AIRWORTHINESS NOTICE

NOTICE 8305

Issue 1
2 May 2018

PERMIT TO FLY
(CAAM PART 21 SUBPART P)

IN exercise of the powers conferred by regulations 29 and 202 of the Civil Aviation Regulations 2016, the Chief Executive Officer makes this Airworthiness Notice ("Notice") – Permit To Fly (CAAM Part 21 Subpart P).

This Notice provides the requirement for the issuance, renewal and variation of a permit to fly for Malaysian aircraft.

This Notice is published by the Chief Executive Officer under section 240 of the Civil Aviation Act 1969 [Act 3] and come into operation on 2nd May 2018.

Non-compliance with this Notice

Any person who contravenes any provision in this Notice commits an offence and shall on conviction be liable to the punishment under section 240 of the Civil Aviation Act 1969 [Act 3].

(Ahmad Nizar Zolfakar)
Chief Executive Officer
Civil Aviation Authority of Malaysia
2nd May 2018
1.0 CITATION

This Notice may be cited as the Airworthiness Notice – Permit To Fly (CAAM Part 21 Subpart P) [Notice 8305].

2.0 APPLICATION

2.1 This Notice shall be applicable to—

(a) an applicant for, or holder of, a permit to fly; and

(b) a CAMO that has been granted the privilege to issue permit to fly.

3.0 INTERPRETATION

In this Notice, unless the context otherwise requires—

“aircraft” shall have the same meaning assigned to it under the MCAR;

“Authority” means the Civil Aviation Authority of Malaysia;

“CAMO” means approved continuing airworthiness management organisation which holds a valid certificate of approval granted under regulation 31(1)(a) of the MCAR;

“MCAR” means Civil Aviation Regulations 2016; and

“permit to fly” shall have the same meaning assigned to it under the MCAR.

4.0 APPLICATION FOR THE ISSUANCE OF PERMIT TO FLY

4.1 An application for a permit to fly shall be made by the following—

(a) a CAMO approved to manage the continuing airworthiness of the aircraft; or

(b) if the continuing airworthiness of an aircraft is not managed by a CAMO, the owner of the aircraft.
4.2 Permit to fly is classified as follows—

(a) **Permit to fly with Flight Conditions**

Applicable for aircraft with temporary loss of airworthiness in which Certificate of Airworthiness of the aircraft ceased to be in force due to the following—

(i) maintenance is not performed in accordance with approved programmes;

(ii) operation beyond the applicable operating limits;

(iii) an Airworthiness Directive has not been complied with;

(iv) showing compliance with regulations or certification requirements;

(v) certain equipment outside the approved Minimum Equipment List (MEL) is unserviceable; or

(vi) when the aircraft has sustained damage beyond the applicable limits.

(b) **Permit to fly with conditions**

Applicable for any other aircraft due to the following—

(i) a Certificate of Airworthiness has not been issued or is not appropriate; or

(ii) performing Maintenance Check Flight.

4.3 A permit to fly may be issued by—

(a) the Authority; or

(b) a CAMO that has been granted the privilege to issue permit to fly.

4.4 The Authority may issue a permit to fly if the Authority is satisfied that the applicant has fulfilled the following requirements—

(a) submission of an application form CAAM/AW/8305-01 to the Authority and accompanied by the prescribed fee; and

(b) the associated Flight Conditions has been approved or the associated conditions have been accepted.
5.0 OBLIGATIONS OF CAMO

5.1 An organisation referred to in paragraph 4.3(b) of this Notice shall—

(a) submit a copy of the permit to fly to the Chief Executive Officer, accompanied by the prescribed fee, at the earliest opportunity but not later than 3 days from the date the permit to fly is issued, renewed or varied; and

(b) inform the Chief Executive Officer immediately of any revocation, of permit to fly issued, upon evidence that any of the conditions specified in paragraph 8.2 of this Notice are met.

6.0 APPLICATION FOR THE APPROVAL OF FLIGHT CONDITIONS

6.1 Pursuant to regulation 29(4) of the MCAR, a permit to fly shall cease to be in force if any conditions of the permit are not complied with. The conditions of the permit are specified in the Flight Conditions, or any other documents as specified on the permit.

6.2 An application for the approval of the Flight Conditions shall be made to the Authority using application form CAAM/AW/8305-02.

6.3 Notwithstanding paragraph 6.2 of this Notice, the Flight Conditions which is not related to the safety of the design may be approved by a design organisation approved under regulation 21 of the MCAR that has been granted such privilege.

6.4 The application for approval of Flight Conditions shall include—

(a) any condition or restriction necessary for safe operation of the aircraft, including—

(i) the conditions or restrictions on itineraries or airspace, or both, required for the flight(s);

(ii) any conditions or restrictions on the flight crew in regard to the flight test qualifications and the nature of the flight test(s);

(iii) any conditions or restrictions regarding carriage of persons other than flight crew;

(iv) the operating limitations, specific procedures or technical conditions to be met;

(v) the specific flight test programme (if applicable); and

(vi) the specific continuing airworthiness arrangements including maintenance instructions and regime under which they will be performed;
(b) the substantiation that aircraft is capable of safe flight under the conditions or restrictions of paragraph 6.4(a) of this Notice;

(c) the configuration(s) of the aircraft at the time the application for the Flight Conditions is submitted; and

(d) the method used for the control of the aircraft configuration, in order to remain within the established conditions.

7.0 VARIATION

An application for the variation of a permit to fly shall be made to the Authority using application form CAAM/AW/8305-01 and accompanied by the prescribed fee.

8.0 DURATION AND VALIDITY OF PERMIT TO FLY

8.1 A permit to fly may be granted for a period not exceeding 12 months.

8.2 The permit to fly shall cease to be in force if—

(a) the conditions specified in regulation 29(4) of the MCAR occurs;

(b) the registration and marking of the aircraft has changed; or

(c) the permit to fly has been surrendered, suspended or revoked under MCAR.

8.3 The permit to fly issued by the Authority shall cease to be in force if the certificate of airworthiness for the aircraft is issued or becomes valid.

9.0 RENEWAL OF PERMIT TO FLY

An application for the renewal of a permit to fly, which was issued by the Authority, shall be made to the Authority using application form CAAM/AW/8305-01 and accompanied by the prescribed fee.

10.0 OBLIGATIONS OF THE HOLDER OF A PERMIT TO FLY

10.1 The holder of a permit to fly shall ensure that all the conditions and restrictions associated with the permit to fly are satisfied.

10.2 The holder of a permit to fly shall inform the flight crew on the conditions, restrictions and any other operating limitations associated with the permit to fly, prior to the flight.
10.3 The permit to fly and the associated conditions shall be carried on board and displayed in the aircraft at all times when operating under the terms of the permit to fly.

11.0 RECORD-KEEPING

All documentary evidence produced to establish and justify the Flight Conditions (if applicable), and for showing compliance with all conditions and restrictions associated with the permit to fly shall be held by the holder of the permit to fly at the disposal of the Authority and shall be retained in order to provide the information necessary to ensure the continued airworthiness of the aircraft.