



OVERSEAS TERRITORIES AVIATION REQUIREMENTS (OTARs)

Part 21

CERTIFICATION OF AIRCRAFT

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Revisions

OTAR Issue	Subject
Issue 1	First issue published for information.
Issue 2	Second issue released for information.
Issue 3	Third issue released for gazetting with minor editorial changes.
Issue 4	Change of title, addition of paragraph 21.175(c), 21.183(a)(5), weight break at 21.703 (b), reorder of Subpart E and editorial and terminology changes throughout.
Issue 5	<p>21.71, Change to wording in line with the AN(OT)O and minor editorial changes. Clarification on the OTAA approval process for design changes and minor repairs.</p> <p>21.73, Clarification of the requirements for NAA and OTAA approval of major design changes.</p> <p>21.75 Acceptance of NAA procedures including those with bi-laterals and indirect approval for minor design changes.</p> <p>21.79 Clarification on the acceptance of design change on import.</p> <p>21.81 New paragraph on the acceptance of service bulletins.</p> <p>21.175 Expansion of the acceptance of Export C of A's. 21.303 Clarification of acceptance of new parts.</p> <p>21.433 Clarification of the acceptance of major repairs from Type Certificate Holders.</p> <p>21.435 Clarification on the approval of minor repairs in accordance with NAA procedures.</p>
Issue 6	<p>21.3 Definitions: Deletion of 'Permit Airworthiness Release Certificate'. Addition of 'Temporary' and 'Permanent' Permits to Fly definitions. Addition of 'Validity' and 'In force' definitions with regards to certificates of airworthiness. Added definitions of 'Alteration' and 'Critical Component'.</p> <p>Subpart P Issue and renewal of Permits to Fly. Clarification of the responsibilities and requirements for the application and issue of 'Temporary' and 'Permanent' Permits to Fly. Deletion of the need for an Airworthiness Release Certificate and reference to the Airworthiness Review Report.</p> <p>21.75 Clarification regarding the specific NAA accepted procedures.</p> <p>21.83 Acceptance on FAA Field approvals added.</p> <p>Subpart K. Requirements for the acceptance of PMA parts added.</p> <p>21.303 clarified applicable to new or used.</p> <p>21.435 Acceptance of Type Certificate Holders approved minor repairs schemes.</p> <p>21.715 Persons or organisations authorised to issue Flight Release Certificates.</p> <p>21.717 The requirement for an Airworthiness Review report</p>
Issue 7	Removal of most definitions to avoid duplication with OTAR Part 1. Simplification of process for acceptance of Design Changes in Subpart C and repairs in Subpart M. Change of ASSI's address. Minor editorial changes to aid clarity.

OTAR Issue	Subject
Issue 8	<p>21.3 Definitions of Certificate of Airworthiness validity and in force amended to align with AN(OT)O interpretation and ICAO Annex 8 SARPs.</p> <p>Definition of Special Flight Permit added to align amended 21.701 terms with AN(OT)O Article 28.</p> <p>21.183 Clarification of meaning of when a certificate of airworthiness remains in force to align with amended 21.3.</p> <p>21.25(a)(2) Type Acceptance Certificate evidence requirement changed to include the acceptance of Type Certificates issued by the Agência Nacional de Aviação Civil (ANAC) of Brazil.</p> <p>21.21(a), 21.73(a)(1) to (4), 21.81(a), 21.175(a)(6)(i)&(2) and 21.175(b) References to 21.25(a)(1) amended to include reference to 21.25(a)(2) for acceptance of Brazilian Type Design Authority as per 21.25(a).</p> <p>21.303(a)(3) New paragraph added, acceptance of new parts from ANAC Brazil for aircraft under 21.25(a)(2).</p> <p>21.71(a), 21.73(a)(4) Change to the process to permit the acceptance of Minor modifications approved under the processes of an NAA who is not the stated NAA on the OTAA Type Acceptance Certificate.</p> <p>21.325(c) New paragraph added, the issue of an Export C of A when transferring aircraft between OT's now optional, subject to the agreement of the OTAA's concerned.</p> <p>21.701 Permit to Fly procedures changed to Introduce a Special Flight Permit category to align with AN(OT)O interpretation and ICAO Annex 8 SARPs.21.703(a) & (b) Permit to Fly procedures changed to Introduce Special Flight Permit category as per 21.701. Para 21.703(c) deleted, no longer required.21.705(a),(b) & (c) Permit to Fly procedures changed to Introduce Special Flight Permit category.</p> <p>21.707(a), (b) & (c), 21.711 & 21.715 Permit to Fly procedures changed to Introduce Special Flight Permit category.</p> <p>21.303(b) New paragraph to permit a OTAR Part 145 Organisation to fabricate a restricted range of parts to be used in the course of undergoing work within its own facilities as permitted by the Governor.</p>
Issue 9	<p>21.25(a)(1) Type Acceptance Certificate evidence requirement changed to include the acceptance of Type Certificates or equivalent documents issued by the UK Civil Aviation Authority (following UK withdrawal from the European Union).</p> <p>21.175(a)(6)(iii) New para added for the case of an aircraft being imported where an Export Certificate of Airworthiness is not available, an airworthiness review may be accepted in place of (6)(i) or (6)(ii).</p> <p>21.303(a)(2) Paragraph deleted, requirements of an active bilateral agreement not necessary.</p>

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Subpart A — General

21.1 Purpose

- (a) This Part details requirements governing the issue of a Type Acceptance Certificate, Certificate of Airworthiness, Permit to Fly and Export Certificate of Airworthiness. It also covers the requirements for the issue of documents for the design, certification, modification and repair of aircraft, aircraft engines, propellers, components, and appliances to permit their use in aircraft registered in the Territory and including documentation for the export of such aircraft.
- (b) These Requirements are not in themselves Law. Failure to comply may not constitute an offence. However, the Requirements repeat or reproduce many of the provisions of the Air Navigation (Overseas Territories) Order (“the Order”). Therefore, failure to comply with these Requirements may:
 - (1) Constitute a breach of the Order; and
 - (2) Result in proceedings for breaches of the Order; or
 - (3) Result in the refusal of an application for renewal of a certificate or licence; or
 - (4) Result in action to suspend or revoke a certificate or licence.
- (c) The Order details the legal obligations governing the issue of a Type Acceptance Certificate, Certificate of Airworthiness, Permit to Fly and other matters relating to the airworthiness of Territory registered aircraft. The Order specifies these obligations in rather general terms, therefore there is a provision in the Order which requires the Governor to publish Requirements to augment, amplify and detail more precisely the manner in which these obligations shall be met. The Order also permits the Governor to issue and published in respect of the operation and safety of aircraft and the safety of persons and property carried therein. The Requirements are the means by which the operator or approved organisation will be able to satisfy the Governor as to the fulfilment of its obligations in respect of the operation and maintenance of an aircraft or their entitlement to hold a certificate, licence or approval or the entitlement of the holder to hold and exercise the privileges of a certificate, licence or approval.
- (d) The issue of a licence, certificate or approval indicates only that the holder is considered competent to secure the safe operation or maintenance of aircraft. The possession of a Certificate or Permit does not relieve the operator, owner of an aircraft or the pilot-in-command from the responsibility for compliance with the Order and any other legislation in force. Neither does it relieve them of their responsibility for the safe conduct of any particular flight, as the ultimate responsibility for the safety of flight operations always rests with the operator and the pilot-in-command.
- (e) Other OTAR Parts may impinge upon activities conducted under this Part. In particular, Part 1 contains definitions which apply, unless otherwise stated, to all Parts. A full list of OTAR Parts, a description of the legislative structure and the place of OTARs and Overseas Territory Aviation Circulars (OTACs)

within it can be viewed on the ASSI website www.airsafety.aero. OTACs relevant to this Part can be viewed at:

<http://www.airsafety.aero/Requirements-and-Policy/OTACs.aspx>.

- (f) References to the Governor in this OTAR Part mean the regulator designated by the Governor of the Territory to exercise his functions under the Order.

21.3 Definitions

Definitions, in the context of this Part of the OTARs shall have the meanings listed in OTAR Part 1 (Definitions, Abbreviations and Units of Measurement); except that:

With regard to Certificates of Airworthiness:

Validity refers to the certification conditions which an aircraft must meet and the periodicity of which a Certificate of Airworthiness is considered valid. It does not constitute an authority for flight unless the aircraft meets all the flight conditions of the valid C of A.

In force describes where a Certificate of Airworthiness, unless surrendered, suspended or cancelled, will be considered to be in force so long as the aircraft continues to meet the conditions to which the C of A was issued.

Special Flight Permit refers to a specific permission for an aircraft to fly in State airspace, where its valid Certificate of Airworthiness or Permit to Fly is not in force for that flight or series of flights. For the purposes of Article 28 of the Order, a Special Flight Permit may be considered as a type of Permit to Fly issued by the Governor.

21.5 State of registry responsibilities

- (a) The owner or, where it is leased, the lessee of an aircraft registered in the Territory shall notify the Governor of any known unsafe condition in accordance with provisions contained in OTAR Part 13.
- (b) If it is found through service experience that changes to the Type Certificate or the Type Acceptance Certificate will contribute to the safety of the aircraft, the Governor will notify the State of Type Certification for the aircraft; and
- (1) upon receipt of an associated report from the State of Type Certification make any appropriate changes to the Type Acceptance Certificate; and
 - (2) upon approval of any design change or inspection requirement by the State of Type Design, promulgate as a mandatory requirement data covering the change to all operators of the aircraft on the Territory register.

Subpart B — Type Acceptance Certificates

21.11 Purpose

This Subpart details requirements governing the issue of a Type Acceptance Certificate for complete aircraft. The Certificate granted by the Governor confirms specific type design acceptance to the type certificate holder and is a prerequisite for the issue of a Certificate of Airworthiness for an aircraft registered in the Territory.

21.13 Applicability

Unless otherwise stated the airworthiness standards prescribed in this Subpart apply to all aircraft with Certificates of Airworthiness issued by the Governor.

21.15 Application for a Certificate

An applicant for the grant of a Type Acceptance Certificate for an aircraft type shall apply to the Governor in writing, providing the following information:

- (a) the name and address of the applicant; and
- (b) full details of the aircraft and Type Certificate for which acceptance is required; and
- (c) any other information required by this Subpart.

21.17 Issue of Certificates

- (a) A Type Acceptance Certificate for an aircraft type may be issued if:
 - (1) the applicant demonstrates compliance with the applicable certification requirements in paragraph 21.23 and paragraph 21.25 in a manner acceptable to the Governor; and
 - (2) the granting of the certificate is not contrary to the interests of aviation safety.
- (b) A Type Acceptance Certificate may be granted to an aircraft type, model or series or to a limited range of serial numbers of an aircraft.

21.19 Airworthiness conditions

- (a) It is a condition of Type Acceptance that the additional continued airworthiness instructions issued by the State of Type Certification to improve the airworthiness of the aircraft shall be complied with.

- (b) Additional special conditions for the aircraft may be prescribed to establish a level of safety equivalent to the airworthiness design standards specified in paragraph 21.25 if the Governor determines that standards do not contain adequate or appropriate safety levels because:
 - (1) the aircraft has novel or unusual design features relative to the design practices on which the applicable airworthiness design standards are based; or
 - (2) the intended use of the aircraft is unconventional.

21.21 Duration of Certificate

A Type Acceptance Certificate shall remain in force until it is varied, suspended or revoked provided that:

- (a) the foreign Type Design Type Certificate identified in compliance with paragraph 21.25(a) and referenced on the Type Acceptance Certificate remains valid; and
- (b) the Type Certificate holder continues to supply information to the Governor to support continued airworthiness of the aircraft covered by the Type Acceptance Certificate.

21.23 Type acceptance airworthiness requirements

An applicant for the grant of a Type Acceptance Certificate for an aircraft type shall provide the Governor with evidence that:

- (a) the aircraft type meets the applicable airworthiness design standards effective at the date assigned in the foreign Type Certificate, or equivalent document, unless another date is specified by the Governor; and
- (b) the aircraft type meets any special conditions imposed under the foreign Type Certification or prescribed by the Governor under paragraph 21.19(b); or
- (c) any airworthiness requirements not complied with under paragraph (a) or (b) are compensated for by factors providing an equivalent level of safety; and
- (d) no feature or characteristic of the aircraft type makes it unsafe for its intended use.

21.25 Type acceptance data requirements

- (a) An applicant for the grant of a Type Acceptance Certificate for an aircraft type shall provide the Governor with evidence that:
 - (1) the Type Design has been approved by the Federal Aviation Administration (FAA) of the United States, Transport Canada, the European Aviation Safety Agency (EASA) or the UK Civil Aviation Authority, by the issue of a Type Certificate or equivalent document; or

- (2) the Type Design has been approved by the Agência Nacional de Aviação Civil (ANAC) of Brazil by the issue of a Type Certificate and the aircraft type has previously had a Type Certificate issued or validated by an NAA listed in paragraph 21.25(a)(1); and
 - (3) the Type Certificate is currently considered valid by the issuing State's airworthiness authority; and
 - (4) the aircraft complies with OTAR Part 36.
- (b) The applicant shall make available to the Governor on request:
- (1) the maintenance manual or instructions for continued airworthiness for the aircraft; and
 - (2) all service information and its amendments issued by the Type Certificate holder of the aircraft, aircraft engine and propeller; and
 - (3) the aircraft flight manual, MMEL, CDL and any applicable weight balance manual; and
 - (4) any other applicable operational certification data.

Subpart C — Design Changes

21.71 Purpose

- (a) The Order requires that design changes are completed in a manner approved by the Governor. This Subpart details the requirements for the approval of design changes and repairs.
- (b) The approval of the installation of a design change by the Governor is a single process based on the acceptance of the certification process by an NAA specified in paragraph 21.25(a)(1). The design change approval process is therefore similar, irrespective of whether the actual design change is classified as MINOR or MAJOR by the applicable NAA in 21.25(a).
- (c) The applicant for a design change shall provide all the necessary substantiation data of the design change to the Governor.

21.73 Design change approval process

- (a) The applicant for approval of a design change to an aircraft shall demonstrate to the satisfaction of the Governor that the design change:
 - (1) has been certified, approved or accepted by an NAA specified in paragraph 21.25(a) that issued the type certificate identified on the Type Acceptance Certificate, against which the C of A for the aircraft has been issued; or
 - (2) has been certified, approved or accepted by an NAA specified in paragraph 21.25(a) that is not the issuing state of the Type Certificate identified on the Type Acceptance Certificate against which the C of A for the aircraft was issued **and** has been declared to comply with the applicable Type Certification standards identified on the Type Acceptance Certificate for the aircraft by a suitably approved design organisation or individual; or
 - (3) through bilateral agreement has been certified, approved or accepted by the NAA specified in paragraph 21.25(a) that issued the type certificate identified on the Type Acceptance Certificate against which the C of A for the aircraft has been issued; or
 - (4) for design changes that have been certified, approved or accepted using the processes of and classified as Minor by an NAA specified in paragraph 21.25(a) that is not the issuing state of the Type Certificate identified on the Type Acceptance Certificate against which the C of A for the aircraft was issued.
- (b) The applicant for approval of the design change shall provide the following information in a manner acceptable to the Governor:
 - (1) sufficient technical evidence to demonstrate that the design change certification standard complies with the Type Acceptance Certificate against which the Certificate of Airworthiness was granted or sufficient technical evidence to establish compliance with the Type Certification basis of the aircraft; and

- (2) appropriate documentation and substantiating data for the design change; and
- (3) sufficient technical evidence of the applicability of the design change to the aircraft; and
- (4) a declaration of interoperability and compatibility with the existing type design and repair status of the aircraft by an organisation or individual acceptable to the Governor; and
- (5) if applicable, a statement of compliance with the requirements of the Air Navigation (Overseas Territories) (Environmental Standards) Order in respect of the design change; and
- (6) continued airworthiness information for the design change or repair and its integration into the appropriate maintenance programme; and
- (7) when reference is made to a bilateral agreement with an NAA not specified in paragraph 21.25(a)(1), sufficient information and specific reference to identify the clause of the agreement that permits the approval or acceptance of the design change.

21.77 Continued airworthiness responsibilities

- (a) The organisation under which the statement of compliance for a design change was issued shall undertake the continued airworthiness responsibilities required in respect of the change.
- (b) Any issues of continued airworthiness including those initiated by a design change shall be reported to the Governor and the organisation responsible for the design.

21.79 Acceptance of design changes by the issue of a Certificate of Airworthiness

- (a) When an aircraft is first transferred to a Territory register individual approval of each design change embodied on that aircraft is not required. All such design changes may therefore be accepted by the issue of a Certificate of Airworthiness for that aircraft provided that:
 - (1) the design change is recorded in the maintenance records for the aircraft at the time of initial issue of the Certificate of Airworthiness; and
 - (2) there is evidence that the design change meets the applicable airworthiness requirements; and
 - (3) the transfer document or Certificate of Airworthiness for Export encompasses all such design changes incorporated on the aircraft.
- (b) Acceptance of a design change under paragraph 21.79(a) applies only to the change embodied on the individual aircraft for which the Certificate of Airworthiness has been issued.

21.81 Service Bulletins

A design change covered by the issue of a Service Bulletin or equivalent document issued by the Type Certificate Holder is deemed to be approved by the Governor provided that:

- (a) the design change is approved by an NAA specified in paragraph 21.25(a) to the applicable Type Certification standards identified on the Type Acceptance Certificate for the aircraft; and
- (b) there is sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft; and
- (c) continued airworthiness information for design changes and repairs is available and integrated into the appropriate maintenance programme.

Subpart E — Certificates of Airworthiness

21.171 Purpose

This Subpart details requirements governing the airworthiness certification of aircraft.

21.173 Certification standard

- (a) Certificates of Airworthiness issued under this Subpart are based on the airworthiness standards of the applicable Type Acceptance Certificate.
- (b) A Certificate of Airworthiness issued under this Subpart may contain operating conditions and limitations.
- (c) An Aircraft Flight Manual approved by the State of Type Certification is associated with and forms part of the Certificate of Airworthiness.

21.175 Application for a Certificate of Airworthiness

- (a) The applicant for the grant of a certificate of airworthiness shall provide, to the satisfaction of the Governor, evidence that:
 - (1) the aircraft conforms to an applicable Type Acceptance Certificate issued under Subpart B; and
 - (2) each design change and repair to the aircraft conforms to design changes as required by Subpart C; and
 - (3) the aircraft complies with any applicable airworthiness directives required to be complied with under OTAR Part 39 Subpart C; and
 - (4) the aircraft is issued with the appropriate flight manual that is current for the type and model and which includes limitations, identifies any required placards, supplements and appendices as required by the aircraft design standard; and
 - (5) the aircraft's maintenance and continued airworthiness records are complete and up-to-date and maintained in accordance with OTAR Part 43 Subpart B and OTAR Part 39 Subpart D; and
 - (6) either:
 - (i) a valid Export Certificate of Airworthiness, equivalent document has been issued by an NAA specified in paragraph 21.25(a); or
 - (ii) a valid Export Certificate of Airworthiness or equivalent document has been issued by an NAA, other than one identified in paragraph 21.25(a), listing any deviations from the FAA, Transport Canada or EASA TC standard as applicable together with the verification of compliance with the applicable TC Standard by an accepted approved organisation or person. An

Aircraft Airworthiness Review may also be required in accordance with paragraph 21.175(b) to verify the TC Standard and any accepted deviations if determined by the Governor; and

- (iii) In the case of an aircraft being imported where an Export Certificate of Airworthiness is not available, an Airworthiness Review that confirms the aircraft's conformity with the approved type design and its acceptable airworthiness status, performed by an organisation acceptable to the Importing State Authority, may be accepted in place of (6)(i) or (6)(ii).
 - (7) the aircraft is appropriately registered in the Territory and displays nationality and registration marks in accordance with OTAR Part 47; and
 - (8) the aircraft and its components are identified by the means specified in the Type Design standards or are acceptable to the Governor; and
 - (9) the aircraft has undergone a maintenance inspection, acceptable to the Governor, that is based on:
 - (i) a routine inspection in accordance with the manufacturer's maintenance programme; or
 - (ii) a scheduled inspection in accordance with the maintenance programme of an air transport operator certified by an ICAO contracting State; or
 - (iii) an equivalent inspection acceptable to the Governor; and
 - (iv) a bridging check to a maintenance programme approved by the Governor and accomplished in a manner acceptable to the Governor; and
 - (10) the aircraft is, or has been, weighed for Certificate of Airworthiness issue in a manner and thereafter at intervals prescribed in OTAR Part 39 Subpart D; and
 - (11) any check flight prescribed by the Governor is undertaken and evaluated for acceptability.
- (b) The Governor may require an Aircraft Airworthiness Review to determine the aircraft's build, modification and repair standard to be conducted by an appropriately approved OTAR Part 39 organisation or an organisation having an appropriate design approval granted by a NAA identified in paragraph 21.25(a)(1).
 - (c) The aircraft shall be made available and the records presented for inspection at a location or locations acceptable to the Governor.
 - (d) A prescribed airworthiness status report acceptable to the Governor shall be completed and presented by an organisation approved in accordance with OTAR Part 39.

21.179 Issue of Certificate of Airworthiness

- (a) An applicant is entitled to a Certificate of Airworthiness for an aircraft when the Governor is satisfied that:
 - (1) the applicant has demonstrated that the aircraft complies with the relevant Type Acceptance Certificate; and
 - (2) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Governor; and
 - (3) the granting of the certificate is not contrary to the interests of aviation safety; and
 - (4) any airworthiness review required by paragraph 21.175(b) has been accomplished and the results are satisfactory to the Governor.
- (b) The Certificate of Airworthiness is formatted in compliance with ICAO Annex 8, Part 2 Chapter 3 and is in the English language.

21.181 Reissue of Certificate of Airworthiness

- (a) The applicant for the reissue of a certificate of airworthiness shall provide, to the satisfaction of the Governor, evidence that the aircraft continues to meet the applicable requirements of this OTAR Part in a manner acceptable to the Governor.
- (b) If the application for the reissue of a Certificate of Airworthiness is made within 60 days before the expiry date of the certificate, it may be reissued from the date of expiry subject to all the criteria for reissue being met and the circumstances of the application.
- (c) If the application for the reissue of a Certificate of Airworthiness is made more than 60 days before the expiry of the certificate or if the investigations necessary continue beyond the expiry date, the certificate will be reissued from the date all applicable criteria are met.

21.183 Certificate of Airworthiness in force

- (a) A certificate of airworthiness will be valid for a maximum period of twelve months from the date of issue or re-issue unless it is suspended or revoked and will remain in force provided that:
 - (1) the aircraft remains registered in the Territory; and
 - (2) the Type Acceptance Certificate remains in force; and
 - (3) the aircraft is maintained in accordance with the applicable approved maintenance programme, any additional airworthiness requirements and appropriate requirements specified in OTAR Part 39 Subparts C and D; and
 - (4) the aircraft has not sustained damage beyond the limits specified in approved data; and

- (5) the aircraft is maintained in accordance with promulgated continued airworthiness instructions to improve airworthiness by the State of type certification as required by paragraph 21.19(a); and
 - (6) the aircraft, including appliances, emergency equipment and operational equipment, is maintained in an airworthy condition.
- (b) The holder of a Certificate of Airworthiness that is revoked or suspended shall immediately surrender the Certificate to the Governor.

Subpart K — Materials, Parts, Components and Appliances

21.301 Purpose

This Subpart details requirements for the acceptance of materials, parts, components and appliances.

21.303 Replacement and modification of parts, components and appliances

- (a) A replacement or the design change of a new or used part, component or appliance to be installed in an aircraft registered in the Territory shall conform to the certification standards of the applicable Type Acceptance Certificate and any applicable Supplemental Type Certificate and:
 - (1) be supported by an authorised internationally-accepted release certificate issued by an organisation approved by an NAA listed in paragraph 21.25(a)(1); or
 - (2) for new parts and appliances only, in the case of an aircraft whose TAC was issued on the basis of a Type Certificate issued by ANAC, supported by a release certificate issued by an organisation approved by ANAC.
- (b) An organisation may fabricate a restricted range of parts to be used in the course of undergoing work within its own facilities in a manner acceptable to the Governor.

21.305 Materials

Materials to be utilised for the repair, replacement and design change of an aircraft registered in the Territory shall be:

- (a) of a specification specified in approved data; and
- (b) in conformance with any Type Certificate Holders criteria; and
- (c) Obtained from an approved supplier and accompanied by an accredited release certificate.

21.307 Parts Manufacturer Approval (PMA)

PMA parts may be accepted for modification and/or replacement parts for installation on a Territory registered aircraft if:

- (a) the PMA part is not a “critical component”; or
- (b) the PMA part conforms to design data obtained under a licensing agreement from the TC or STC holder; or
- (c) the PMA holder is the holder of an STC which incorporates the PMA part.

Subpart L — Export Certificate of Airworthiness

21.321 Purpose

This Subpart details:

- (a) the requirements for the issue of an Export Certificate of Airworthiness; and
- (b) the responsibilities of the holders of an Export Certificate of Airworthiness.

21.325 Export Certificate of Airworthiness

- (a) An Export Certificate of Airworthiness issued under this Subpart for an aircraft shall be in the format required by the Governor.
- (b) The issue of an Export Certificate of Airworthiness does not authorise the aircraft for flight.
- (c) For aircraft transferred from the register of one Territory to that of another Territory, an Export Certificate of Airworthiness is optional, subject to the exporting Territory Authority declaring the design certification standard to which the aircraft complies, stating any deviations and supplying a copy of the original importing documentation.

21.327 Export Certificate of Airworthiness deviations

Provided that the applicant for an Export Certificate of Airworthiness provides a written statement from the NAA of the State of the importer, in accordance with paragraph 21.333(b), an Export Certificate of Airworthiness may be issued with a deviation listing:

- (a) the requirements of this Subpart that have not been met; and
- (b) any differences in configuration between the exported aircraft and the type accepted aircraft.

21.329 Applicant eligibility

The applicant for an Export Certificate of Airworthiness shall be the owner of the aircraft or a person authorised by the owner.

21.331 Application for Export Certificate of Airworthiness

- (a) Each applicant to the Governor for an Export Certificate of Airworthiness shall satisfy and provide satisfactory evidence of the following:
 - (1) the name and address of the applicant; and
 - (2) that the aircraft conforms to a type design acceptable to the State of Import; and

- (3) that the State of Import formally accepts any deviations to certification standards to be listed on the certificate; and
 - (4) the aircraft possesses, or could qualify for, a Certificate of Airworthiness under Subpart E of this OTAR Part; and
 - (5) the aircraft is issued with the appropriate flight manual; and
 - (6) the aircraft is issued with any applicable Noise Certificate in accordance with OTAR Part 36; and
 - (7) a weight and balance report has been completed, with a loading schedule where applicable; and
 - (8) the aircraft has undergone a routine maintenance inspection in accordance with the approved maintenance programme, or an equivalent inspection acceptable to the Governor; and
 - (9) any flight check required by the Governor has been carried out and the aircraft handling and systems conform to the approved flight manual; and
 - (10) the applicable airworthiness directives have been complied with; and
 - (11) up-to-date and complete logbooks, design change and repair records, and other such historical records required to support the continued airworthiness of the aircraft; and
 - (12) a description of any methods used, including the method's duration of effectiveness, for the preservation and packaging of aircraft to protect them against corrosion and damage while in transit or storage; and
 - (13) details of any special instructions for inspection, maintenance and operation for the aircraft; and
 - (14) supporting documentation for any variances to this Subpart; and
 - (15) such further particulars relating to the aircraft and applicant as may be required by the Governor.
- (b) Any programmed transponder with a code allocated by the Territory shall be recorded in the aircraft logbook pending re-allocation by the new State of Registry.
- (c) Any coded emergency locator transmitter registered with the Territory shall be recorded in the aircraft logbook pending re-registration by the new State of Registry.
- (d) The applicant shall make the aircraft and associated data available for any inspections as the Governor may require.

21.333 Issue of Export Certificate of Airworthiness

The applicant for the grant of an export certificate of airworthiness shall provide, to the satisfaction of the Governor, evidence that:

- (a) the applicant meets the applicable requirements of this Subpart in a manner acceptable to the Governor; and
- (b) the granting of the Certificate is not contrary to the interests of aviation safety.

21.335 Validity of Export Certificate of Airworthiness

An Export Certificate of Airworthiness issued under this Subpart is valid at the date of issue but the importing State is responsible for determining the period for which it will accept it as valid.

Subpart M — Repairs

21.431 Purpose

This Subpart details requirements for the approval and design and recording of repairs.

21.433 Repairs

- (a) A repair that is not covered by existing approved maintenance data shall be designed and subject to approval as a design change in accordance with Subpart C of this OTAR Part.
- (b) A Type Certificate holder's approved repair scheme is considered to be approved maintenance data and therefore does not need further approval by the Governor.
- (c) The installer of a Type Certificate holder's repair scheme shall ensure that:
 - (1) there is sufficient technical evidence of interoperability and compatibility with the existing type design and repair status of the aircraft; and
 - (2) any continued airworthiness information for a repair scheme is available and integrated into the appropriate maintenance programme.

21.437 Continued airworthiness requirements

- (a) An accomplished repair that, by design, requires continued inspection or further work shall be recorded in the aircraft records in a manner acceptable to the Governor.
- (b) Any continued airworthiness requirements associated with an accomplished repair shall be integrated into the approved Maintenance Programme for the aircraft.
- (c) Details of accomplished repairs and continued airworthiness instructions shall be recorded in accordance with OTAR Part 39 Subpart D.

Subpart P — Issue and renewal of Permits to Fly and Special Flight Permits

21.701 Purpose

This Subpart details the requirements for the issue and renewal of a Permit to Fly and Special Flight Permits.

21.703 Applicability

Subject to paragraph 21.705, Permits may be issued in the following circumstances:

- (a) a Permit to Fly, to the owner or operator of any aircraft registered in the Territory, of less than 800 kg MTOM:
 - (1) that does not qualify for the issue of a Certificate of Airworthiness as specified in Subpart E of this OTAR Part; and
 - (2) where the aircraft or aircraft design has been previously certified for flight by an NAA identified in paragraph 21.25(a)(1); or
- (b) a Special Flight Permit, to the owner or operator of any aircraft whose Certificate of Airworthiness or Permit to Fly is not issued or in force due to temporary non-compliance with airworthiness design or continuing airworthiness or maintenance requirements.

21.705 Issue of Permit to Fly or Special Flight Permit

- (a) In respect of paragraph 21.703(a), a Permit to Fly may be granted for the purpose of flying the aircraft within the Territory of Registry subject to the Governor being satisfied following an application being made containing:
 - (1) a description of the aircraft with copies of previous certifications granted; and
 - (2) details of the maintenance arrangements proposed; and
 - (3) details of the experience and qualifications of a person to issue a maintenance release and permit flight release certificate.
- (b) In respect of paragraph 21.703(b), a Special Permit to Fly may be granted to the operator or owner of any aircraft, provided that:
 - (1) for an aircraft registered in the Territory, the operator or owner provides sufficient technical justification via the services of an appropriately approved OTAR Part 39 organisation or person authorised by the Governor, for the intended flight or journey; and

- (2) for an aircraft not registered in the Territory, the operator or owner provides sufficient technical justification via a special permit to fly or equivalent document issued under the control of the aircraft's State of Registry airworthiness authority; and
 - (3) appropriate limitations are prescribed to minimize hazards to persons or property and the flight conducted so as to avoid areas where flights might create hazardous exposure.
- (c) In respect of an aircraft described in paragraph 21.703(b), a Special Flight Permit may also be issued for a period required for a flight test programme, provided that the flight(s) are conducted under the control of an organisation appropriately approved to undertake flight testing for the particular modification and to a flight test programme approved by a body identified in paragraph 21.25(a).

21.707 Duration of Permit to Fly and Special Flight Permit

- (a) A Permit to Fly issued according to paragraph 21.703(a) shall be valid for a period specified by the Governor not exceeding 12 months.
- (b) A Special Flight Permit issued according to paragraph 21.703(b) shall be valid for the minimum period required to undertake the intended journey(s).
- (c) A Special Flight Permit issued according to paragraph 21.705(c) shall be valid for a period not exceeding that specified on it but it shall cease to be valid on completion of the flight test programme that is under the control of the organisation identified in 21.705(c).

21.709 Renewal of Permit to Fly and Special Flight Permit

A Permit may be renewed subject to the Governor remaining satisfied by investigation that the aircraft continues to meet the requirements for issue.

21.711 Conditions of Permit to Fly and Special Flight Permit

The conditions specified by the Governor on a Permit shall be complied with.

21.713 Maintenance arrangements

Appropriate maintenance arrangements shall be in place to the satisfaction of the Governor. The requirements of OTAR Part 145 for maintenance organisations and OTAR Part 43 Subpart D for authorised persons shall be satisfied as appropriate.

21.715 Flight release certificates

When specified as a condition on the Permit to Fly or Special Flight Permit, the issue of a Permit Flight Release Certificate shall be certified by a person or organisation authorised by the Governor to do so.

21.717 Airworthiness Review Report

An Aircraft Airworthiness Review Report, as described in paragraph 21.175(b), may be required to support the application for a Permit to Fly if the Governor considers that the history or build standard of the aircraft needs further investigation.

Subpart Q — Identification of Aircraft and Parts

21.801 Purpose

This Subpart details requirements governing the identification of:

- (a) Aircraft, aircraft engines and propellers; and
- (b) component parts; and
- (c) parts subject to design change.

21.803 Alteration and replacement of identification information

Any alteration to or replacement of identification information shall be accomplished only in accordance with design change data approved by the Governor.

END