

**DEPARTMENT OF CIVIL AVIATION
MALAYSIA
AIRWORTHINESS NOTICE**

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TEMPORARY LOSS OF AIRWORTHINESS - FERRY FLIGHT PERMIT

1. Introduction

- 1.1 A Certificate of Airworthiness issued in respect of an aircraft shall cease to be in force if the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft is not overhauled, repaired or modified in a manner and with material of a type approved by the Director General. Any failure to maintain an aircraft in an airworthy condition as defined by appropriate airworthiness requirements shall render the aircraft ineligible for operation until the aircraft is restored to an airworthy condition.
- 1.2 However, in circumstances when restoration the aircraft to an airworthy condition is not possible at the place of occurrence, the Director General I may prescribe specific limiting conditions to permit the aircraft to fly without passenger to a facility at which it can be restored to an airworthy condition.
- 1.3 This provision in permitting the ferry flight will also require the operator to seek clearances from the appropriate authorities of the respective states over which the ferry flight will take place.

2. Procedures

2.1 Malaysian registered aircraft

- 2.1.1 This section of the Airworthiness Notice is applicable to all Malaysian registered aircraft when the Certificate of Airworthiness is ceased to be in force when the aircraft suffers major structural damage or system defect or at any other times determined by the Department and the provision to fly to a facility at which it can be restored back to an airworthy condition. A Ferry Flight Permit will be issued before ferry flight can commence from the point of occurrence to a point of destination.
- 2.1.2 An operator may request for Ferry Flight Permit from the Director General to allow for ferry flight of aircraft for the purpose of positioning the aircraft to a place where repairs for returning to service are to be performed.
- 2.1.3 Ferry Flight Permit may be issued arising to the following providing the aircraft is capable of safe flight:
- (a) major structural damage – damage that occurred to primary or principle structures and/or any structures that affects safe operation of aircraft.
 - (b) major system defects – defects of aircraft system that affects safe operation of aircraft.
 - (c) at any other times determined by the Department
- 2.1.4 The operator is to make a request to the Department for Ferry Flight Permit in writing. Details of defects including its reason for not able to effect a proper permanent rectification is required from the applicant. Any proposed temporary repair data and its justification to be submitted to the Department before a Ferry Flight Permit can be considered. Where structural damage is involved and temporary repair is required for the ferry flight appropriate approved OEM data is required.
- 2.1.5 Application for a Ferry Flight Permit should be submitted in writing indicating at least the following:
- (a) the name and address of registered owner and its operator.
 - (b) the make, model, serial number and registration marks of the aircraft
 - (c) the purpose of the flight
 - (d) the proposed itinerary
 - (e) the crew required for the ferry flight
 - (f) details of non-compliance with applicable airworthiness requirements
 - (g) any restriction the applicant considers necessary for safe operation of the aircraft
 - (h) any other information considered necessary by the Department for the purpose of prescribing operating limitations
- 2.1.6 For the purpose of Ferry Flight Permit evaluation, the Department may exercise its right to inspect the aircraft to enable determination be made of any limitations for the ferry flight to minimize hazard to persons or property since the Ferry Flight Permit is issued to cover operation of an aircraft which may not meet the

normal airworthiness standards. Provided it is satisfactory to the Department determination for Ferry Flight Permit may be made based on reports or any other document submitted by person agreed by the Department

- 2.1.7 The Director General will issue Ferry Flight Permit with prescribe limiting conditions once he has satisfied that the aircraft is capable of safe flight and had been restored to an acceptable condition to meet the ferry flight requirements.
- 2.1.8 The operator is advised that if the flight involves operations over States other than Malaysia, the operator of the aircraft must obtain flight clearance from the appropriate authorities of that States prior to undertaking the flight.
- 2.1.9 A copy of Ferry Flight Permit issued by the Department is required to be displayed on board the aircraft.

2.2 Foreign registered aircraft

- 2.2.1 When a foreign registered aircraft operating in Malaysia sustained major damage or defect similar as described in paragraph 2.1.3 a), b), or for other reasons at any time as determined by the DCA, the owner/operator or its handling agent is required to notify the Department immediately. Under MCAR Regulation 200, the Director General may direct the operator or commander of the aircraft not to permit the aircraft for further flight
- 2.2.2 The owner/operator or its ground handling agent shall also advise the State Of Registry immediately, communicating to it all details necessary that are required to formulate a judgement if the damage is of a nature such that the aircraft is no longer airworthy. When the State Of Registry considers the damage sustained is of a nature such that the aircraft is no longer airworthy, it shall prohibit the aircraft from resuming flight until it has been satisfactorily restored to an airworthy condition.
- 2.2.3 The State Of Registry, may however in certain cases prescribes particular limiting conditions to permit the aircraft to fly without passenger to a place where it can be restored to an airworthy condition. The Department as the State Of Occurrence, which initially had exercise its privilege of preventing the aircraft from resuming flight in accordance with 2.2.1, shall now allow it to depart. In such cases, the Department as the State Of Occurrence, may require to review the status of the aircraft and actions taken by the State Of Registry before providing the clearance for the aircraft to resume its flight
- 2.2.4 The Department will not issue a Ferry Flight Permit to a foreign registered aircraft. The respective State Of Registry authority will issue Ferry Flight Permit to the operator prior to the flight. The Department will only issue a Clearance Letter to the respective state Of Registry that the Department had reviewed the status of the aircraft and agreed to allow the aircraft to resume its flight. A copy of the Clearance Letter will be extended to the operator.
- 2.2.5 The Clearance Letter shall not constitute an approval or endorsement whatsoever for any or part of the rectification work performed in getting the aircraft back to its flyable condition. The State of Registry is responsible for the approval of the rectification work.
- 2.2.6 The owner/operator or its handling agent is responsible for all the preparations and ground handling requirements for the aircraft safe departure.

DIRECTOR GENERAL
DEPARTMENT OF CIVIL AVIATION
MALAYSIA.