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Part 39

CONTINUED AIRWORTHINESS REQUIREMENTS

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Revisions

OTAR Issue	OTAR Reference	Subject
Issue 1		First issue published for information.
Issue 2		Second issue for gazetting. Change to title of Part and to Purpose statement.
Issue 3		Substantial revision by the inclusion of the continued airworthiness elements derived from the operational OTARs and title change reflecting new scope of Part.
Issue 4		Addition of Subpart E and associated supporting amendments throughout the OTAR Part. Reordering of some paragraphs.
Issue 5		Correction of cross-references 39.1 and 39.61.
Issue 6		Minor changes taking account of current airworthiness issues and consultation comments. Addition of Subpart F approval relating to foreign commercial operations of Territory-registered aircraft under an ICAO Article 83 <i>bis</i> agreement. There are other minor changes to accommodate this new Subpart.
Issue 7		Introduction of quality system, Accountable Manager, removal of approval from Subpart F and minor technical and editorial changes.
Issue 8	39.1(g) 39.61(h)(10) 39.65(a) 39.75 (a) 39.75(b) 39.91(b)(1)	Amended Article reference numbers to align with revision to AN(OT)O 2013. Instructions for CAW and data analysis of FDR and CVR. Added MSG-3 logic. Retention of records periods changed in line with ICAO SARPs Deleted from OTAR Part 39 due to being an operational requirement. Changed to 'approved by'.
Issue 9	39.57(b) 39.59 MCM 39.75 39.79 39.81	Additional text to clarify that the OTAR 145 maintenance organisation shall conduct maintenance in the case of Commercial air transport. Additional paragraph on the acceptance of existing NAA approved manuals in an Option 2 approval. Requirement for procedures to detail the process for the applications for Permit to Fly Certificates. Corrections to referenced OTAR Part 21 paragraph numbers. Requirements for the retention of records changed to be consistent with ICAO standards and other NAA standards. Additional Technical Log items identified (as applicable) 'and' deleted at the end of 39.79(a)(13). Clarification of fleet weighing requirements.

OTAR Issue	OTAR Reference	Subject
Issue 10	39.57(b) 39.59(h)(2) 39.95	Change of ASSI's address. Arrangements for maintenance with a person not under the authorisation of an OTAR Part 145 Organisation. Reference error corrected. Deletion of 24 months concerning approval validity.
Issue 11	39.57(f) 39.59(g)(2) 39.55(g)(1)	Permit to Fly terminology changed to align with changes to Part 21 Subpart P. Complex aircraft terminology changed to align with ICAO terminology to add "for operators of aeroplanes over 5,700kg or Helicopters over 3,175kg maximum certified take off mass" and all turbine powered aircraft.
Issue 12	39.1(c)(1) 39.59(c) 39.61(h)(9) 39.65(d) 39.89(a) 39.105	EASA Part CAMO and Part CAO - CAM introduced as alternatives to Part M Subpart G approvals. UK CAA added as an alternative NAA to EASA. Adding a Combined Airworthiness Exposition as an alternative Option 1 manual to a CAME. Addition of reference to EDTO in 39.61(h)(9) and addition of new paragraph 39.65(d) to address reliability monitoring programmes for EDTO operations. Addition of Part CAMO and Part CAO standards in Subpart F for Article 83bis.
Issue 13	39.55(u) 39.57(g) 39.59 (r)	New paragraphs added to address ICAO Protocol Questions 5.281 and 5.301 in terms of ensuring for aircraft which are registered in another State that the Maintenance Programme is approved by the state of registry, and the Maintenance Control manual and maintenance arrangements are acceptable to the State of Registry.

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Subpart A — General

39.1 Purpose

- (a) This Part details the requirements governing aircraft registered in the Territory and issued with an airworthiness certificate under OTAR Part 21 Subpart E and any aeronautical product associated with those aircraft.
- (b) The holder of an air operator's certificate or the owner or lessee of an aircraft above 2,700 kg MTOM shall have arrangements for continued airworthiness management in accordance with the requirements of Subpart E of this OTAR Part.
- (c) The requirements of this OTAR Part cover the grant and renewal of continued airworthiness inspection programmes and management approvals. These are the approval options under this OTAR Part:
 - (1) Subpart E Option 1: the approval of an organisation based on the acceptance of the European Aviation Safety Agency (EASA) or UK CAA equivalent requirements of Part M Subpart G ¹, Part CAMO or Part CAO ² for Continued Airworthiness Management, and the EASA or the UK CAA regulatory oversight of that organisation.

Note 1: EASA Part M Subpart G Organisations as approved in accordance with Article 4 of Regulation (EU) 1321/2014 prior to 24 September 2021.

Note 2: A Part CAO approval holder may only manage the airworthiness of non-commercial operations as determined by the EASA or UK CAA approval.

- (2) Subpart E Option 2: the approval of an organisation that does not hold an approval identified in paragraph 39.1(c)(1).
- (d) Subpart F is a standard of continued airworthiness management required for Territory-registered aircraft operating under a foreign air operator certificate and subject to an ICAO Article 83*bis* agreement with the Territory.
- (e) Throughout this OTAR Part reference is made to the options identified in paragraph 39.1(c)(1) and (2). The options are not at the discretion of an applicant but are routes that depend on the existing approval status of an organisation and are determined by the Governor.
- (f) These requirements are not in themselves Law. Failure to comply may not constitute an offence. However, the requirements 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 an approval; or

- (4) result in action to suspend or revoke an approval.
- (g) The Order details the legal obligations governing the continued airworthiness of aircraft on the Territory's register. 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 Requirements are the means by which the operator or maintenance organisation will be able to satisfy the Governor as to the fulfilment of the obligations in respect of continued airworthiness and the entitlement of the holder to hold and exercise the privileges of a certificate, licence or approval.
- (h) Other OTAR Parts, in addition to that referred to in this Part, 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 OTACs within it can be viewed on the ASSI website www.airsafety.aero. OTACs relevant to this Part can be viewed at: <https://www.airsafety.aero/Requirements-and-Policy/OTACs.aspx>.
- (i) 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.

39.3 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:

Principal Contract means a contract established to discharge all functional responsibilities of continued airworthiness management to an organisation appropriately approved under this OTAR Part.

Subpart B — Continued Airworthiness Management

39.51 Management personnel

- (a) Except where provided in paragraph 39.51(b), the owner or, where it is leased, the lessee of an aircraft registered in the Territory shall appoint a person acceptable to the Governor and known as the Technical Co-ordinator who will ensure that appropriate arrangements for continued airworthiness management required by this OTAR Part are in place.
- (b) Each holder of an air operator's certificate shall appoint a post holder under the requirements of OTAR Part 119 within its organisation who will be responsible for the continued airworthiness management of the operator's aircraft as required by this OTAR Part.
- (c) The appointed post-holder for continued airworthiness of Territory registered aircraft operating under a foreign air operator's certificate and the provisions of an ICAO Article 83*bis* agreement shall establish and maintain arrangements for the continued airworthiness management of the Territory registered aircraft as required by Subpart F of this OTAR Part.

39.53 General continued airworthiness arrangements

- (a) The holder of an air operator's certificate or the owner or lessee of an aircraft above 2,700 kg MTOM shall have arrangements for continued airworthiness management to the requirements of Subpart E of this Part.
- (b) The Technical Co-ordinator identified in paragraph 39.51(a) shall ensure that suitable arrangements for continued airworthiness management by either:
 - (1) holding an approval granted by the Governor to the requirements of Subpart E of this Part; or
 - (2) a Principal Contract between the operator and an organisation that holds an appropriate approval granted by the Governor to the requirements of Subpart E of this Part.
- (c) The person identified in 39.51(b) shall ensure that suitable arrangements for continued airworthiness management are in place by either:
 - (1) the AOC holder being approved by the Governor to the requirements of Subpart E of this Part; or
 - (2) a Principal Contract between the AOC holder and an organisation that holds an appropriate approval granted by the Governor to the requirements of Subpart E of this Part.
- (d) The appointed post-holder identified in 39.51(c) shall ensure that suitable arrangements for continued airworthiness management are in place to a standard equivalent to Subpart F of this Part.

39.55 Management responsibilities

The personnel identified in paragraph 39.51 are responsible for ensuring that the certificate of airworthiness continues to remain valid by suitable arrangements made in accordance within paragraph 39.53 that also ensure that:

- (a) the aircraft, including its airframe, engines(s), propellers, appliances, emergency equipment and operational equipment, is maintained in an airworthy condition; and
- (b) all scheduled maintenance is performed in accordance with a maintenance programme approved by the Governor; and
- (c) appropriate contracted maintenance arrangements are made acceptable to the Governor; and
- (d) no person certifies maintenance on the aircraft other than as prescribed in OTAR Part 43; and
- (e) any defects and unserviceabilities are rectified or deferred in accordance with OTAR Part 91.610(a) prior to flight or, as permitted by OTAR Part 91.610(b), are rectified, repaired or, where approved data so provides, the equipment/instrument is removed at or before the next inspection required by the applicable approved maintenance programme; and
 - (1) as applicable for aircraft subject to reliability analysis, a verification of the associated aircraft system's functional reliability is undertaken to ensure the certification basis of the MEL/CDL is not compromised; and
 - (2) repetitive defects are identified and controlled in accordance with procedures approved in the maintenance control manual; and
 - (3) procedures are in place for the notification of any MEL/CDL limitations to the operating crew; and
 - (4) procedures are established for the subsequent control of required rectification intervals; and
- (f) applicable mandatory continued airworthiness requirements are complied with within the prescribed period; and
- (g) for operators of aeroplanes over 5,700 kg or Helicopters over 3,175 kg maximum certified take off mass and all turbine powered aircraft:
 - (1) there are suitable arrangements in place to obtain and assess relevant continuing airworthiness information and recommendations from the organisation responsible for the type design and any applicable accomplished major design changes; and
 - (2) any required technical and reliability assessments are undertaken and reports of aircraft continued airworthiness status are made by arrangements acceptable to the Governor; and
 - (3) applicable continued airworthiness data is reviewed for the determination of any required actions to be taken and records of such reviews are maintained; and

- (h) repairs are carried out and approved in accordance with OTAR Part 21 Subpart M that, wherever possible, do not impose further continued airworthiness requirements; and
- (i) design changes are carried out and approved in accordance with OTAR Part 21 Subpart C and any continued airworthiness requirements arising from them are incorporated in the aircraft maintenance programme; and
- (j) suitable arrangements, acceptable to the Governor, are made for the regular development of the maintenance programme to ensure effective continued airworthiness of the applicable aircraft; and
- (k) any applicable continued airworthiness data is made available to those involved in the maintenance of the aircraft; and
- (l) procedures prescribed in any applicable maintenance control manual are complied with; and
- (m) any required technical despatch procedures for special operations approved by the Governor are complied with; and
- (n) for any aircraft having systems utilising Field Loadable Software and Database Field Loadable Data, controlling procedures acceptable to the Governor are in place to ensure that:
 - (1) Field Loadable Software uploads are accomplished in accordance with the approval requirements of OTAR Part 21 Subpart C; and
 - (2) Database Field Loadable Data is controlled and transferred in accordance with the equipment manufacturer's instructions; and
- (o) continued airworthiness records are maintained in accordance with Subpart D of this OTAR Part; and
- (p) occurrence reporting is accomplished to the requirements of OTAR Part 13 and appropriate investigations are undertaken to safeguard the aircraft and that of any other, records of such investigations any actions taken shall be reported as required by OTAR Part 13; and
- (q) where applicable, there are suitable procedures acceptable to the Governor for the control of aircraft, product and component leasing; and
- (r) up-to-date mass and balance records are maintained that reflect the approved configuration of the aircraft; and
- (s) arrangements are made for technical liaison with applicable type design organisations, operators and maintenance organisations to address any airworthiness issues such as faults, malfunctions, defects, any required inspection task reporting and inaccurate/misleading airworthiness data; and
- (t) liaison meetings are held in compliance with any applicable reliability monitoring programme requirement.

- (u) in the case of aircraft which are registered in another State not subject to an Article 83bis agreement:
 - (1) all scheduled maintenance is performed in accordance with a maintenance programme approved by the current State of Registry and accepted by the Governor; and
 - (2) arrangements and procedures regarding the maintenance, the performance and certification of maintenance, including the signing of maintenance releases and the record-keeping shall be acceptable to both the current State of Registry and the State of the Operator.

39.57 General maintenance arrangements

- (a) Except as permitted by paragraph 39.57(b), arrangements for maintenance of aircraft with a MTOM of 2700 kg or above, shall be established by a suitable contract with an appropriately approved OTAR Part 145 maintenance organisation.
- (b) In the case of an aircraft not operated for commercial air transport, a person holding an authorisation to perform maintenance on the aircraft issued by the Governor may perform maintenance in accordance with the requirements of OTAR Part 43.
- (c) The annual maintenance check or that specified in the approved maintenance programme for aircraft below 2,700kg MTOM and operating for commercial air transport purposes shall be undertaken by an appropriately approved OTAR Part 145 maintenance organisation.
- (d) The maintenance contract shall specify:
 - (1) a clear description of the work required of the maintenance organisation or person that takes account of human factors; and
 - (2) that a fatigue management system shall be in place to ensure that any person involved in the maintenance of the operator's aircraft is not fatigued; and
 - (3) the applicable Maintenance Control Manual including any operator specific maintenance control procedures that are to be followed; and
 - (4) the operator contact information; and
 - (5) details of any supplied maintenance data including its revision status and applicability.
- (e) Persons signing a Certificate of Release to Service shall be appropriately authorised in accordance with the requirements specified in OTAR Part 43 Subpart C.
- (f) Aircraft to be operated under a Permit to Fly or a Special Flight Permit granted by the Governor under the requirements of OTAR Part 21 Subpart P shall have maintenance arrangements acceptable to the Governor as required by that OTAR Subpart.

- (g) In the case of aircraft which are registered in another State not subject to an Article 83bis agreement, arrangements for maintenance shall be established by a suitable contract with a maintenance organisation or person acceptable to the current State of Registry.

39.59 Maintenance Control Manual

- (a) The Maintenance Control Manual forms the basis for an approval prescribed in paragraph 39.89(a) and (b) and is subject to approval by the Governor. It shall be in the English language; the content shall be representative of the organisation and it shall address compliance with the applicable requirements of this OTAR Part.
- (b) Where an organisation is approved under the requirements of Option 2 identified in paragraph 39.89(b), organisation documents such as a General Maintenance Manual approved by an NAA listed in OTAR Part 21.25(a) may be acceptable provided that suitable cross references to the requirements of this OTAR Part are provided. Any OTAR Part 39 requirements not detailed in the existing organisation documentation shall be detailed in a separate OTAR Part 39 Supplement.
- (c) Where an organisation is approved under the requirements of Option 1 identified in paragraph 39.89(a), combined organisation documents such as EASA or UK CAA CAME (or Combined Airworthiness Exposition (CAE) for a Part CAO approved organisation) may be acceptable provided suitable cross references to the requirements of this OTAR Part are provided.
- (d) The Maintenance Control Manual shall contain details of the accountable manager and a corporate commitment to compliance with applicable OTARs.
- (e) The Maintenance Control Manual shall be approved by the Governor and amendments shall be either:
- (1) approved by the Governor; or
 - (2) be approved by the organisation in accordance with a procedure approved by the Governor; and
 - (3) be made available to personnel at all locations where access to that material may be required either in hard copy or electronic format in a manner acceptable to the Governor.
- (f) The Maintenance Control Manual shall take account of human factors, a fatigue management system and contain details of continuation training for all personnel involved in airworthiness management.
- (g) The Maintenance Control Manual shall contain the necessary procedures for applicable continued airworthiness management functions prescribed in paragraph 39.55 and 39.57 to:
- (1) ensure the continued airworthiness of the managed aircraft and ensure the continued validity of the Certificates of Airworthiness; and

- (2) to ensure (where appropriate) that processes are established and authorised individuals nominated for the control of applications to the Governor for Special Flight Permits where the Certificate of Airworthiness is not in force.
- (h) The organisation shall establish a safety and quality policy for the organisation to be included in the MCM that shall detail:
 - (1) a quality system that includes independent audits to monitor the adequacy of procedures and to ensure that the organisation functional responsibilities are discharged effectively; and
 - (2) a quality feedback reporting system to the person or group of persons specified in paragraph 39.51 and ultimately to the accountable manager; and
 - (3) procedures to ensure that proper and timely corrective action is taken in response to reports resulting from the independent audits.
- (i) in small organisations of fewer than 5 people the independent audit part of the quality system may be contracted to another OTAR Part 39 approved organisation or a person with appropriate technical knowledge and proven satisfactory audit experience, in a manner acceptable to the Governor.
- (j) Procedures shall be established for a regular review of the MCM to ensure that it remains effective in maintaining aircraft in an airworthy condition.
- (k) All amendments shall be made in a timely manner and the amendment status of each document shall be readily identifiable by personnel. Obsolete material shall be removed promptly from all points of issue or use, and controls shall be in place to preclude the use by personnel of superseded material.
- (l) The Maintenance Control Manual shall contain details of:
 - (1) the available facilities; and
 - (2) personnel including their duties and responsibilities; and
 - (3) any computer-based systems and data to be utilised for the purpose of continued airworthiness management.
- (m) The Maintenance Control Manual shall contain details of any subcontracted activities.
- (n) Where the organisation is to be approved for the purpose of undertaking an aircraft airworthiness review required by OTAR Part 21.175(b), detailed procedures shall be established for compiling suitable reports to the Governor and shall include the identification of personnel authorised to submit such reports.
- (o) The Maintenance Control Manual shall contain details of personnel nominated to certify an airworthiness status report as required by OTAR Part 21.175(d) in relation to the C of A.
- (p) The capability and scope of the approval shall be recorded in the MCM.

- (q) The Maintenance Control Manual shall contain a list of definitions and acronyms used.

- (r) In the case of aircraft which are registered in another State not subject to an Article 83bis agreement, the Maintenance Control Manual shall be acceptable to the current State of Registry, and shall contain details of the Maintenance Control arrangements for any aircraft which are registered in another State and leased to an Operator, including where applicable, the management of:
 - (1) Maintenance Programme
 - (2) Maintenance Records
 - (3) State of Registry Continuing airworthiness information, Mandatory Continuing Airworthiness Information (MCAI) and its distribution
 - (4) Modifications and repairs
 - (5) Maintenance release
 - (6) Special Ops Approvals
 - (7) Information on faults, malfunctions and defects and other occurrences defects and unserviceability's, rectification or deferrals.

Subpart C — Inspection Requirements

39.61 Maintenance programme

- (a) Aircraft granted a certificate of airworthiness under the requirements of OTAR Part 21 Subpart E shall be maintained in accordance with a maintenance programme approved by the Governor.
- (b) The maintenance programme and any amendments require approval by the Governor for each aircraft and shall include details of the maintenance of the aircraft, engines, propellers, rotors, appliances and emergency equipment items.
- (c) The maintenance programme shall reference the required inspection standards, practices and procedures that shall be at least equivalent to the Type Certificate holder's scheduled maintenance requirements.
- (d) Any schedule of inspections/tests required by any approved programme amendment shall be introduced in a controlled manner to ensure the continued airworthiness of the aircraft.
- (e) Consideration shall be given to human performance within the maintenance programme including the format of the maintenance programme document, maintenance task breakdown and combined maintenance tasking, particularly safety critical tasks which shall be identified in the maintenance programme.
- (f) The maintenance programme shall readily identify any certification inspection tasks and other significant continued airworthiness inspection tasks that are the subject of specific control and mandated by the applicable State of Type Certification, as referred to in OTAR Part 21.19(a), such as but not limited to:
 - (1) Supplemental Structural Inspection Document;
 - (2) Fuel Tank Safety Inspections;
 - (3) Ageing Aircraft;
 - (4) Widespread Fatigue Damage;
 - (5) Electrical Wiring Interconnection Systems (EWIS).
- (g) Each maintenance programme approval holder shall make any revisions to the maintenance programme as required by the Governor and any applicable mandatory amendments promulgated by the Type Certificate holder or its NAA to satisfy the continuing airworthiness requirements for the aircraft.
- (h) The maintenance programme including any amendments shall be produced in the English language, be readily available and shall contain within it:
 - (1) an explanation of the programme, including the continuity of inspection responsibility, procedures for making any required reports and technical reference material; and

- (2) instructions and procedures for the implementation of inspection tasks for the particular aircraft type, taking account of the aircraft modification status and any repairs that have associated instructions for continued airworthiness; and
- (3) an inspection schedule for performing the inspections required by the programme expressed in terms of the total time in service, cycles, calendar time, number of system operations, or any combination of these; and
- (4) for a progressive inspection programme, an inspection schedule that provides for the complete inspection of the aircraft within each 12 month period or is consistent with:
 - (i) the manufacturer's recommendations; and
 - (ii) the operator's service experience; and
 - (iii) the type of operation in which the aircraft is engaged; and
 - (iv) the utilisation of the aircraft in terms of hours and cycles or a combination thereof.
- (5) instructions, taking account of detailed technical justification, for altering and gaining approval for a change of inspection intervals or a maintenance process because of service experience; and
- (6) instructions for varying an inspection interval under exceptional circumstances taking account of overriding mandatory requirements and maintenance programme inspection requirements referred to in paragraphs 39.61(e) and (f); and
- (7) sample inspection forms, reports and instructions for their use; and
- (8) procedures for maintenance trend analysis if the programme utilises condition monitored maintenance or information derived from health and usage monitoring systems; and
- (9) inspection requirements required for approved special operations and specific approvals (including RVSM, EDTO, LVO and PBN); and
- (10) instructions for continued airworthiness including inspection and analysis of any installed Flight Data Recorder (FDR) and/or Cockpit Voice Recorder (CVR) in accordance with instructions from the Type Certificate holder. If the Type Certificate holder has not provided specific requirements, the limitations specified in ICAO Annex 6 Part I, II, or III, as applicable shall prevail; and
- (11) a list of definitions and acronyms used.

39.63 Maintenance programme approval

- (a) Each applicant for the approval of a maintenance programme shall apply to the Governor for approval.
- (b) The application for approval of the maintenance programme shall contain, or references shall be made to, the following information:

- (1) the name and address of the owner or lessee or the holder of an air operator's certificate; and
- (2) the maintenance status of the aircraft prior to the commencement of the programme; and
- (3) the means of introducing the programme; and
- (4) technical justification relating to the anticipated utilisation of the aircraft, inspection intervals and procedures for inspection task management; and
- (5) a copy of the maintenance programme either in hard copy or electronic format in a manner acceptable to the Governor; and
- (6) copies of any other supporting documents, such as condition monitored maintenance activities, structural integrity programmes, engine off-wing maintenance programmes, fuel tank safety inspection programmes; and
- (7) the aircraft designation, serial number and registration mark for each aircraft that is subject to the programme; and
- (8) any further particulars relating to the programme and applicant as may be required by the Governor.

39.65 Condition monitored and reliability maintenance programmes

- (a) Where the manufacturer of aircraft, engines and propellers prescribe MSG-3 logic, condition monitoring, or health and usage monitoring systems these shall form part of the maintenance programme approved by the Governor under paragraph 39.63.
- (b) Appropriate procedures acceptable to the Governor shall be established for any applicable condition monitoring or reliability or health and usage monitoring systems referred to in paragraph 39.65(a).
- (c) Where data gathering is required, the following shall form the basis of an acceptable programme:
 - (1) aircraft utilisation; and
 - (2) pilot reports; and
 - (3) aircraft mechanical delays and cancellations; and
 - (4) unscheduled engine shutdowns; and
 - (5) unscheduled engine removals; and
 - (6) unscheduled component removals; and
 - (7) confirmed component failures; and
 - (8) occurrences.

- (d) Where an operator holds a specific approval for EDTO, there shall be a reliability programme in place to monitor the maturity and reliability levels required for the EDTO significant systems.

39.67 Airworthiness Directives applicability

- (a) Except as provided for in paragraph 39.67(b), the airworthiness directives applicable under this Part are those airworthiness directives or equivalent mandatory continued airworthiness requirements:
 - (1) prescribed for that aircraft or product by the State of type certification on which Type Acceptance Certification rests; and
 - (2) any prescribed by the state of certification of an applicable approved design change.
- (b) Compliance with alternative or additional airworthiness directives may be required as a condition of issue or continuity of the Type Acceptance Certificate.

39.69 Airworthiness Directives compliance

An aircraft shall not be released to service unless for each applicable airworthiness directive:

- (a) compliance can be demonstrated with the specified compliance criteria; or
- (b) an alternative means of compliance has been approved under paragraph 39.71.

39.70 Continued airworthiness improvements

An aircraft holding a Certificate of Airworthiness granted in the Territory shall comply with the special conditions of Type Acceptance referred to in OTAR Part 21.19(a) for any additional requirements of continued airworthiness.

39.71 Alternative means of compliance with mandatory continued airworthiness requirements

An alternative means of compliance may be proposed for the Governor's approval provided that the regulatory authority of the Contracting State that issued the original requirement has accepted the alternative compliance proposal.

Subpart D — Aircraft Records

39.73 Maintenance and continued airworthiness records

- (a) The owner or, where it is leased the lessee, of an aircraft or the holder of an air operator's certificate shall make provision for the retention of aircraft engine and propeller logbooks recording at least the following:
- (1) maintenance records; and
 - (2) airworthiness records of compliance with airworthiness directives and scheduled maintenance requirements; and
 - (3) records of modifications and repairs; and
 - (4) life component records.
- (b) Maintenance records shall be of sufficient detail to establish the full content of the maintenance activity undertaken and shall include all relevant supporting information, such as component replacement service life records.
- (c) Records shall be of sufficient detail to demonstrate the airworthiness status of the aircraft at all times and shall include:
- (1) a description of maintenance tasks including references to the applicable approved technical data; and
 - (2) the date of completion of all scheduled maintenance tasks and reference to the approved maintenance programme; and
 - (3) the signature, and authorisation reference of the person certifying the aircraft for return to service; and
 - (4) the total time in service by the specified time control basis of the airframe, each engine, each propeller, and each rotor and installed equipment; and
 - (5) the current status of lifed parts/components of each airframe, engine, propeller, rotor and appliance with referenced to the specified time interval basis required by paragraph 39.61(h)(3); and
 - (6) the time since last overhaul of all items installed on the aircraft which are required to be overhauled on a specified time basis; and
 - (7) the current maintenance status of the aircraft, including the time since the last inspection required by the maintenance programme under which the aircraft is maintained; and
 - (8) the current status of each applicable airworthiness directive including:
 - (i) the airworthiness directive number; and
 - (ii) the revision date; and
 - (iii) the means of compliance; and
 - (iv) and if the airworthiness directive involves recurring action, the time and date when the next action is required; and

- (9) a list of all design changes and repairs to each airframe, engine, propeller, rotor and appliance including substantiation data required by OTAR Part 21.73; and
 - (10) a record of all airframe damage that shows each damage site with a reference to a certified assessment to approved data supporting continued aircraft operation; and
 - (11) a record of any defects or maintenance activities requiring rectification action to restore the aircraft to an airworthy condition.
- (d) The records shall be kept in hard copy form or in electronic coded form provided that this form allows for the preservation and retrieval of information in a manner acceptable to the Governor.
- (e) Any additional worksheets, documents, technical logs or other documentation associated with the maintenance of the aircraft shall be referenced in the relevant logbooks and will become part of the maintenance records for retention of records purposes.

39.75 Retention of records

- (a) The owner, or where it is leased, the lessee of an aircraft or the holder of an air operator's certificate shall retain maintenance and continued airworthiness records as follows:
- (1) for a minimum period of 12 months after the unit to which they refer has been permanently withdrawn from service:
 - (i) the total time in service (hours, calendar time and cycles, as appropriate) of the aeroplane and all life-limited components; and
 - (ii) the current status of compliance with all mandatory continuing airworthiness information; and
 - (iii) appropriate details of modifications and repairs; and
 - (iv) the time in service (hours, calendar time and cycles, as appropriate) since the last overhaul of the aeroplane or its components subject to a mandatory overhaul life; and
 - (v) the current status of the aeroplane's compliance with the maintenance programme.
 - (2) for all detailed maintenance records in respect of the aircraft and any service life-limited component fitted thereto, not less than 24 months after the aircraft been released to service in respect of that maintenance or until the information contained therein is superseded by new information equivalent in scope and detail, whichever is the longer time.

- (3) the current status of compliance with the maintenance programme; such that compliance with the approved aircraft maintenance programme can be established, at least until the aircraft or component scheduled maintenance has been superseded by other scheduled maintenance of equivalent work scope and detail.
- (b) The owner, or where it is leased the lessee, of an aircraft or the holder of an air operator's certificate required by paragraph 39.79(a) to provide a Technical Log shall ensure that arrangements are established for the subsequent transmittal of sector record pages to the organisation responsible for the continued airworthiness of the aircraft.

39.77 Transfer of maintenance records

- (a) Each holder of a Territory Certificate of Registration for an aircraft transferring registration to another person under OTAR Part 47 shall, at the time of transfer of registration, transfer to that person all relevant maintenance records and records of continued airworthiness.
- (b) In the event of a temporary change of operator, the relevant maintenance records and records of continued airworthiness shall be made available to the new operator.

39.79 Technical log

- (a) The holder of an air operator's certificate, owner or, where it is leased the lessee, of an aircraft above 2,700 kg MTOM or turbine powered shall provide a technical log for the aircraft which has provision for recording at least the following, as applicable:
 - (1) the name of the operator; and
 - (2) the registration and designation of the aircraft; and
 - (3) record of aircraft utilisation including total time (daily, hours, cycles sectors) as applicable; and
 - (4) records of fuel and oil; and
 - (5) the maintenance status of the aircraft, the identity of the next scheduled inspection, including date/hours/cycles at which any other out of phase maintenance/inspection is required; and
 - (6) any defects or abnormal occurrences found by the pilot during or following a flight; and details of rectification of defects occurring between scheduled inspections including the certificate of release to service for any rectification; and
 - (7) details of any deferred rectification including any inoperative equipment with which the aircraft is permitted to be flown under the applicable OTAR Parts relating to the operation of the aircraft; and
 - (8) records for special operations such as AWOPs and ETOPs; and

- (9) the information required by the applicable OTAR Parts relating to the operation of the aircraft; and
 - (10) the time when ground de-icing and/or anti-icing was started and the type of fluid applied, including fluid/water mixture ratio; and
 - (11) the time spent in particular engine power ranges where the use of such engine power affects the life of the engine or engine module; and
 - (12) the number of landings where landings affect the life of an aircraft or aircraft component; and
 - (13) flight pressure cycles where such cycles affect the life of an aircraft or aircraft component.
- (b) The content of the Technical Log may be altered from that in paragraph 39.79(a) if alternative methods of recording this data acceptable to the Governor are used.
- (c) The Technical Log shall be kept in hard copy form or in electronic coded form provided that this form allows for the preservation and retrieval of information in a manner acceptable to the Governor.

39.81 Mass and Balance

- (a) An aircraft is to be weighed:
- (1) at intervals not exceeding 5 years or, where the aircraft is part of an operator's fleet weighing programme accepted by the Governor, at intervals specified by that programme; and
 - (2) whenever alterations affecting mass and balance of the aircraft are made that exceed the limits for computed mass and balance changes advised by the aircraft type certificate holder.
- (b) Records of aircraft mass and balance shall be maintained in a manner acceptable to the Governor and reflect the modification and repair status by:
- (1) calculations where approved data is available for incorporated design changes; and
 - (2) by periodic weighing of aircraft as prescribed in the applicable approved aircraft maintenance programme.
- (c) The basic record of aircraft empty mass shall be that defined by the Type Certificate holder and any approved configuration.
- (d) Any item installed not forming part of the Type Design shall be entered in an equipment list with its associated weight and moment and shall constitute part of the aircraft's mass and balance report.

- (e) Following any change made to the empty mass of the aircraft or its centre of gravity, an entry shall be made in the aircraft logbook or other aircraft record acceptable to the Governor before the next flight and shall include details of:
 - (1) the change; and
 - (2) the effective date of the change; and
 - (3) the weight and moment arm of each item installed or removed.
- (f) Subject to the requirement of paragraph 39.81(b) the particulars of any changes to the empty mass of the aircraft shall be transcribed into the aircraft's empty weight and balance report.

39.83 Alternative configurations

Where an aircraft is operated in more than one configuration, a separate mass and balance report shall be provided for each configuration and shall contain:

- (a) details of the differences from the basic aircraft configuration; and
- (b) the empty mass and centre of gravity for the configuration; and
- (c) the approved modification details supporting the configuration.

39.85 Certification

- (a) All mass and balance reports shall be certified by an authorised person responsible for compiling the report.
- (b) Alternative configurations and changes made to the aircraft empty mass shall be certified with an appropriate maintenance release recording:
 - (1) where applicable the specific configuration; and
 - (2) details of the approved modification; and
 - (3) the amendment made to the aircraft's empty mass and balance report.

Subpart E — Continued Airworthiness Management Approval

39.87 Applicability

- (a) Organisations that undertake continued airworthiness management of aircraft registered in the Territory shall hold an appropriate approval granted by the Governor under the requirements of this OTAR Part.
- (b) Organisations to which this Subpart applies are:
 - (1) each holder of an air operator's certificate issued under OTAR Part 119; or
 - (2) the Technical Co-ordinator identified in 39.51(a); or
 - (3) organisations which are the subject of a Principal Contract as prescribed in paragraph 39.53(b)(2) and 39.53(c)(2).

39.89 Standards

- (a) Option 1: Organisations approved by EASA or UK CAA to undertake continued airworthiness management of aircraft to the requirements of EASA or UK CAA Part M Subpart G, Part CAMO or Part CAO as amended.
- (b) Option 2: Organisations or AOC holders seeking approval under this option shall comply with the provisions for an applicable Maintenance Control Manual prescribed in paragraph 39.59 that is acceptable to the Governor.

39.91 Issue

- (a) Option 1: an organisation holding an approval identified in paragraph 39.89(a) may be approved under this Subpart subject to:
 - (1) the EASA approval remaining valid; and
 - (2) the organisation holding an applicable rating and scope of approval; and
 - (3) the organisation having a Maintenance Control Manual prescribed in paragraph 39.59 that is approved by the Governor; and
 - (4) the organisation complying with the relevant requirements of OTARs.
- (b) Option 2: an organisation not holding a valid approval described in paragraph 39.89(a) may be approved under this Subpart subject to:
 - (1) the organisation having a maintenance control manual prescribed in paragraph 39.59 that is approved by the Governor; and
 - (2) compliance with applicable requirements of this OTAR Part; and

- (3) the organisation complying with the relevant requirements of OTARs.

39.93 Privileges of the approval holder

- (a) The approval certificate shall specify the actual scope of approval activity granted and shall specify the aircraft types for which approval has been granted.
- (b) In respect of an approval granted under Option 1, the actual scope of approval activity granted by the Governor may exceed that granted by EASA if existing approval ratings are considered comparable.

39.95 Duration of approval

- (a) An approval may be granted or renewed for a period determined by the Governor.
- (b) An approval remains in force until it expires or is suspended or revoked.
- (c) The holder of an approval that is revoked or suspended shall forthwith surrender the certificate to the Governor.

39.97 Notification of ceasing approval activity

- (a) Each holder of an approval that ceases to offer continued airworthiness management services shall notify the Governor in writing within 30 days of the date of cessation.
- (b) The notification required by paragraph 39.97(a) shall include a request for revocation of the approval.

39.99 Renewal of approval

The holder of the approval shall make an application for the renewal of a continued airworthiness management approval to the Governor not less than 30 days before the approval expires.

39.101 Continued compliance

Each holder of a Continued Airworthiness Management organisation approval shall:

- (a) hold at least one complete and current copy of its maintenance control manual; and
- (b) comply with all procedures detailed in its maintenance control manual; and
- (c) make each applicable section of its maintenance control manual available to personnel who require those sections to carry out their duties; and

- (d) continue to meet the standards and comply with the requirements of this OTAR Part; and
- (e) in respect of an Option 1 approval, maintain the EASA approval validity including the applicable rating and scope.

Subpart F — Continued airworthiness management in association with an ICAO Article 83bis agreement

39.103 Applicability

- (a) Organisations that undertake continued airworthiness management of aircraft registered in the Territory and operated under an ICAO Article 83bis agreement shall have arrangements for the continued airworthiness management in accordance with this Subpart.
- (b) Such organisations may be:
 - (1) holders of a foreign air operator's certificate which operate Territory registered aircraft under an ICAO Article 83bis agreement with a Territory; or
 - (2) organisations that have a Principal Contract to perform the management of continued airworthiness for an air operator certificate holder under an Article 83bis agreement.

39.105 Standards

The technical standard of continued airworthiness management for this Subpart is EASA or UK CAA equivalent Part M Subpart G, Part CAMO, or Part CAO as revised, and the applicable requirements of Subparts B, C and D of this OTAR Part.

39.107 Compliance

Organisations will be required to demonstrate compliance with the standards of this Subpart to the NAA of the State of Operator and the applicable OTAA.

END