

Transfer of an Annex II General Aviation Aircraft from a Certificate of Airworthiness to a Permit to Fly

Introduction

Requests for a change from a National Certificate of Airworthiness to a Permit to Fly are dealt with on a case by case basis. This guidance formalises the existing process and makes that information available to those who need it.

The CAA has long recognised there is a lack of type support for some vintage aircraft. This can impact the continuing airworthiness in terms of design support for modifications, or the ability to source spare parts and the ability to meet the existing maintenance regime. This guidance will benefit those owners who can make use of the reduced level of airworthiness assurance associated with the maintenance regimes and the potentially greater accessibility to spare parts for PtoF aircraft.

All of the aircraft potentially affected by this process are non-UK types and successful transfer is dependent on the agreement of the State of Design. This process only concerns Annex II GA aircraft currently operating with a National CofA. EASA aircraft are not covered by this process and any similar requests to change their airworthiness certificate regime will need to be made to EASA.

Background

The CAA, in discharging the ICAO obligations on behalf of the UK Government (as required by the Civil Aviation Act), is obliged to ensure as far as practicable that UK aircraft meet or exceed the airworthiness standards of Annex 8 to the Convention and to issue those aircraft with an ICAO CofA. Therefore the CAA cannot issue a PtoF to an aircraft that ought to hold a CofA. An application for a PtoF for an aircraft will therefore only be considered if the aircraft concerned is ineligible to hold a CofA.

The eligibility of a product to hold a CofA relies in part on there being in existence an organisation that is monitoring and addressing continued airworthiness issues i.e. a Type Certificate (TC) Holder or Type Responsibility Agreement (TRA) Holder. However, it is important to note that it is the loss of the TC or TRA Holder (or that an unsafe condition has arisen that cannot be mitigated) that results in the lack of continued eligibility for a CofA. The perceived lack of availability of spare parts is not the deciding factor to be considered because if the TC or TRA Holder is effective it should be possible to obtain spares for aircraft with a CofA with the assistance of organisations approved for design and production as necessary.

This process is therefore only applicable to the situation where either the TC Holder or the TRA Holder is not meeting (or appearing not to meet) its responsibilities. The process describes the factors which CAA will consider when determining whether or not an aircraft ought to fly under a CofA and, if not, when the CAA can issue a Permit to Fly.

Decision process

1. The decision will be made by the CAA, based on the information and evidence provided.
2. An owner of an Annex II GA aircraft who believes that the TC Holder or TRA Holder is not meeting its obligations, or by virtue of ceasing to exist is not able to do so, should advise this to the CAA General Aviation Unit.
3. The owner or their representative should provide evidence of how this lack of support is manifested, including any relevant correspondence with the TC/TRA Holder, or a representative body such as the Light Aircraft Association, or a Type Club, and/or the National Aviation Authority of the State of Design of the type.
4. The UK CAA will review this information and follow this up as appropriate.
5. If the CAA agrees that it appears that the request can supported, this will be progressed by consultation with the National Aviation Authority of the State of Design. This may be either from correspondence already in existence as per 3(c) above, information publicly available from the NAA, or directly between the UK CAA and the State of Design NAA.
6. The State of Design must confirm to the UK CAA that the type is no longer supported in a manner that allows the aircraft to retain an ICAO compliant CofA.
7. Should it be confirmed the TC or TRA Holder for a product has ceased to function the CAA shall define a period during which the CsofA may remain in force to allow an opportunity for recovery or replacement of the TC or TRA Holder. The period to be allowed will be determined having regard to the use, size and complexity of the product and the number of aircraft operating.

NOTE: A number of NAAs have published information regarding affected aircraft and this will be used by CAA as part of this process. For example FAA guidance including the transition period may be found at URL: http://rgl.faa.gov/Regulatory_and_Guidance_Library/rgOrders.nsf/0/8CF5C1E697420B6C86257DAF0067D3BC?OpenDocument&Highlight=8110.120

8. If no TC or TRA Holder has taken on the continued airworthiness responsibilities by the end of the defined period the TC or other design approval for a CofA shall be revoked or considered to be revoked, and the aircraft type will no longer be eligible to hold a CofA.
9. Applications for a PtoF may then be considered. The approval of a PtoF will be subject to compliance with the relevant provisions of BCAR Section A.

NOTE: The Permit to Fly may be administered either by the CAA or on its behalf by the Light Aircraft Association (LAA). LAA guidance on this once the transfer decision has been made may be found as Technical leaflet TL 1.20 on its website at URL: <http://www.lightaircraftassociation.co.uk/engineering/TechnicalLeaflets/Building,%20Buying%20or%20Importing/TL%201.20%20Transferring%20from%20a%20C%20of%20A%20to%20a%20Permit%20to%20Fly.pdf>

10. Should a new TC or TRA Holder become established after an aircraft has been issued with a PtoF there will be no compulsion to cancel the PtoF and require restoration to the CofA standard although the owner may elect to do so.

NOTE: Should an owner elect to apply for restoration of a CofA, this will require an evaluation of the aircraft modification and repair state, compliance with mandatory actions, justification of spare parts used and its maintenance regime etc. whilst it was operated with a PtoF. It is therefore not necessarily a straightforward or guaranteed transition back to the CofA state.

Publication of Change of Status

Publication will be made in CAP 747 regarding the status change of the aircraft type.