

Special Flight Permits

Revision 1
2 March 2023

General

Civil Aviation Authority advisory circulars (ACs) contain information about standards, practices and procedures that the Director has found to be an acceptable means of compliance with the associated rule.

Consideration will be given to other methods of compliance that may be presented to the Director. When new standards, practices, or procedures are found to be acceptable they will be added to the appropriate AC.

Purpose

This AC describes an acceptable means of compliance with the Special Flight Permit airworthiness certification requirements under Civil Aviation Rule Part 21, Subpart I.

Related Rules

This AC relates specifically to Civil Aviation Rule Part 21, Subpart I – *Special Flight Permits*.

Change Notice

Revision 1 adds information to clarify Section 2, *Eligibility*, and section 6.3 *Special Flight Permit – Application, Grounds for request*. It also makes stylistic changes in line with current AC style and adds a Version History.

Version History

History Log

Revision No.	Effective Date	Summary of Changes
AC21-9, Rev 0	2 October 2014	Initial issue, although not the original issue. The content of this AC was previously contained in AC21-3 <i>Product Certification – Airworthiness Certificates in the Special Category</i> .
AC21-9, Rev 1	2 March 2023	<p>Adds information to clarify Section 2, <i>Eligibility</i>, and section 6.3 <i>Special Flight Permit – Application, Grounds for request</i></p> <p>Makes stylistic changes in line with current AC style and adds a Version History.</p> <p>Note: A typo was corrected on 7 March 2023, after a participant pointed it out.</p>

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1. Introduction

To be eligible to operate in New Zealand under Part 91, an aircraft must have been issued with an airworthiness certificate and be in an airworthy condition.

Civil Aviation Rules also provide for the issue of a *Special Flight Permit* where the aircraft does not have an airworthiness certificate or is no longer airworthy for some reason. A Special Flight Permit effectively allows a dispensation against some specific airworthiness or maintenance requirement in order that an unserviceable aircraft may still be operated in an acceptable and safe manner subject to appropriate restrictions. Aircraft cannot operate under a Special Flight Permit for commercial operations.

A Special Flight Permit can be issued to an aircraft to authorise a single flight or series of flights for a particular purpose, such as a ferry flight to a maintenance base.

A *Special Flight Permit – Continuing Authorisation* can be issued to a holder of a Part 148 aircraft manufacturing certificate to control the operation of its aircraft and, in particular, allow production flight testing.

2. Eligibility

A Special Flight Permit may be issued to permit the operation of an aircraft that cannot comply with the requirements of rules 91.101(a)(1)(i) or 91.602(a) because:

- the aircraft does not have a valid airworthiness certificate, or
- the aircraft is not airworthy due to overdue maintenance or defects and needs to be flown to where the maintenance can be performed.

To be eligible for a Special Flight Permit, an aircraft must be capable of safe flight.

3. Use of Permit

The applicant for a Special Flight Permit should indicate the purpose for which the permit is required. CAA will record this purpose on the Special Flight Permit document when it is issued.

3.1 Examples of purposes

3.1.1 Ferry flight to a place where maintenance or storage is to take place

A ferry flight may apply to an aircraft that:

- (a) has maintenance due under 91.603
- (b) has been damaged
- (c) has inoperative equipment
- (d) otherwise cannot meet all the requirements of Part 91, and/or
- (e) is newly imported and does not yet obtain an airworthiness certificate.

Under a Special Flight Permit the aircraft may be ferried to a facility where work on the aircraft is to be performed, or where the aircraft is to be stored. A Special Flight Permit will only be issued if the flight can be shown to meet an acceptable level of safety.

3.1.2 Aircraft evacuation

A Special Flight Permit may be issued to permit an aircraft to be flown out of areas that are, or are expected to be, dangerous. Factors that could make an area dangerous include:

- (a) flooding
- (b) earthquake
- (c) extreme weather, and/ or
- (d) other natural disasters.

A Special Flight Permit is not an ICAO airworthiness certificate, and it will normally only be valid for flight/s within New Zealand.

4. Continuing Authorisations

For the conduct of production flight testing, a Special Flight Permit - Continuing Authorisation may be issued to enable the holder of a manufacturing organisation certificate issued under Part 148 to operate an aircraft.

A Special Flight Permit - Continuing Authorisation is a general permission and it is not specific to an individual aircraft. It may authorise the flight testing of new production aircraft which have not been registered.

The issue of a Special Flight Permit - Continuing Authorisation will be subject to meeting conditions and limitations contained in the Part 148 organisation's exposition. The conditions and limitations should include:

- (a) a process to ensure the conformity of the aircraft
- (b) flight test areas
- (c) acceptable routes and flight test schedules
- (d) identification of aircraft types
- (e) pilot criteria, and
- (f) any other procedures or considerations to ensure the conduct of the flight meets the conditions of the authorisation.

5. Certificate of Fitness for Flight

Before a Special Flight Permit can be issued, CAA must be satisfied that there is an acceptable level of safety for the flight. This will be achieved by CAA making an assessment of the airworthiness of the aircraft based on a review of the deficiencies identified by the applicant,

along with an inspection of the aircraft by a licensed aircraft maintenance engineer (LAME) or other authorised person who will be required to issue a certificate of fitness for flight.

The certificate of fitness for flight *is not* a release to service for the aircraft.

A sample form for a certificate of fitness for flight is shown in Appendix 1.

6. Special Flight Permit – Application

6.1 General

An application for a Special Flight Permit is to be made on form CAA 24021/07. This form is available on the CAA website, under the *Forms* tab.

Note: *All charges associated with the issue of the Special Flight Permit will normally be invoiced to the aircraft's registered owner. CAA will invoice another client if it receives a written request, and that client has agreed in writing to accept the charges.*

6.2 Purpose

The intended purpose of the flight should be specified.

6.3 Grounds for request

The application should contain the reasons why the Special Flight Permit is required, in particular all the airworthiness requirements that the aircraft cannot comply with. For example: what inspections may be overdue, etc.

It is very important that all the reasons are clearly stated in detail so CAA can:

- assess the level of safety of the aircraft and the risk involved, and
- apply any mitigating safety measures or operating restrictions to protect the pilot and the public.

Refer to Appendix 2 for a list of the typical conditions or limitations applied to a Special Flight Permit.

Applications for a Special Flight Permit for an aircraft which is subject to a defect should be accompanied by supporting information that will enable CAA to accurately assess the defect and level of risk. Examples of useful information which the applicant can provide include:

- digital images
- damage maps
- drawings, and
- references to the relevant Aircraft Maintenance Manual (AMM) or Illustrated Parts catalogue (IPC).

Note: *A Special Flight Permit is not required if:*

- *only the review of airworthiness (RA) is overdue (refer to rule 91.615(c)(2)), or*
- *the flight is solely for the purpose of demonstrating eligibility of the aircraft for a standard or restricted category airworthiness certificate, if*

- *the flight starts and ends at the same airfield, and*
- *the other requirements of rule 91.101(c) are met.*

7. Flight Details

These sections contain the details pertaining to the specific flight, or flights, including:

- (a) the proposed itinerary, including the proposed:
 - (i) route, and
 - (ii) date(s) of the flight
- (b) the proposed crew, and
- (c) any proposed operating limitations.

Note: *A specific date for the flight is not required. The Special Flight Permit will be issued with a period of validity, to allow for contingencies such as weather, crew availability etc.*

8. Inspection

In general, as a condition of issue of the Special Flight Permit CAA will require the aircraft to be inspected by a LAME, who needs to complete a certificate of fitness for flight. If this has been carried out, a copy should be forwarded to CAA with the application. If it is not supplied in advance, its issue will be a condition of the validity of the Special Flight Permit.

If the level of unserviceability of the aircraft is relatively minor, however, such as an inspection interval being overrun by only a small amount, CAA may accept a thorough pre-flight inspection of the aircraft by an experienced pilot.

In the case of a Continuing Authorisation, the fitness for flight certification will be carried out and certified in accordance with the Part 148 organisation's exposition.

Appendix 1: Certificate of Fitness for Flight

CERTIFICATE OF FITNESS FOR FLIGHT	
1.	Aircraft Manufacturer..... Aircraft Manufacturer's Designation..... Aircraft Registration.....
2.	It is hereby certified that the aircraft defined hereon has been inspected and is fit for flight provided it is properly loaded.
This Certificate is valid until.....or until the airworthiness condition of the aircraft is altered, whichever is earlier.	
Signed.....Date...../...../.....	
AME Licence No.....	

Appendix 2: Standard Special Flight Permit Limitations

- (a) Prior to the operation of an aircraft pursuant to this Special Flight Permit the aircraft shall be inspected by an appropriately rated licensed aircraft maintenance engineer (LAME), who shall issue a certificate of fitness for flight in duplicate, one copy to be carried on board the aircraft and one copy kept with the aircraft records.
- (b) Except in the case of take-off and landing, this aircraft shall not be operated over a congested area of a town, settlement or city or over an open-air assembly of persons.
- (c) No person shall operate this aircraft for the carriage of persons for hire or reward.
- (d) Operation of an aircraft pursuant to this Special Flight Permit shall be in accordance with the procedures and limitations given in the *CAA Flight Manual* identified on the front of this certificate.
- (e) This Special Flight Permit shall be valid for one flight or series of flights from to
- (f) No person shall be carried on an aircraft operated pursuant to this Special Flight Permit other than essential flight crew members.
- (g) No cargo shall be carried on an aircraft operated pursuant to this Special Flight Permit.
- (h) This Special Flight Permit document shall be carried on board an aircraft when it is being operated pursuant to this Special Flight Permit.
- (i) All required safety and emergency equipment shall be fitted and serviceable.