

United Kingdom Overseas Territories Aviation Circular

OTAC 21-10

91-9

119-13

121-13

125-11

135-13

Special Flight Permits

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GENERAL

Overseas Territories Aviation Circulars are issued to provide advice, guidance and information on standards, practices and procedures necessary to support Overseas Territory Aviation Requirements. They are not in themselves law but may amplify a provision of the Air Navigation (Overseas Territories) Order or provide practical guidance on meeting a requirement contained in the Overseas Territories Aviation Requirements.

Organisations should ensure that an appropriate system of communication is in place within their company so that information contained within OTACs is notified promptly to those individuals that need to be advised.

PURPOSE

This OTAC details the arrangement an aircraft owner or operator should carry out in order to make an application to the Overseas Territories Aviation Authority (OTAA) for a Permit to Fly to operate an aircraft where the Certificate of Airworthiness is no longer in force due to an altered configuration or deviation from approved data and or requirements.

RELATED REQUIREMENTS

This Circular relates to OTAR Parts 21, 91, 119, 121, 125 and 135.

CHANGE INFORMATION

Amendment of terminology “Temporary Permit to Fly” to “Special Flight Permit” and updating of validity, in force and limitations in line with ICAO Annex 8.

ENQUIRIES

Enquiries regarding the content of this Circular should be addressed to Air Safety Support International at the address on the ASSI website www.airsafety.aero or to the appropriate Overseas Territory Aviation Authority.

CONTENTS

1. INTRODUCTION 3

2. 'VALIDITY' AND 'IN FORCE' – EXPRESSIONS OF A CERTIFICATE OF
AIRWORTHINESS..... 3

3. FLIGHT AUTHORITY 3

4. SPECIAL FLIGHT PERMIT APPLICATION 3

5. SPECIAL FLIGHT PERMIT RELEASE CERTIFICATE 4

6. LIMITATIONS OF A SPECIAL FLIGHT PERMIT 5

7. AIR OPERATOR'S CERTIFICATE (AOC) HOLDERS 6

8. PROCEDURES..... 6

9. NON-AOC HOLDERS 6

10. OPERATING UNDER A SPECIAL FLIGHT PERMIT 6

1. INTRODUCTION

If an aircraft no longer meets the certification standards set for the applicable Type Acceptance Certificate, the Certificate of Airworthiness will not be in force. The only provision for allowing an aircraft to fly in these circumstances is to permit the aircraft to be operated in accordance with the conditions of a Special Flight Permit, granted by the Governor. A Special Flight Permit also provides an exemption from the requirements to hold a Certificate of Airworthiness whilst operating within the Territory airspace. For a flight intending to commence and or terminate outside the Territory, if an aircraft is not in compliance with ICAO Annex 8, authorization/validation of the Special Flight Permit prior to the flight, from foreign Authorities is required anytime an aircraft is operating in foreign airspace.

2. 'VALIDITY' AND 'IN FORCE' – EXPRESSIONS OF A CERTIFICATE OF AIRWORTHINESS

The expressions 'validity' and 'in force' are utilised in respect of a Certificate of Airworthiness granted to an aircraft registered in a Territory. For clarity these expressions are defined as follows:

Validity	refers to the certification conditions to which an aircraft must meet and the periodicity of any expiry for a Certificate of Airworthiness to be considered valid; it does not constitute authority for flight unless the aircraft meets all the conditions of the valid C of A.
In Force	describes where a Certificate of Airworthiness, unless surrendered, suspended or cancelled, will be considered in force so long as the aircraft continues to meet the conditions to which the C of A was issued.

3. FLIGHT AUTHORITY

The owner or operator should always endeavour to have a valid C of A for the aircraft, avoiding the need for a Special Flight Permit.

Where this is not possible, an application for a Special Flight Permit should be made to the applicable OTAA by the aircraft operator, owner, or lessee if the aircraft is leased.

4. SPECIAL FLIGHT PERMIT APPLICATION

An application form obtained from the applicable OTAA should be completed and returned with any supporting documentation.

The completion of the application form will require specific technical justification supporting the nature of the intended flight or journey, which must detail the reasons why the Certificate of Airworthiness is not in force.

The specific technical justification may require support from a suitable engineering organisation or from the type certificate holder.

Early communication with the applicable OTAA is advised in order to facilitate obtaining the appropriate technical justification.

The Special Flight Permit application form also requires a declaration by the applicable OTAR Part 39 Continued Airworthiness Management Organisation or person authorised by the Governor that the aircraft has no features and characteristics making it unsafe for the intended flight(s).

The OTAA may reserve the right to visit the aircraft or view its records prior to granting a Permit to Fly.

5. SPECIAL FLIGHT PERMIT RELEASE CERTIFICATE

For an aircraft registered in the Territory, as specified in OTAR Part 21.705 and OTAR Part 43.155(b), the organisation or person issuing a Special Flight Permit Release Certificate shall be first satisfied that:

- (a) the associated documentation is in place and that all applicable maintenance and continuing airworthiness requirements for the intended flight has been evaluated as satisfactory by an OTAR Part 39 approved organisation, or a person authorised by the Governor; and
- (b) the aircraft has been physically inspected and any maintenance disturbance has been carried out in conformance with OTAR Part 145, instructions and standards promulgated by the aircraft manufacturer and any prescribed by the Governor; and
- (c) the aircraft is configured to the conditions prescribed on the Special Flight Permit certificate.

For an aircraft not registered in the Territory, the operator or owner should provide 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. In these cases, the OTAA will only validate the document to authorize flight in OTAA airspace.

For an aircraft registered in the Territory, on successful completion of the evaluation, a Special Flight Permit Release Certificate (SFPRC) shall be issued to certify that the aircraft is fit for flight. The certificate shall be issued for a specific period.

A suggested format of the Special Flight Permit Release Certificate follows:

AIRCRAFT TYPE..... REGISTRATION.....

I confirm that the aircraft documentation has been satisfactorily reviewed by the OTAR Part 39 approved organisation, or authorised Individual.

Approval/Authorisation Ref.....

In addition, it is hereby certified that all applicable maintenance actions including any required by the conditions on the Special Flight Permit have been carried out in conformance with the requirements of OTAR Part 43.155. The aircraft is therefore fit for flight under the identified conditions and restrictions.

This certificate is valid from..... until.....

Signed..... Authorisation:Date.....

A Special Flight Permit Release Certificate may only be issued by the following:

- (a) an individual within a OTAR Part 145 Organisation who is authorised in accordance with OTAR Part 43.153(b) and listed in the Maintenance Organisation Exposition for this purpose; or
- (b) a person specifically authorised by the Governor for this purpose.

6. LIMITATIONS OF A SPECIAL FLIGHT PERMIT

A flight conducted under a Special Flight Permit shall have appropriate limitations prescribed to minimize hazard to persons or property and conducted to avoid areas where flights might create hazardous exposure; and

- (a) the registration marks assigned to the aircraft by the State of Registry are to be displayed on the aircraft in conformity with the requirements of that State; and
- (b) persons or property are not carried for compensation or hire; and
- (c) no person is carried in the aircraft unless that person is essential to the purpose of the flight and has been advised of the contents of the authorisation and the airworthiness status of the aircraft; and
- (d) the aircraft is operated only by crew who are aware of the purpose of the flight and any limitations imposed, and who hold appropriate certificates or licences acceptable to the Governor or to the State of Registry; and
- (e) all flights are conducted within the performance operating limitations prescribed in the aircraft flight manual and any additional limitations specified by the State of Registry and or the Governor for the particular flight; and
- (f) the period of validity and the conditions of a special flight permit are to be specified.

- (g) An authorisation / validation of the special flight permit is obtained from any Foreign State to be overflown and any additional conditions from that authorisation followed.

7. AIR OPERATOR'S CERTIFICATE (AOC) HOLDERS

A flight conducted under a Special Flight Permit shall operate as a non-revenue flight and holders of an AOC shall not operate a flight with any persons on board that are not essential for the safe operation of the aircraft.

8. PROCEDURES

The holder of an AOC shall:

- (a) include in its Operations Manual the details and procedures that will apply when operating an aircraft on a Special Flight Permit; and
- (b) establish the procedures to be followed for the application for a Special Flight Permit and the continued airworthiness control procedures, which need to be included in the associated Maintenance Control Manual as specified in OTAR part 39.59; and
- (c) establish the OTAR Part 145 maintenance and Special Flight Permit Release Certificate authorisation procedures which need to be documented in the Maintenance Organisation Exposition (MOE).

9. NON-AOC HOLDERS

Non-commercial aircraft owners/operators, who may not utilise an Operations Manual or hold a Maintenance Control Manual, will need to satisfy the OTAA that they have taken adequate measures to ensure that the flight can be made safely and will not endanger any person or property. Careful consideration should be given to the carriage of any persons not essential to the flight.

10. OPERATING UNDER A SPECIAL FLIGHT PERMIT

Operators should be aware that aircraft not having a valid and in force Certificate of Airworthiness in compliance with ICAO Annex 8 do not have automatic rights of international air navigation under the Chicago Convention.

An aircraft operating under a Special Flight Permit should obtain prior permission from each State whose airspace it is intended to use while operating without a valid Certificate of Airworthiness.

The operator of an aircraft registered in a Territory shall retain any maintenance records supporting a Special Flight Permit for a period of not less than 24 months after the aircraft been released to service, or until the information contained therein is superseded by new information equivalent in scope and detail, whichever is the longer time, together with all documents supporting their decision to conduct the flight.