

Policy Statement Number: 19

Subject: Foreign Operator Permits (FOPs)

Effective Date of Implementation: 29 July 2008

ASSI File Reference: UK/X/J/86/02 – Policy Statements

Rationale:

The AN(OT)O Article 135 requires that any aircraft not registered in the UK or one of the Territories shall not carry passengers or cargo (for 'valuable consideration') to, from or within any Territory without the permission of the Secretary of State. The powers of the Secretary of State are, in practice, discharged by DfT officials and may be delegated to the Governor subject to 'general guidelines or specific conditions' (Article 135(3)).

The Foreign Operator Permit (FOP) addresses both the economic and market access issues and the safety issues. DfT apply a general condition to FOPs to require the operator to conform to ICAO SARPs and applicable parts of the AN(OT)O. DfT wish to consult routinely with ASSI and/or DCAs to receive advice regarding the acceptability of the level of compliance with the Order and the SARPs achieved (or likely to be achieved) by a particular operator. ASSI, as a wholly-owned subsidiary of the CAA, provides advice whenever requested by DfT.

This policy covers technical and safety advice provided to assist in the determination of an application for issue or renewal, and the ongoing monitoring of, FOPs.

Policy Statements:

1. ASSI will respond to requests for comments on an application for a FOP within 5 days unless external research is required – whereupon it will aim to respond within 10 days. Some applicants may request a shorter timescale than would permit these time limits. In this case, the company will do its best to respond within the requested time.
2. On completion of the necessary research, ASSI will advise DfT that there are no technical or safety objections to the granting of the permit, or, where there are objections, detail the reasons for the objections and recommend that the permit be withheld.
3. Any recommendation from ASSI to DfT for the refusal, suspension, variation or revocation of a FOP will result only from the failure, or likely failure, of an operator to meet ICAO SARPs or the relevant provisions of the Order. Any such recommendation requires the approval of the CEO, COO or MPQS prior to submission to DfT.
4. At any time during the currency of such a permission (and, in particular, whenever information is received which may indicate that the operator is not achieving compliance with the SARPs or applicable parts of the AN(OT)O), ASSI or DCA may undertake ramp checks, or such other checks as may be appropriate, such as under Article 117 Production of documents and records. Reports of ramp checks will be provided to DfT, along with recommendations, if any change to the original permission is proposed, in accordance with the SAFA ramp check procedure. In the case of safety findings, this will be as soon as practicable and, in any case, within 12 hours of the check.
5. Where a Governor holds delegated responsibility for FOPs, then ASSI and/or DCA shall afford the same support to the Governor as that provided to DfT (if so requested) and, in such a case, references to DfT in this Policy Statement shall be interpreted as a reference to the Governor.