended or likely to be delivered in contravention of any provision of this regulation, the Director General or that authorised person may direct the person having the management of the installation not to permit aviation fuel to be dispensed from that installation until the direction has been revoked by the Director General or by an authorised person.
- (f) In these regulations;
- a. “aviation fuel” means fuel intended for use in aircraft; and
- b. “aviation fuel installation” means any apparatus or container, including a vehicle, designed, manufactured or adapted for the storage of aviation fuel or for the delivery of such fuel to an aircraft.

**DOM.315 Restriction on carriage for valuable consideration**

- (a) An aircraft shall not take on board or discharge any passengers or cargo in Gibraltar where valuable consideration is given or promised in respect of the carriage of such persons or cargo unless;
- (1) where there is in place an agreement between His Majesty’s Government in the United Kingdom and the government of any other country, which, with the consent of the Government of Gibraltar, His Majesty’s Government has extended to apply to Gibraltar, in accordance with the permission granted pursuant to that agreement; or
- (2) in every other case, it does so with the permission of the Director General to the operator or charterer of the aircraft and in accordance with any conditions to which such permission is subject.
- (b) Any operator that is listed on the United Kingdom Safety List, maintained and amended

from time to time by the UK Secretary of State, shall not be permitted to take on board or discharge any passengers or cargo in Gibraltar.

- (c) The Director General may exercise the relevant permission granting powers set out in and in accordance with any international agreement referred to in sub-paragraph (a)(1) where those powers are delegated to the Director General by the relevant authority designated under that agreement.

- (d) In these regulations;

“valuable consideration” means any right, interest, profit or benefit, forbearance, detriment, loss or responsibility accruing, given, suffered or undertaken under an agreement, which is of more than a nominal nature;