



## **AIRWORTHINESS NOTICE**

### **NOTICE 8305**

**Issue 1**  
**15 April 2016**

#### **PERMIT TO FLY**

In exercise of the powers conferred by Regulation 202 of the Civil Aviation Regulations 2016, the Director General makes this Airworthiness Notice ("Notice").

This Notice is published by the Director General under Section 240 of the Civil Aviation Act 1969 [Act 3].

**DATO' SRI AZHARUDDIN ABDUL RAHMAN**  
DIRECTOR GENERAL  
DEPARTMENT OF CIVIL AVIATION  
MALAYSIA

## **NOTICE 8305 PERMIT TO FLY**

### **1.0 GENERAL**

- 1.1 This Notice provides the requirements for the issuance, renewal or variation of a permit to fly pursuant to regulations 29 of the Civil Aviation Regulations (CAR) 2016.
- 1.2 This Notice also provides the requirements for approving associated flight conditions, and establishes the rights and obligations of the applicants for, and holders of, those permits and approvals of flight conditions.

### **2.0 ELIGIBILITY**

- 2.1 Any person shall be eligible as an applicant for a permit to fly except for a permit to fly requested for the purpose of paragraph 4.2(o) of this Notice, where the applicant shall be the owner.
- 2.2 Any person shall be eligible for application for the approval of the flight conditions.

### **3.0 INTERPRETATION**

[Reserved]

### **4.0 SCOPE**

- 4.1 Permits to fly shall be issued in accordance with this Notice to aircraft that do not meet, or have not been shown to meet, applicable airworthiness requirements but are capable of safe flight under defined conditions.
- 4.2 The purposes of permit to fly includes, but not limited to, the following:
  - (a) development;
  - (b) showing compliance with regulations or certification requirements;
  - (c) design organisations or production organisations crew training;
  - (d) production flight testing of new production aircraft;
  - (e) flying aircraft under production between production facilities;
  - (f) flying the aircraft for customer acceptance;
  - (g) delivering or exporting the aircraft;
  - (h) flying the aircraft for the DCA's acceptance;
  - (i) market survey, including customer's crew training;
  - (j) exhibition and air show;

- (k) flying the aircraft to a location where maintenance, repairs or airworthiness review are to be performed, or to a place of storage;
- (l) flying an aircraft at a weight in excess of its maximum certificated takeoff weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available;
- (m) record breaking, air racing or similar competition;
- (n) flying aircraft meeting the applicable airworthiness requirements before conformity to the environmental requirements has been found;
- (o) for non-commercial flying activity on individual non-complex aircraft or types for which a certificate of airworthiness or restricted certificate of airworthiness is not appropriate.

## **5.0 APPLICATION FOR PERMIT TO FLY**

5.1 Pursuant to paragraph 2.0 of this Notice and when the applicant has not been granted the privilege to issue a permit to fly, an application for a permit to fly shall be made in a form and manner established by this Notice.

5.2 Each application for a permit to fly shall include:

- (a) the purpose(s) of the flight(s), in accordance with paragraph 4.2 of this Notice ;
- (b) the ways in which the aircraft does not comply with the applicable airworthiness requirements;
- (c) the flight conditions approved in accordance with paragraph 8.0 of this Notice or the application for approval of the flight conditions made in accordance with paragraph 7.0 of this Notice.
- (d) applicable fee.

## **6.0 FLIGHT CONDITIONS**

6.1 Pursuant to regulation 29(3) of CAR 2016, unless with the written permission of the Director General, a person who holds a permit to fly shall not:

- (a) fly an aircraft for the purpose of commercial air transport operations; and
- (b) carry on board a person who is not a member of the flight crew

6.2 Flight conditions also include:

- (a) the configuration(s) for which the permit to fly is requested;
- (b) any condition or restriction necessary for safe operation of the aircraft, including:
  - (i) the conditions or restrictions put on itineraries or airspace, or both, required for the flight(s);

- (ii) any conditions or restrictions put on the flight crew to fly the aircraft in regard to the flight test crew qualifications and the nature of the flight test(s).
  - (iii) the 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);
  - (vi) the specific continuing airworthiness arrangements including maintenance instructions and regime under which they will be performed;
- (c) the substantiation that the aircraft is capable of safe flight under the conditions or restrictions of paragraph 6.2(b) of this Notice;
- (d) the method used for the control of the aircraft configuration, in order to remain within the established conditions.

6.3 Flight conditions should be clear and concise so they can be easily understood.

## **7.0 APPLICATION FOR APPROVAL OF FLIGHT CONDITIONS**

7.1 Pursuant to paragraph 6.0 of this Notice and when the applicant has not been granted the privilege to approve the flight conditions, an application for approval of the flight conditions shall be made,

- (a) when approval of the flight conditions is related to the safety of the design, to the Director General in accordance with this Notice ; or
- (b) when approval of the flight conditions is not related to the safety of the design, to a design organisation approved by the Director General who has been granted such privilege by the Director General.

7.2 Each application for approval of the flight conditions shall include:

- (a) the proposed flight condition(s);
- (b) the documentation supporting these conditions; and
- (c) a declaration that the aircraft is capable of safe flight under the conditions or restrictions of paragraph 6.2(b) of this Notice.

## **8.0 APPROVAL OF FLIGHT CONDITIONS**

8.1 When approval of the flight conditions is related to the safety of the design, the flight conditions shall be approved by the Director General.

8.2 Except for a permit to fly issued for the purpose of paragraph 4.2(o) of this Notice, when approval of the flight conditions is not related to the safety of the design, the

flight conditions may be approved under the privilege of a design organisation approved by the Director General.

- 8.3 Before approving the flight conditions, the Director General or the approved organisation must be satisfied that the aircraft is capable of safe flight under the specified conditions and restrictions. The Director General or the approved organisation may make or require the applicant to make any necessary inspections or tests for that purpose.

## **9.0 ISSUE OF A PERMIT TO FLY**

- 9.1 As provisioned by regulation 26(2)(d) of CAR 2016 a permit to fly may be issued by:
- (a) the Director General; or
  - (b) Except for a permit to fly issued for the purpose of paragraph 4.2(o) of this Notice, an appropriately approved continuing airworthiness management organisation under regulation 31(1)(a) of CAR 2016, when the flight conditions referred to in paragraph 6.0 of this Notice have been approved in accordance with paragraph 8.0 of this Notice.
- 9.2 The permit to fly shall specify the purpose(s) as mentioned in paragraph 4.2 of this Notice and any conditions and restrictions which have been approved in accordance with paragraph 8.0 of this Notice.
- 9.3 For permits to fly issued under paragraph 9.1(b) of this Notice, a copy of the permit to fly and associated flight conditions shall be submitted to the Director General at the earliest opportunity but not later than 3 days.
- 9.4 Upon evidence that any of the conditions specified in paragraph 14.0 of this Notice are not met for a permit to fly that an organisation has issued pursuant to paragraph 9.1(b) of this Notice, that organisation shall immediately revoke that permit to fly and inform without delay the Director General.

## **10.0 CONTINUING AIRWORTHINESS**

- 10.1 The continuing airworthiness of aircraft holding a permit to fly shall be ensured on the basis of the specific continuing airworthiness arrangements as defined in the permit to fly issued in accordance with Notice 6401.

## **11.0 CHANGES**

- 11.1 Any change that invalidates the flight conditions or associated substantiation established for the permit to fly shall be approved in accordance with paragraph 8.0 of this Notice. When relevant, an application shall be made in accordance with paragraph 7.0 of this Notice.
- 11.2 A change affecting the content of the permit to fly requires the issuance of a new permit to fly in accordance with paragraph 9.0 of this Notice.

## **12.0 TRANSFERABILITY**

12.1 A permit to fly is not transferable.

## **13.0 INSPECTIONS**

13.1 The Director General may inspect the aircraft, in particular a damaged aircraft or an aircraft for which the airworthiness is questionable in any respect, before approving and issuing a permit to fly to determine if the aircraft is capable for safe flight for the intended purpose mentioned in paragraph 4.2 of this Notice.

13.2 The Director General may also require the applicant to make appropriate inspections or test necessary for safety prior to flight.

13.3 The holder of, or the applicant for, a permit to fly shall provide access to the aircraft concerned at the request of the Director General.

## **14.0 DURATION AND CONTINUED VALIDITY**

14.1 A permit to fly shall remain valid up to a maximum period of 12 months.

14.2 A permit to fly shall cease to be in force:

- (a) if the conditions specified in regulation 29(4) of CAR 2016 occurs; or
- (b) if the certificate of airworthiness is issued or becomes valid.

14.3 A permit to fly shall remain valid subject to:

- (a) compliance with the conditions and restrictions of paragraph 9.2 associated with the permit to fly;
- (b) the permit to fly not being surrendered or revoked;
- (c) the aircraft remaining with the same registration and marking.

14.4 Upon surrender or revocation, the permit to fly shall be returned to the Director General.

## **15.0 RENEWAL OF PERMIT TO FLY**

15.1 Renewal of the permit to fly shall be processed as a change in accordance with paragraph 11.0 of this Notice.

## **16.0 OBLIGATIONS OF THE HOLDER OF A PERMIT TO FLY**

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

16.2 The holder of a permit to fly shall inform its flight crew on the flight conditions and any other operating limitations prior to the flight.

- 16.3 The permit to fly and the prescribed flight conditions shall be carried on board and displayed in the aircraft at all times when operating under the terms of the permit to fly.

## **17.0 RECORD-KEEPING**

- 17.1 All documents produced to establish and justify the flight conditions shall be held by the holder of the approval of the flight conditions at the disposal of the Director General and shall be retained in order to provide the information necessary to ensure the continued airworthiness of the aircraft.
- 17.2 All documents associated with the issue of permits to fly under the privilege of approved organisations, including inspection records, documents supporting the approval of flight conditions and the permit to fly itself, shall be held by the related approved organisation at the disposal of the Director General and shall be retained in order to provide the information necessary to ensure the continued airworthiness of the aircraft.

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