

**DEPARTMENT OF CIVIL AVIATION
MALAYSIA
AIRWORTHINESS NOTICE**

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CATEGORIES OF AIRCRAFT FOR THE PURPOSE OF AIRWORTHINESS CERTIFICATION

1. Introduction

- 1.1 MCAR Regulation 26 requires that for an aircraft to fly, there must be a valid Certificate of Airworthiness (**CofA**) issued for that aircraft. For aircraft that does not meet the requirement for a CofA, the aircraft may only be flown within Malaysian airspace in accordance with the conditions of a Permit to Fly (**PtF**). International navigation is only permitted for aircraft with a valid CofA.
- 1.2 MCAR Regulation 27 provides the requirement for the issue of a CofA which includes Type Certification and Airworthiness Certification processes.
- 1.3 Type Certification is a process to ensure that the design, construction, material, specification and performance of the aircraft meet the prescribed design standards, rules and regulation. A Type Certificate (**TC**) will be issued upon successful completion of the process.
- 1.4 Airworthiness Certification is a process to ensure that the aircraft conforms to the TC and that the aircraft is in condition for safe operation. In respect of engineering and technical requirements, Airworthiness Certification is also a process for DCA's authorisation to operate an aircraft. A CofA will be issued upon successful completion of the process. For non-TC aircraft, a PtF will be issued upon successful completion of the process.
- 1.5 The purpose of this Notice is to clarify the various categories of CofA and to introduce the various categories and purposes of PtF in relation to the airworthiness certification.

2. Certificate of Airworthiness

- 2.1 The categories for CofA as reflected in MCAR, Third Schedule, is as follows :-

<u>Categories</u>	<u>Purposes</u>
(a) Transport (Passenger)	Any purpose.
(b) Transport (Cargo)	Any purpose other than the public transport of passengers.
(c) Aerial Work	Any purpose other than public transport.
(d) Private	Any purpose other than public transport or aerial work.
(e) Special	Any purpose, other than public transport, specified in the CofA but not including the carriage of passengers unless expressly permitted.

- 2.2 The CofA categories are operational categories and are not related to the TC categories, which are design standard categories. An aircraft type certificated in any of the following TC categories may be operated in any of the CofA categories :

- (a) for small aeroplanes (FAR/JAR Part 23) : normal, utility, acrobatic and commuter categories
- (b) for large aeroplanes (FAR/JAR Part 25) : transport category
- (c) for small rotorcraft (FAR/JAR Part 27) : normal category
- (d) for large rotorcraft (FAR/JAR Part29) : transport category
- (e) for special class (JAR-VLA) : very light aeroplanes
- (f) for special class (BCAR Section Q) : non rigid airship

- 2.3 For categories other than Special Category, the CofA, is issued in accordance with ICAO Annex 8 and MCAR Regulation 27. Therefore a TC, issued by the State of Design that is recognised by DCA, is a prerequisite for the issue of the CofA.

- 2.4 An aircraft is deemed to fly for the purpose of Public Transport if valuable consideration is given or promised for the carriage of passengers or cargo in the aircraft on that flight.

- 2.5 Aerial work means any purpose (other than public transport) for which an aircraft is flown if valuable consideration is given or promised in respect of the flight or the purpose of the flight, including :
- (a) the dropping of persons by parachute
 - (b) the dropping of articles for the purposes of agriculture, horticulture or forestry
 - (c) towing an article
 - (d) picking up and raising of persons, animal or articles
 - (e) aerial photography, advertising or survey
 - (f) patrolling
 - (g) weather control
- 2.6 Private Category allows an aircraft to be used for pleasure and personal flying but not for commercial purpose.
- 2.7 For Special Category, the CofA is not issued in accordance with ICAO Annex 8. Therefore the aircraft may only be flown within Malaysian airspace unless the flight over any other country is permitted by the Authority of that country. Special Category may be issued for an aircraft if :-
- (a) the aircraft meets the requirement of the TC except those requirements that the DCA finds inappropriate for the intended special purpose.
 - (b) the aircraft has no feature or characteristic that makes it unsafe when it is operated under the limitations prescribed for its intended use.
- 2.8 Aircraft type certificated in the Restricted Category (FAR Part 21) for special purpose operations may be considered for the issue of CofA in Special Category. Special purpose operations includes the following :
- (a) agricultural
 - (b) forest and wildlife conservation
 - (c) aerial photography
 - (d) aerial surveying
 - (e) aerial advertising
 - (f) patrolling (pipelines, powerlines)
 - (g) weather control
- 2.9 Special category may also be used for the following purposes, provided the aircraft would normally be eligible for other categories of CofA :
- (a) production flight testing new aircraft
 - (b) flight test purposes to evaluate or qualify a modification.
 - (c) evacuation of aircraft from impending danger
 - (d) customer demonstration flights (new aircraft only)
 - (e) overweight operation

3. Permit to Fly

- 3.1 The DCA may, in pursuant of MCAR Regulation 26 (2) (e), issue a PtF in respect of an aircraft, which may then fly in accordance with the conditions of the PtF.
- 3.2 A PtF may be issued for the following purposes :
- (a) for aircraft that is not type certificated, such as experimental aircraft, amateur-built aircraft and kitplanes.
 - (b) for aircraft that conforms to a TC, which is not recognised by the DCA such as Primary Category (FAR Part 21), BCAR Section S (small light aeroplane), BCAR Section T (light gyroplanes) and JAR 22 (sailplanes).

3.3 Categories of a PtF are as follows :

<u>Categories</u>	<u>Purposes</u>
(a) Standard	Aircraft type certificated in the Primary Category (FAR Part 21), BCAR Section S (small light aeroplane), BCAR Section T (light gyroplanes) or JAR 22 (sailplanes), flown for pleasure and personal use.
(b) Experimental	Aircraft flown for the following purposes : <ul style="list-style-type: none"> (i) Research and development. Testing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses of aircraft. (ii) Compliance Flight Test. Conducting flight tests and other operations to show compliance with the airworthiness regulations. (iii) Operating microlights, amateur-built aircraft and kit-built aircraft.

3.4 Where an aircraft is eligible by virtue of its type design for the issue of a Malaysian CofA, the DCA will not normally accept an application for the issue of a PtF in respect of that aircraft.

3.5 A PtF restricts an aircraft to flights beginning and ending in Malaysia without passing over any other country unless permitted by the Authority of that country.

4. Additional Information

4.1 Malaysian aircraft may only be used for the purpose of public transport under the provisions of an Air Operator's Certificate.

4.2 Malaysian aircraft may only be used for the dropping of articles, for the purposes of agriculture, horticulture or forestry, under the provisions of an Aerial Application Certificate.

4.3 An aircraft may only be used for the purpose of towing, picking up and raising of person, animal or article if there is an express provision in the certificate that it may be used for that purpose.

4.4 An aircraft may only be used for the purpose of aerial photography or aerial survey if permitted by DCA.

DIRECTOR GENERAL
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MALAYSIA