

GOVERNMENT OF INDIA
OFFICE OF THE DIRECTOR GENERAL OF CIVIL AVIATION
TECHNICAL CENTRE, OPP SAFDURJUNG AIRPORT, NEW DELHI

1. Introduction

1.1 Rule 15 of the Aircraft Rules, 1937 states that no aircraft shall be flown unless the aircraft holds a valid certificate of airworthiness or a special certificate of airworthiness. Further, the said rule allows an aircraft to be flown under a special flight permit issued by the Director General.

1.2 | Subrule 3 of Rule 55 of the Aircraft Rules, 1937 states that an aircraft shall not be flown during any period for which its certificate of airworthiness or special certificate of Airworthiness is suspended or deemed to be suspended. Further, subrule 4 of the said rule states that "Where the certificate of airworthiness or the special certificate of airworthiness of an aircraft is suspended or deemed to be suspended, the Director-General may, upon an application by the owner or operator, issue a special flight permit under rule 55A".

1.3. Rule 55A of the Aircraft Rules, 1937 states that the Director-General may issue a special flight permit when an aircraft is not fully in compliance with the airworthiness requirements but is in a condition for safe operation subject to such conditions as are specified in the special flight permit. The owner or operator of an aircraft may apply to the Director-General for the issue of a special flight permit in respect of the aircraft for any of the purposes as specified by the Director- General.

1.4 This part of the CAR lays down the conditions for the issuance of a special flight permit in respect of an aircraft with a suspended or deemed to be suspended or invalid C of A, which may be permitted to undertake flight.

1.5 This CAR is issued under the provisions of Rules 55, 55A and 133A of Aircraft Rules 1937.

2. Definitions

"Special Flight Permit" means a document issued by the Director-General to an aircraft which does not meet the conditions of airworthiness as defined in clause (1GA) but is in a condition for safe operation subject to limitations as may be specified therein; (Rule 3 (51C) of the Aircraft Rules, 1937)

"Airworthy" means the status of an aircraft, engine, propeller or part when it conforms to its approved design and is in a condition of safe operation in accordance with norms specified by the Director-General. (Rule 3 (1GA) of the Aircraft Rules, 1937)

"Maintenance check flight (MCF) means a flight carried out to provide reassurance of the aircraft's performance or to establish the correct functioning of a system or equipment that cannot be fully established during ground checks:

(a) as required by the aircraft maintenance manual (AMM) or any other maintenance data issued by a design approval holder being responsible for the continuing airworthiness of the aircraft; or

(b) after maintenance, as required by the operator or proposed by the continuing airworthiness management organisation; or

c) as requested by the maintenance organisation for verification of a successful defect rectification; or

d) to assist with fault isolation or troubleshooting.

"Demonstration flight" means a flight performed with the purpose of demonstrating an aircraft's handling, performance, capabilities and functionalities to prospective lessees.

3. Conditions for the issuance of a special flight permit

Defects and damages may be encountered during operation of an aircraft for which repair facilities may not exist at en-route stations. At times in order to carry out a mandatory modification/ inspection/ Airworthiness Directive, it is essential for the aircraft to be dispatched to base. In certain other conditions, evacuation of aircraft or persons from, areas of impending danger may be required. There may be occasions where the aircraft has to be flown for experimental or test flights including production test flights without valid C of A. In these circumstances, special flight may be authorized, if the aircraft is otherwise safe, to conduct the intended flight.

3.1. A special flight permit may be issued by DGCA Hdaqrs./ Regional/ Sub-Regional Airworthiness Office to an aircraft when Certificate of Airworthiness has been suspended or deemed to be suspended or has become invalid. Such aircraft currently may not meet applicable airworthiness requirements but is capable of performing safe flight for the following purposes:

- i) Ferry fly to a base without fare paying passengers or property onboard where repair, modification and maintenance are to be performed to remove the suspension of the C of A.
- ii) Test flying after modification/ repair during a process of applying for a supplementary type certificate.
- iii) Evacuation of aircraft or persons from areas of impending danger or in the case of force majeure.
- iv) Ferry fly to a point of Temporary/ Permanent storage.
- v) Operation of an aircraft at a weight in excess of its maximum certified take-off weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available. The extra weight that is limited to additional fuel, fuel tanks and navigation equipment necessary for the flight.
- vi) Test flying after maintenance / modification/ repair for revalidation / revocation of C of A, if required, in accordance with CAR Section 2 Series F Part III Para 8.
- vii) Test flying in case of expired ARC.

3.2 Special Flight Permit may also be issued for:

- (a) a new delivery aircraft from manufacturing facility as specified in CAR Section 2 Series F Part III.
- (b) After erection of an aircraft for the purpose of conducting test flight.
- (c) Undertaking maintenance check flight/ demonstration flight/ positioning flight in respect of aircraft registered with aircraft leasing company approved as 'Operator'.

Note 1: Such Lessor/ Operator must comply with all operational requirements for the intended flight (MCF/ Demo/ positioning).

Note 2: Lessors are only be permitted for normal routine flight for Demo purposes. For demonstration flight, Lessor and Lessee representative(s) as required shall only be permitted on board.

4. Procedure

4.1 The owner/ operator seeking a special flight permit shall submit an application as per Appendix J. The operator shall substantiate how the aircraft can be flown safely and the steps taken for safe flight. The application shall be concurred and signed by the engineering and operations departments of the operator signifying that the proposed operation is safe from engineering and operational aspects.

4.1.1 For a damaged aircraft:

- a) the application shall be submitted to the local Regional Airworthiness /Sub Regional Office under whose jurisdiction the aircraft has sustained damage and will be accompanied with a

report covering assessment of defect and extent of damage sustained. A copy of the report shall also be forwarded to the Regional/ Sub-Regional office where the aircraft is based.

b) In case the aircraft sustains damage/defect outside the country, application for special flight permit shall be submitted to the office where the aircraft is based.

4.2 The application and the report, detailing the condition of the aircraft and the steps taken for safe flight will be analysed and based on the assessment with regard to safety of aircraft (also persons on board), the local Regional/ Sub regional Airworthiness Office may grant special flight permit subject to the following conditions/ limitations:

a) A copy of the special flight permit shall be carried on board the aircraft when operating under this special flight permit;

b) The registration marks assigned to the aircraft shall be displayed on the aircraft in conformity with the requirements as laid down in Aircraft Rules, 1937 and Civil Aviation Requirements;

c) Person or property shall not be carried for compensation or hire;

d) No person shall be carried on the aircraft unless that person is essential to the purpose of the flight and has been advised of the contents of the permit and the airworthiness status of the aircraft;

6) The aircraft shall be operated only by flight crew members who are aware of the purpose of the flight and any limitation imposed, and who hold appropriate licence issued or validated by DGCA;

f) All flights shall be conducted so as to avoid areas where flights might create hazardous exposures to person or property;

g) All flights shall be conducted within the performance operating limitations prescribed in the Aircraft Flight Manual and any additional limitations prescribed for the particular flight; and

h) The flight shall be conducted within the period of the validity of the Permit.

i) Before undertaking the flight, the aircraft shall be inspected and repaired to a degree necessary to ensure safe flight, and a maintenance release signed by a person/ organisation licensed/ authorized.

j) If the flight involves operation over States other than India, the operator of the aircraft must obtain necessary overfly authorization from the respective authorities of each of those States prior to undertaking the flight.

4.3. It is the responsibility of the operator / owner to ensure that the aircraft is capable of performing safe flight for the intended purpose. However, Regional/ Sub regional Airworthiness Office may require the applicant to make the aircraft available for inspection especially when the aircraft is damaged or the airworthiness/ safety of aircraft is in doubt or C of A of the aircraft is expired.

Note: In case of an aircraft possessing non-expiring C of A, the C of A will be deemed to have expired once the ARC is not renewed.

4.4. When an aircraft has sustained damage, DGCA shall judge whether the damage is of nature such that the aircraft is no longer airworthy.

4.5 _ If the damage is sustained or ascertained when the aircraft is in the territory of another Contracting State, the authorities of the other Contracting States shall be entitled to prevent the aircraft from resuming its flight on the condition that they shall advise DGCA immediately, communicating to it all details necessary to formulate the judgement necessary for ascertaining the nature of the damage and its effect on airworthiness and safety.

4.6 When the DGCA considers that the damage is of a nature such that the aircraft is no longer airworthy, it shall prohibit the aircraft from resuming flight until it is restored to airworthy condition. The DGCA may however, in exceptional circumstances, prescribe

particular limiting conditions to permit the aircraft to undertake a non-commercial operation to an aerodrome at which it will be restored to an airworthy condition. In prescribing particular conditions the DGCA shall consider all limitations proposed by the Contracting State that had originally, in accordance with para 4.5, prevented the aircraft from resuming its flight. DGCA shall permit such flight or flights within the prescribed limitations.

4.7 When DGCA considers that the damage is of a nature such that the aircraft is still airworthy the aircraft shall be allowed to resume flight.

5. Upon completion of the flight, the operator will render a report to the Regional/ Sub Regional Airworthiness Office, where the aircraft is based and a copy forwarded to the authority who had issued the special flight permit which shall include.

- a) Any abnormality encountered during flight.
- b) Action taken at base to render aircraft airworthy.
- c) Result of production test flight.
- d) Any other information regarding the flight as deemed necessary.

6. Notwithstanding the above, the Regional/Sub Regional Airworthiness Office may refuse to grant permit to any flight if there is reasonable doubt that such flight may jeopardize the safety of the aircraft and/ or persons on board.