

Ferry Flights and Permit to Fly

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GENERAL

Cayman Islands 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.

RELATED REQUIREMENTS

This Circular relates to OTAR Parts 21, 39, 91,119,121 and 135.

CHANGE INFORMATION

First Issue.

ENQUIRIES

Enquiries regarding the content of this Circular should be addressed to Manager Airworthiness civil.aviation@caacayman.com

Cayman Islands Aviation Circular

TABLE OF CONTENTS

1.	Introduction	3
2.	'Validity' and 'In Force' – expressions of a Certificate of Airworthiness	3
3.	Flight Authority	3
4.	Permit to Fly Application	4
5.	Air Operator's Certificate (AOC) holders	4
6.	Non-AOC holders	5
7.	Operating under a Permit To Fly	5
	APPENDIX A	5
	Technical Procedures	5
	Operating Procedures	6
	APPENDIX B	7
	Application Form	7

Cayman Islands Aviation Circular

1. Introduction

Where an aircraft becomes unserviceable due to technical problems not catered for in approved documentation such as the Minimum Equipment List (MEL), Configuration Deviation List (CDL) or the provisions of the approved maintenance programme, the aircraft owner/operator may wish to carry out a ferry flight of the aircraft, in order to reach a destination where an appropriate maintenance facility is available to facilitate permanent repair / rectification action.

If the aircraft no longer meets the certification standards set for the applicable Type Acceptance Certificate and/or required airworthiness requirements, the Certificate of Airworthiness will not be in force. The only provision for allowing an aircraft to fly in these circumstances is Article 28 of the AN(OT)O which subject to conditions, permits the aircraft to be operated in accordance with the conditions of a Permit to Fly. A Permit to Fly also provides an exemption from the requirements of Article 7(1), the requirement to hold a Certificate of Airworthiness whilst operating within the Territory airspace. For a flight intending to commence and or terminate outside the Territory, permission is required from the applicable aviation authority of any State that the aircraft will be flying within.

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 in respect to an aircraft registered in the Cayman Islands. For clarity these expressions are defined as follows:

Validity this refers to the certification basis and dates on the Certificate of Airworthiness, it does not constitute flight authority for a specific flight due to other conditional factors, reference should be made to AN(OT)O Article 26.

In Force this describes where a Certificate of Airworthiness is valid (has validity) and the conditions of the Certificate of Airworthiness have been satisfied (AN(OT)O Article 26) for the particular flight.

AN(OT)O Article 10 Continuing Airworthiness, in précis this refers to the operators obligations to ensure that the aircraft is airworthy.

3. Flight Authority

A first consideration in obtaining a flight authority for a ferry flight should be a conditional Certificate of Airworthiness. If the operations manual does not cater for a conditional flight to mitigate an abnormal aircraft condition, the operator should

Cayman Islands Aviation Circular

consider if suitable technical justification can be established whereby the C of A remains in force subject to conditions and with agreement of the CAACI.

Where it is unclear that the particular circumstances allows for a flight to take place with a C of A in force then an application for a Permit to Fly to the CAACI should be made.

4. Permit to Fly Application

An application to the CAACI for a Permit to Fly should be made via the CAACI VP-C Online system for which the nominated and approved Technical Coordinator/Post Holder will have the login credentials, <http://www.vp-online.com>. The application should be accompanied with sufficient supporting documentation, please refer Appendix A and B for technical guidance.

Appendix B is a typical application Form and should be utilised in guidance to ensure that all required information and technical evaluation is established.

The completion of the application Form will require specific technical justification supporting the nature of the intended flight or journey and that in dealing with the specifics that renders a Certificate of Airworthiness not to be in force.

It may be necessary to obtain technical support from a suitable engineering organisation and or that of the type certificate holder.

Early communication with the CAACI is advised in order to engage in obtaining the appropriate technical justification.

It should also be considered that the CAACI may reserve that right to visit the aircraft and or its records prior to granting a Permit to Fly.

5. Air Operator's Certificate (AOC) holders

A ferry flight under a C of A or a Permit to Fly will, necessarily, operate as a non-revenue flight and holders of an AOC should not operate a ferry flight with any persons on board that are not essential for the safe operation of the aircraft.

The holder of an AOC will need to include in their Operations Manual and in their Maintenance Control Manual, the details and procedures that will apply when operating an aircraft as a ferry flight.

Examples of the operational and technical procedures that should be included are listed at Appendix A.

Cayman Islands Aviation Circular

6. Non-AOC holders

Non-commercial aircraft owners/operators will also need to satisfy the CAACI 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. Reference should be made to Appendix A and B for the development of required evaluations and establishment of appropriate mitigations.

7. Operating under a Permit to Fly

Operators should be aware that aircraft not having a valid Certificate of Airworthiness in compliance with ICAO Annex 8 (which includes an aircraft holding a Permit to Fly) do not have rights of international air navigation under the Chicago Convention.

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

Operators of aircraft registered in an Overseas Territory should retain records of ferry flights, together with all documents supporting their decision to conduct the flight.

APPENDIX A

Technical Procedures

The following details should be included in the company's Maintenance Control Manual:

1. The identification of personnel who can assess the abnormal circumstances requiring the need for a ferry flight.
2. Those would be notified within the operator and any applicable airworthiness support organisation to determine the actions they would be required to follow. Particularly in establishing whether the aircraft could undertake a ferry flight safely with the identification of required maintenance activities and any operational limitations that would need to be applied. Procedures for contacting the CAACI prior to a ferry flight, the assigned airworthiness management organisation, aircraft Type Certificate Holder or suitable Design Organisation are required.
3. Procedures requiring the involvement of the operator's flight operations department who should be consulted following or during the development of airworthiness technical

Cayman Islands Aviation Circular

justification. The purpose of the liaison should be to establish acceptance and development of operational conditions required to support the intended flight.

4. A list of nominated technical personnel who will be responsible for authorising the ferry flight, and maintaining operational control.
5. A description of circumstances where a Permit to Fly will be required, how an application is managed and the nominated person responsible.
6. Operational control of the aircraft operating under a Permit to Fly should be clearly identified.

Operating Procedures

The following details should be included in the company's Operations Manual.

1. The nominated flight operations personnel who can liaise with the assigned airworthiness technical representatives on procedures for the operation; details of those personnel who can authorise a ferry flight.
2. The considerations to be taken account of before a ferry flight is authorised. These may include:
 - (a) Any limitations applicable to ferry flights that are detailed within the Flight Manual
 - (b) Crew operating procedures for carrying out ferry flights, unless conduct of the flight is managed within existing crew operating procedures.
 - (c) Runway limitations
 - (d) Performance data for all phases of flight in the configuration to be flown.
 - (e) Fuel planning and management
 - (f) Existing unserviceable conditions
 - (g) Overflight permissions for the route to be flown
 - (h) En-route weather
 - (i) Crew experience
 - (j) Additional crew operating procedures
 - (k) Flight Time Limitations
 - (l) Flight plans available at relevant speeds / altitudes

Cayman Islands Aviation Circular

- (m) Crew briefing arrangements
- (n) Training requirements
- (o) Details of documentation and clearances required

APPENDIX B

The Form below is intended to help an applicant/operator develop the required data and identify considerations required to support a Ferry Flight whether that be under a Conditional C of A or a Permit to Fly.

PERMIT TO FLY or C of A FERRY FLIGHT		<i>Organisation letterhead</i>
Operator		
Name	Address	Contact details
Aircraft		
Registration	Serial Number	Designation
Continued Airworthiness Management Organisation		
Name	Address	Contact details
Nature of Flight		
Ferry	Flight: From and To	Applicable Journey Via
Test flight		
Current Aircraft Location		

Cayman Islands Aviation Circular

Details of Abnormal Condition		
Technical Justification for Ferry Flight/Journey		
Data	Source	Compliance Requirements
Conditions		Limitations
Test Flight for Approval of a Design Change		
Contact Details		
Design Organisation	Maintenance Organisation	Applicable NAA
Design Change Details		
STC number	Description	Flight Manual references
Flight Test Programme		
Ground Tests		
Flight Schedules		
Nominated Persons for		
Flight Release Certificate	Name	Maintenance Organisation and Authorisation Reference

Cayman Islands Aviation Circular

Airworthiness Release Certificate	Name	OTAR Part 39 Organisation
Operational Control		
Authorised Person	Position	Contact Details
Supporting Documentation Supplied		
References	Description	
Date of application		
Date of application	Applicant	