MAA01: Military Aviation Authority
Regulatory Policy

► MAA01 has been substantially re-written; for clarity, no change marks are presented – please read in entirety ◄
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FOREWORD

Good regulations are key to appropriate and proportionate regulatory activity; MAA01 is the capstone document for the MAA Regulatory Publications (MRP)\(^1\) setting the tone and context on how this will be achieved.

I am personally committed to enhancing operational capability through continuous improvement of the Military Aviation Authority (MAA) with a focus on improved safety and quality management. Key to this is the continued development of a widespread engaged safety culture and greater sharing of information through effective knowledge exploitation.

To enable the MAA’s Vision as the world leading Air Safety Regulator we will continue to engage with the community and other regulatory bodies to ensure that our activity remains agile whilst minimizing burden. Empowered by the Defence Safety Authority (DSA) Charter from the Secretary of State for Defence, the MAA is required to regulate UK Defence aviation activity, assure the safety and delivery of military aviation capability and enforce adherence to the appropriate and effective regulations. I sincerely believe that the management of Risk to Life (RtL) is sufficiently mature, and while formal advice and corrective actions will be of benefit for improvement, more severe enforcement such as the issue of Prohibit Notices will rarely be needed.

Having transitioned to conducting risk-based activity, my goal is for the MAA to mentor and guide the Defence aviation community effectively, while maintaining its independence and impartiality. We will continue to develop our people, support other assurance organizations and improve the knowledge exploitation to enable transparency and support the risk-based assurance model.

Our broad engagement through training activity, stakeholder liaison and international fora enables us to identify and share good practice across the Defence Air Environment (DAE) and to foster appropriate culture. I ask you all to engage and contribute to the evolution of the MAA and help to move us towards our Vision of being the world leading Air Safety regulator.

This document underpins my commitment to improving Air Safety across the DAE and outlines the MAA’s role in achieving it.

S Shell
Air Vice-Marshal
Director Military Aviation Authority
March 2020

\(^1\) Split into 3 layers: Overarching documents, Regulatory Articles and Manuals - Chapter 4 provides a full explanation of the MRP.
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Chapter 1: DEFINING THE UK MILITARY AVIATION AUTHORITY

LEGAL AND POLICY FRAMEWORK

1. The authority to operate and regulate UK military Air Systems is vested in the Secretary of State for Defence (SofS). Notwithstanding the fact that the majority of provisions of the Air Navigation Order (ANO) do not apply to military Air Systems, the Crown could be liable in common law if it were to operate its Air Systems negligently and cause injury or damage to property. Furthermore, individuals could be criminally liable if there are significant breaches of the obligations placed upon them. SofS’ Health, Safety and Environment Protection (HS&EP) policy statement requires that where Defence has exemptions, derogations or dis-applications (DEDs) from HS&EP legislation, we maintain Departmental arrangements that produce outcomes that are, so far as reasonably practicable, at least as good as those required by UK legislation.

2. The ANO, as a statutory instrument made pursuant to the Civil Aviation Act (1982), regulates air navigation in the UK. By virtue of Article 22 of the ANO 2016 (as amended) the majority of the provisions of the ANO do not apply to military Air Systems. The ANO defines military Air Systems as any of the below:
   a. The naval, military or air force Air System of any country.
   b. Any Air System being constructed for the naval, military or air force of any country under a contract entered into by the SofS.
   c. Any Air System for which there is in force a certificate issued by SofS that the Aircraft is to be treated for the purposes of this Order as a military Air System.

3. For all statutory and common law aspects of health and safety, reference must be made to DSA01.1. This amplifies the SofS’s policy statement for HS&EP and the strategic principles, duties and governance for health and safety to be applied throughout the Ministry of Defence (MOD) and also articulates the legal requirements imposed upon the MOD and its personnel.

THE UK MILITARY AVIATION AUTHORITY

4. In support of legal requirements, the SofS has established, by Charter, the UK’s DSA to be responsible for all Defence Safety Regulators. As part of the DSA, the MAA regulates all Defence Aviation activities. This is achieved through the establishment and Maintenance of an appropriate regulatory framework that is given effect by certification, oversight and approvals processes extending across the acquisition, operating and Continuing Airworthiness domains within the UK DAE. The MAA also facilitates continuous improvement in the MOD’s Air Safety performance and assures compliance with extant safety standards and regulatory requirements. Independent surveillance of relevant planning and programming processes is also used to support the assurance process. The MAA is, however, independent of the acquisition, operating and capability delivery areas of Defence Aviation activities.

5. Although there can be a cost to improving Air Safety, this must be balanced against the practical loss of operational capability from safety related incidents. Indeed, the Health and Safety at Work Act (HSWA) (1974) allows safety risks to be As Low As Reasonably Practicable (ALARP) and Tolerable. The MAA provides policy, standards, arrangements and scrutiny to ensure an acceptable balance is maintained between the achievement of operational capability and the safety risks associated with Defence aviation activity.

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2 Refer to CAP 393, The Air Navigation Order 2016 and Regulations, Mar 2019, Civil Aviation Authority (CAA).
3 Secretary of State for Defence Health, Safety and Environmental Protection Policy Statement revised June 2018.
4 Refer to DSA01.1 - the Defence Policy for Health, Safety and Environmental Protection.
MAA Vision

To be the world leading Air Safety Regulator.

MAA Purpose

To enhance operational capability by delivering effective Air Safety regulation while fostering good practice and appropriate culture across the Defence Air Environment.

Strategic Direction

6. The MAA will proactively identify and assess the implications of wider strategic change on sustaining Air Safety. The MAA’s activities must be innovative; continually striving to reduce RtL without unduly stifling the operational flexibility, agility and initiative that Aviation Duty Holders (ADH)5, Accountable Managers (Military Flying) (AM(MF)) and commanders require to meet these challenges. The MAA will continue to evolve the vision of a more holistic approach to safety regulation.

Key Principles of Air Safety Regulation

7. The regulation of Defence Aviation is underpinned by 4 key principles6.
   a. Leadership. There must be strong leadership from the very top, demanding and demonstrating by example active and constant commitment to safety and Airworthiness as overriding priorities.
   b. Independence. There must be thorough independence throughout the regulatory regime, in particular in the setting of safety and Airworthiness policy, regulation, auditing and enforcement.
   c. People. There must be much greater focus on people in the delivery of high standards of safety and Airworthiness (and not just on process and paper).
   d. Simplicity. Regulatory structures, processes and rules must be as simple and straightforward as possible so that everyone can understand them.

8. The MAA develops, promulgates and enforces regulatory framework to promote an active safety culture and assure appropriate standards are being met in the delivery of Air Safety through an independent end-to-end assurance process. The MAA, thereby, provides assurance to the Director General (DG) DSA who in turn assures the SoS that high standards of Air Safety are maintained in the conduct of Defence Aviation.

Governance

9. The MAA is the Defence Aviation Regulator and works alongside the other Defence regulators, within the DSA, to the DG. The MAA is governed at the strategic level by a Director MAA (D MAA) - chaired MAA-GOLD (Command Board), its membership comprising MAA Director (Technical) (D (Tech)) and group heads. A MAA Operators’ Council (MOC) comprising senior stakeholders drawn from the operating community and which may, at the discretion of D MAA, from time to time include representation from Industry, provides a consultative forum and the means by which senior stakeholders can offer views on Air Safety strategy, policy and standards. The Joint Air Safety Committee (JASC) supports and informs MAA-GOLD on Air Safety issues through consultation with the aerospace industry. Figure 1-1 below provides a schematic representation of the various interactions and relationships.

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5 The term “ADH” consists of three levels of Duty Holder (DH) coverage: Senior DH (SDH), Operating DH (ODH), and Delivery DH (DDH).
MAA Operating Model

10. The MAA operates to a model (see Figure 1-2) which directs through (MAA-GOLD) a plan (MAA-SILVER) to inform and deliver, all supported by enabling functions (MAA-BRONZE) to achieve regulation, certification, enforcement and assurance through an organizational structure (see Figure 1-3).
11. **MAA Command.** The MAA Command is the collective term for the D MAA, D(Tech) and Group Heads, who are responsible for directing the organization, setting strategy and prioritizing outputs to ensure delivery of MAA outcomes.

a. The organization (Figure 1-3) is headed by D MAA who provides leadership and direction to the MAA to enable the organization to effectively fulfil its role as a risk-based regulator. D(Tech) advises D MAA on specific technical matters, particularly relating to Regulation and Certification. To achieve its mandated output, the organization is split into two groups: The Operating Assurance Group and the Regulation and Certification Group; each led by a 1 Star Head. The Executive team is directly supported by an OF5 Chief of Staff (COS) who leads the functional area.

b. **Regulation & Certification (Reg & Cert) Group.** The Reg & Cert Group, on behalf of D MAA, has responsibility for the development, Maintenance and promulgation of the MOD’s through-life Airworthiness, Flying and Air Traffic Management (ATM) Regulations, Standards and associated publications. The Group also has responsibility for the Certification of all new military Air Systems and major changes to type design; assurance of Air System integrity; the sponsorship, management and Maintenance of UK Air System design and Airworthiness standards, and assurance of the safety of ships' aviation facilities. The International Engagement and Recognition (IE&R) team engages with civil and military aviation organizations around the world, as well as undertaking the regulatory comparative process known as recognition. As part of the wider MAA Approvals system Hd Reg & Cert manages the Design Approved Organization Scheme (DAOS) and the approval of Type Airworthiness Authority (TAA) assessments and the issue of Letters of Endorsement.

c. **Operating Assurance Group (OAG).** The OAG conducts risk based assurance of platforms and organizations which directly, and indirectly, affect Air Safety, particularly ADHs and DE&S Delivery Teams (DT). It also manages the Military Aircraft Register (MAR) and assures the SoS via the D MAA that the design, production, Airworthiness, operation and Maintenance of UK military-registered Air Systems are acceptably safe. Furthermore, it
operates a number of Approved Organization Schemes (AOS): Contractor Flying (CFAOS), Air Traffic Management Equipment (AAOS), Maintenance (MAOS) and Continuing Airworthiness Management Organization (CAMO); it also endorses key individuals with Air Safety responsibilities. The Assurance Coordination Cell (ACC) coordinates assurance activity and facilitates structured and enhanced inter-Group communication, such that all OAG personnel have an increased awareness of risk exposure within the DAE. In addition, the ACC facilitates Quality Checks of the OAG output.

d. **COS Area.** The COS Area provides the enabling functional support to the MAA and is the focal point for: Strategic and Policy Planning; Command Plans; Business Compliance; Resource Management; Quality management; and, Training, both external (Air Safety Training) and internal (individual mandated training). Included in the COS Area is the LEGAD, who provides legal advice to DMAA and staff across all the areas of the MAA.

### CONVENCING AUTHORITY - DEFENCE SAFETY AUTHORITY

#### Service Inquiries (SI)

12. SIs are conducted independent of the MAA by the Defence Accident Investigation Branch (DAIB), accountable directly to DG DSA, it comprises a team of full time, specialized and experienced investigators able to investigate all UK and deployed military accidents and incidents. Under the delegated authority of the respective SI President, the DAIB carries out the technical investigation and provides process and specialist advice to the SI. By virtue of the DSA Charter, DG DSA is the primary Convening Authority for all SI into safety related accidents resulting in death or serious injury to personnel whilst on duty, a significant reduction in operating capability as a consequence of loss or considerable damage to major equipment or major environmental impact. DG DSA appoints suitably experienced personnel to undertake the roles of president and panel members. A SI will be convened pursuant to The Armed Forces (Service Inquiries) Regulations 2008 and will be conducted in accordance with the guidance given by Joint Service Publication (JSP) 832.

13. As an aviation SI progresses, DG DSA will immediately notify the relevant ADH or AM(MF) of any urgent safety hazard information. DG DSA will also update the relevant ADH / AM(MF) on progress of the SI when they determine it is appropriate to do so, with the timing and content of such updates being at their discretion. This discretionary approach facilitates the release of relevant information on a case by case basis, recognizing the particular sensitivities that may be present in any given case. Upon conclusion of the SI, the relevant DHs/AMs will be provided with a copy of the SI, pending publication on the MOD website or upon completion of the Coroner’s Inquest or Fatal Accident Inquiry if the incident has resulted in a fatality.

14. Following completion of the inquiry, DG DSA will personally comment upon the SI presented to them, making appropriate comments as the primary Convening Authority.
Chapter 2: HOW THE MAA REGULATES

ASSURANCE PRINCIPLES

1. The primary objective of MAA assurance activity is the assessment of the effectiveness of the relevant Air Safety Management System (ASMS) and its associated subordinate and superior assurance processes. There are 6 assurance principles that underpin the gathering of compliance and assurance evidence of Air Safety activity across the UK DAE. The principles are aligned to the Hampton Principles and the Regulators’ code as the UK Government’s regulation benchmark.

2. Principle 1: Risk-Based Assurance. The MAA undertakes independent, risk-based assurance of organizations (people and processes) and output (product and activity) via a programme that is proportional to an organization’s size, complexity and outputs.
   a. MAA assurance is risk-based and derived from a comprehensive assessment of regulated organizations, their outputs, and the associated Air Safety risk.
   b. The frequency and depth of MAA assurance visits are driven by the level of Air Safety risk, which is, in turn determined through assessment of evidence, or lack of it.
   c. MAA assurance is based on operating and technical organizational approvals, certification of products, endorsement of Suitably Qualified and Experienced Persons (SQEP) in specified appointments, and assessment of Air Safety activities.
   d. Assurance assesses compliance with the Regulations to identify the effectiveness of systems/processes in managing Air Safety.
   e. MAA assurance is programmed to assure a whole organization and its Air Safety related outputs.

3. Principle 2: Minimal Regulatory Burden. MAA assurance activity is minimized to that required to assure Air Safety across the UK DAE, in order to reduce the regulatory burden on the Defence Aviation community.
   a. MAA assurance activity gathers evidence in an efficient and effective manner to reduce the associated manpower, time and financial costs to the community across Defence.
   b. Where possible, MAA assurance visits are combined and co-ordinated with other internal assurance processes and supporting activities conducted by trusted agents.
   c. In addition to the core programme, targeted MAA assurance of organizations and their outputs is based primarily on indicators such as trend analysis, occurrence reports, safety issues/incidents or when requested.
   d. Regulated organizations will not be required to provide unnecessary information to the MAA or the same piece of information twice.

   a. MAA assurance activity will focus, in the first instance, on the performance of those bodies (where present) conducting 2nd Party external assurance on regulated organizations.
   b. Where it is available, robust and effective 1st and 2nd Party assurance evidence will be exploited by the MAA, reducing the need for independent MAA assurance of those activities.

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7 The Hampton Review Report published in Mar 05 [Reducing Administrative Burdens: Effective Inspection and Enforcement] was produced for the Chancellor. Its recommendations, including a set of regulatory system principles, promoted for use by UK Government regulatory bodies by the National Audit Office (NAO) and Better Regulation Executive (BRE). Regulators are assessed and progress benchmarked against the Hampton Report by the NAO.

8 A methodology for the MAA to assess a level of concern across the Regulated Community (RC), so that assurance resources can be concentrated on the areas that need them most; this may be through targeted assurance. From the Hampton Principles and BRE guidance this risk-based regulatory assurance focuses around the risk of the activity being undertaken and the consequences of regulatory non-compliance. In considering its risk-based assurance programme, the MAA draws on a mixture of evidence from assurance activity, oversight of Air Safety risk and significant issues, occurrence reports trending, and error management information.
c. As an independent 3rd Party regulator, the MAA may visit any level of an organization to gather evidence if the risk/lack of assurance evidence warrants, or for validation purposes.

5. **Principle 4: Proportionate Sanctions Regime.** The MAA has a clear, proportionate and effective sanctions regime that takes into account operational requirements.
   a. The MAA’s sanctions regime, and associated enforcement policy, is clearly defined and published in this Chapter.
   b. The sanctions regime covers all areas of Defence Aviation and is implemented in an open and co-operative manner.
   c. Sanctions are proportionate to the nature of non-compliance, aiming for successful resolution, improved behaviours, and to prevent future recurrence.
   d. MAA sanctions are applied in a timely manner, in order to achieve an effective outcome.
   e. The sanctions regime is subject to review and amendment to ensure it remains appropriate and effective.

6. **Principle 5: Optimization.** The MAA advises and assists the DAE to improve Defence Air Safety systems and maintain regulatory compliance.
   a. In order to improve Defence Air Safety and enhance the delivery of operational capability, the MAA identifies good practice, issues of non-compliance and those areas that would benefit from improvement.
   b. MAA assurance teams provide constructive regulatory advice and guidance promoting a proactive and engaged safety culture across the DAE.

7. **Principle 6: Feedback.** The MAA continuously improves assurance activities by drawing on feedback from the RC, as well as from internal MOD and external assurance good practice. Whilst the MAA will actively seek out information and advice through appropriate consultation, it will retain its independence by reserving the right to decide on regulatory issues.
   a. There is a process for the RC to provide feedback on MAA assurance activity.
   b. The MOC is the high-level stakeholder forum for discussion of the MAA assurance programme, its findings and consequent issues. The MOC also provides a forum through which high level lessons and good practice can be spread across the aviation community. The JASC as the industry equivalent of the MOC also provides stakeholder input.

**SECOND PARTY ASSURANCE**

8. In-line with Principles 1, 2, 3 and 6 above, the MAA seeks to maximize the benefit of the 2nd party assurance that is provided by the RC. 2nd party assurance is conducted by, or on behalf of, an organization that has an interest in the business. In the MAA’s view, 2nd party providers include but are not limited to: Air Safety Cells that support the ODH; each Front Line Commands (FLC) flying standards and ‘external quality audit’ organizations; standards evaluation (STANEVAL) organizations that exist in the UK DAE; and the safety and environmental management teams that support the air domain Operating Centre Directors in DE&S. As a 3rd party assurance organization supporting the SofS, the MAA has a responsibility for assessing whether the oversight provided by the 2nd parties is accurate, timely and effective. The MAA assesses the credibility of 2nd parties; a 2nd party should:
   a. Define explicitly the standards against which it provides assurance.
   b. Define the scope of the organizations that it assures.
   c. Operate a comprehensive and documented assurance programme that is risk-based.

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9 Refer to ISO 19011 – Guidelines for Auditing Management Systems.
10 Refer to ISO 17021 – Requirements for Bodies Providing Audit and Certification of Management Systems.
d. Define the competence required of its auditors and ensure they are suitably qualified and experienced.

e. Have an enforcement regime and be able to demonstrate its effectiveness when non-compliance is discovered.

f. Routinely share assurance/oversight findings with the MAA.

**APPLICABILITY OF REGULATIONS**

9. Unless specifically excluded\(^\text{11}\), the MRP applies to the following activities:

   a. Flying operations conducted by all personnel (be they civilian or military) operating or flying in an Air System which falls under the regulatory scope of the MAA.

   b. Military ATM, including but not limited to civil licensed controllers who provide Air Traffic Control (ATC) services at government aerodromes or ranges, airfield standards and procedures, ATC equipment, and air ranges.

   c. Continuing Airworthiness engineering and Maintenance aspects associated with Air Systems on the UK MAR.

   d. Type Airworthiness engineering aspects associated with Air Systems active on, or destined to be active on the UK MAR.

   e. Other systems, personnel and activities that may have an impact on Air Safety, such systems include, but are not limited to: airspace management, mission planning/navigation aids, simulators, aerodromes, embarked aviation facilities and air-launched weapons.

10. **Air System Registration.** The OAG issues the registrations of UK military Air Systems and maintains the MAR of all military Air Systems on behalf of the SofS. To meet international obligations the MAA has procedures for registration, including the requirement to issue various Certificates of Registration and De-registration; these certificates provide the auditable record of Air Systems being placed on, and removed from the register.

**Flying Operations**

11. Flying operations regulated by the MAA fall under 2 general areas:

   a. Service activities conducted by the FLC.

   b. All other flying activities (such as Test & Evaluation flying by the Aircraft Test and Evaluation Centre and flying conducted by contractors).

12. Those personnel responsible for issuing contracts involving a mix of civil and military registered Air Systems or contractor and military Aircrew should seek confirmation from the MAA as to which regulations will apply to the activity in question.

13. **Flying Operations on the UK MAR.** For an Air System to operate on the UK MAR it must either be Military-Owned or a Military Registered Civilian-Owned Air System (MRCOA) with a Certificate of Usage (CoU)\(^\text{12}\). The Air System limitations document will either be a Release To Service (RTS), a Military Permit to Fly (MPTF) or a Contractor’s Flight Limitations Document:

   a. The RTS will be authorized by the Release To Service Authority (RTSA) on behalf of the SDH and, where appropriate, will be supported by a Military Type Certificate (MTC) issued by the MAA.

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\(^{11}\) Examples include civil registered Air Systems where regulation is provided by civil regulators, or where Airworthiness and personnel regulation is split.

\(^{12}\) For contractor owned Air Systems operating on the UK MAR, the TAA will produce a CoU, for approval by the appropriate MOD 2-Star Sponsor, supported by the contractor’s Safety Assessment, which will specify the conditions under which the Air System can operate on the register.
b. Any Air System operating prior to, outside of or in the absence of a RTS must have a MPTF\textsuperscript{13} or a Contractor’s Flight Limitations Document; the latter option is only permissible when Air Systems are not operating for the benefit of the MOD\textsuperscript{14}.

**Collaborative Projects**

14. Variations in Defence aviation procedures and standards must be clearly documented. A UK Air System DT making use of the processes or outputs (eg Certification evidence or Organizational Approvals) from a foreign MAA, in a collaborative project, must ensure that:

a. They consult with the MAA early in the process in order to ensure that appropriate requirements for Air Safety, including any applicability to the MRP, are contained in the applicable contractual arrangements or inter-government Memorandum of Understanding.

b. Any intended use of the outputs from a foreign regulator are submitted via an Alternative Acceptable Means of Compliance (AAMC)\textsuperscript{15} in a clear format with further details submitted if appropriate\textsuperscript{16}.

c. Any flight test programme shared between contractors and designated official test centres in the collaborating nations is conducted to a level of Air Safety that has been agreed with the MAA.

15. The Type Airworthiness Authority (TAA) must ensure that the arrangements in place are in accordance with his Airworthiness responsibilities and, where necessary, are approved by the appropriate Operating Centre Director in the Air System Airworthiness strategy, on behalf of Chief of Materiel (Air) and ultimately Chief Executive, DE&S.

**Military Registered Civilian-Owned Air System**

16. There are circumstances where Civilian-Owned Air System need to be flown on the UK MAR. These could include where the Aircraft is a military type and cannot gain a civil Type Certificate, or where the Aircraft is a civil derivative that is to be used for military activities. While an Aircraft is on the UK MAR the MRP applies, but arrangements can be put in place to allow access to the civil spares pool and the subsequent return of the Aircraft to the civil register. These arrangements involve using the CAA to provide civil oversight and are set down in the MRP.

**Exports**

17. MAA Air Safety assurance will not normally apply to exported UK Defence aviation products or UK-based industry provided services undertaken on behalf of another nation. However, when it is in the interests of the UK Government or the MOD to sponsor those exports, and subject to satisfactory arrangements being in place, the MAA may be tasked to support the regulation of these aviation activities.

**Air Systems allotted to Test and Evaluation**

18. Research and Development flying may result in a much lower Aircraft utilization rate than that achieved by the FLCs. Adherence to the FLC’s Maintenance patterns/periodicities might, therefore, entail unacceptably long intervals between scheduled Maintenance, or otherwise prove uneconomic. The TAA has the responsibility and the authority to issue instructions that comprehensively detail the necessary alterations to the Maintenance schedules and periodicities to ensure that the Airworthiness of all Aircraft types and marks under his control continues to be assured.

\textsuperscript{13} A MPTF is issued when an Air System, in support of a UK Government contract, is required to be operated outside the DAE. An Air System Safety Case (ASSC) authorized by the sponsor/Senior Responsible Owner/AM(MF) must be supported by an Equipment/Type Airworthiness Safety Assessment for the Air System and authorized by the Type Airworthiness Manager.

\textsuperscript{14} Refer to RA 1121(4): Detailed Submission for Registration.

\textsuperscript{15} Refer to MAA03 - MAA Regulatory Processes.

\textsuperscript{16} Refer to RA 1005 - Contracting with Competent Organisations and RA 5810 – Military Type Certificate (MRP 21 Subpart B).
MAA ENFORCEMENT POLICY

Principles

19. The DSA has issued direction for Defence Regulators to adopt a common enforcement model. This was issued as a Defence Instruction and is shown at Figure 2-1. This is consistent with MAA principles:

   a. **Principle 1: Enforcement action may be taken in the event of regulatory non-compliance/conformance.**

      (1) The MAA will provide guidance and information on regulatory compliance matters; it will encourage early engagement with the Regulator and compliance with the Regulations.

      (2) Where necessary, the MAA’s enforcement policy, supported by appropriate enforcement action, will aim to secure regulatory compliance.

   b. **Principle 2: Enforcement action shall be fair and proportionate.**

      (1) Full details of the nature of non-compliance will be given.

      (2) The response to a non-compliance will be proportionate.

      (3) There is an appeal process (in MAA03) to ensure that individuals and organizations are able to challenge decisions in accordance with the principles of natural justice.

      (4) The enforcement policy will be reviewed periodically.

      (5) Enforcement action will relate directly to the non-compliance and associated risks.

      (6) A programme to verify compliance will be initiated following enforcement action.

      (7) Details of enforcement action may be disclosed to relevant stakeholders and, where appropriate, the wider public.

20. These principles are consistent with the engaged safety culture that underpins continuous improvement in Air Safety, as defined in the Manual of Air Safety.

Audit Findings and Action Plans

21. Following an audit or inspection, the first course of action following identification of a non-compliance/conformance, raised via a Corrective Action Requirement (CAR), will be a written Corrective Action Plan (CAP) produced and owned by the appropriate person/organization, and agreed by the MAA which sets out the actions to be taken. This process provides the organization with the opportunity to work with the MAA to formulate targets to ensure compliance. The actions contained in the CAP will be proportionate and bear a direct relationship with the underlying non-compliance/conformance. In addition to CARs, the subject matter of a CAP may be drawn from a number of other sources such as: information garnered from other MAA processes; SI recommendations; knowledge exploitation and analysis of information brought to the attention of the MAA. A reasonable time period within which to demonstrate compliance shall be defined in the CAP. CARs can only be closed by the MAA based on evidence provided by the subject on whom the CAR was placed that:

   a. Investigation of the non-compliance/conformance has been of sufficient rigour to reveal the root cause.

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17 Refer to 2019DIN06-003 - Implementation of Defence Safety Authority Enforcement Policy.
18 Subject to the provisions of the Data Protection Act 1998 and the Freedom of Information Act 2000. Where appropriate, consideration will also be given to commercial sensitivities of organizations.
19 Refer to Manual of Air Safety – Chapter 3
b. A CAP has been devised which addresses the root causes and does not merely treat the symptoms.

c. The delivery of the CAP would resolve the non-compliance in a sustainable manner.

d. There has been sufficient evidence of progress to give confidence that the CAP will be delivered within a reasonable timescale.

e. Any associated RtL arising from the non-compliance/conformance has been communicated to affected ADH / AM(MF) and are mitigated so that they are ALARP and Tolerable.

**Enforcement Action**

22. There are 3 types of Enforcement Notices:

a. **Improvement Notice (IN).** An IN is served on an Accountable Person where the Regulator has identified a non-compliance with Defence Regulations and/or the response to CARs is unsatisfactory. The recipient of the IN is required to demonstrate to the MAA that the required improvements have been made before the IN is lifted.

b. **Urgent Improvement Notice.** An Urgent IN would be appropriate if the level of risk associated with the non-compliance is considered high and requires urgent corrective action to be taken.

c. **Prohibit Notice (PN).** A PN is served on the Accountable Person where the Regulator feels that the risk associated with the activity is neither ALARP or Tolerable. A PN does not have to be attributed to non-compliance with Defence Regulations; the trigger is the Regulator’s perception of the risk of harm. The PN requires the activity to cease while the corrective action is completed. The recipient of the PN is required to demonstrate to the MAA that the risk has been reduced before the PN is lifted and the activity can commence.

**Figure 2-1: The Enforcement Spectrum**
Operational Imperative

23. Where the MAA has issued a PN, it may not be appropriate for the activity to cease if there is an operational imperative.
   a. An Operational Commander may decide to continue with operational activity where he/she judges that the operational benefits gained from a specific operational activity outweigh the high residual risk that has been mitigated to ALARP. In arriving at such a decision, where time and security constraints permit, the assessment of the risk, its mitigation and justification of the benefits should be made with the appropriate ADH and discussion with the MAA.
   b. It might be appropriate for a ADH, when preparing force elements for a specific operation, to make a judgement in discussion with the MAA and future Operational Commander to ascertain that the output of the force preparation activity is essential to the operational capability required for that specific operation. Alternative means of delivering that operational capability should also be considered.

Additional Enforcement Action pertaining to Crown Servants only

24. Additional administrative and disciplinary (for Service Personnel) and disciplinary (for Civil Servants) sanctions exist where persons employed under Crown Rules/Regulations have either demonstrated professional failings or committed offences. Whilst this action will be taken by the chain of command, it is envisaged that the MAA may, in appropriate circumstances, provide the evidence to support such action.

25. All Accountable Persons who are Crown Servants are to ensure that the Regulations are enforceable against their Crown Servant staff at all times whilst they are posted/attached to flying units or involved in aviation duties. It is envisaged that this will be achieved by promulgation of appropriately worded standing orders.

Enforcement Action against External Organizations

26. It is acknowledged that it will not always be in the Service interest to impose a sanction which has the effect of terminating a commercial agreement; however, this remains a real and credible course of action in the event of serious and/or continuing non-compliance. If the MAA is considering varying, suspending or revoking an approval, the MOD ‘customer’ will be consulted to inform understanding of the potential impact on operational output(s).

Publication of Reports and Enforcement Action

27. As part of an open and transparent enforcement policy, extracts of inspection reports, audits and enforcement action may be published (noting that redaction may be appropriate in some circumstances).

Appeals

28. If the Accountable Person to whom the Enforcement Action is attributed wishes to appeal to the MAA, this should be done in accordance with [MAA03]Annex E, MAA Appeals Process. In the first instance, informal engagement may resolve any disagreement; this may be achieved prior to the Enforcement Action actually being served. If resolution cannot be found, there is a formal 2-stage process escalating through the MAA to the DG DSA.

29. In the case of an appeal against a PN, the requirement to cease activity remains extant while the appeal is being considered, unless an operational imperative exists.

30. The MAA is committed to the following code when handling appeals:
   a. The MAA shall accept appeals in writing, by email or letter.
   b. The MAA shall treat all appeals seriously.
   c. The MAA shall treat appellants fairly and courteously.
   d. The MAA shall deal with appeals promptly.
Chapter 3  THE MANAGEMENT OF AIR SAFETY

AIR SAFETY FUNCTIONS

1. Three distinct Air Safety functions exist; regulation, operation and assurance. The constructive interaction of these functions maximises system integrity.

2. Regulation. Regulation is a central part of the regulatory framework that governs the DAE; it is defined in chapter 4, paragraph 15 and 16 and in MAA02. The Regulator develops regulations in response to applicable UK law, MOD needs, legal challenges and recommendations resulting from the assurance or investigation functions.

3. Operation. The MOD operates Air Systems in accordance with the Regulations. Operators can modify and test systems in accordance with the Regulations and applicable certificates.

4. Assurance. The assurance function is a vital part of good regulatory activity and must be independent of the operating functions. MAA assurance activity examines compliance with the Regulations and effectiveness of an organization’s Safety Management System (SMS), including the organization’s internal assurance arrangements. MAA assurance activities are undertaken in a manner proportionate to the risk and include but may not be limited to:

   a. Product Certification. Certification leads to the MAA issuing a MTC, Statement of Type Design Assurance or Approved Design Change Certificate for a new Air System type or Major Change to Type Design.

   b. Organization Approvals. Where there exists a group of organizations in the DAE which perform essentially the same function and are bound, therefore, by a common block of Regulations, the MAA may operate an Approval Scheme in order to promote standardisation and best practice among the group.

      (1) If appropriate the MAA may seek to minimize the differences in its Approval Scheme with the civil equivalent (e.g. MAOS with European Aviation Safety Agency Part 145) in order to reduce the regulatory burden on organizations that serve multiple customers.

      (2) It should be noted that Approvals issued by the CAA and foreign Air Safety regulators, Civil or Military, are not accepted automatically by the MAA; organizations in the DAE that wish to make use of such an Approval must submit an application for AAMC in accordance with MAA03.

   c. Endorse Individuals. Key personnel are required to hold MAA endorsements to undertake specific tasks as stipulated in the Regulations. ADH, AM(MF) and TAA are subject to MAA endorsement, set against SQEP criteria.

5. Audits. Audits are a systematic, independent and documented process for obtaining and evaluating evidence objectively to understand the extent to which criteria are fulfilled. The MAA maintains oversight of the DAE through a risk based programme of assurance visits, and other activity including CAR closure visits and targeted investigation.

KEY RESPONSIBILITIES

6. Responsibility for Air Safety is divided amongst the DAE, however, there are some explicit responsibilities assigned to individuals. These key responsibilities are defined such that there is clear accountability for the safety decisions made. Ultimately, it is the ADH or AM(MF) who has the responsibility to ensure that any RtL associated with an activity is ALARP and the exposure Tolerable\(^\text{20}\).

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\(^{20}\) Refer to RA 1210 - Ownership and Management of Operating Risk (Risk to Life) Annex B – ALARP and Tolerable
Figure 3-1: ALARP and Tolerable

Overall (aggregated) risk must be considered as well as single risks

Aviation Duty Holder (ADH)

7. In common with any other command appointment, ADHs have a personal duty of care to the personnel under their command. This duty of care owned by the ADHs also extends to those who, by virtue of their temporary involvement in specific aviation activities, come within an ADH’s Area of Responsibility (AoR) and the wider public who may be affected by their operations. In addition, ADHs are specifically made aware of their legal accountability to provide for the safe operation of systems and the management of ASSC supported by an effective ASMS within their AoR.

8. The application of coherent risk management processes is fundamental to achieving an effective ASMS. The MAA mandates a standardized risk register, hazard risk matrix, and referral/escalation protocol to assist ADHs in developing and managing their ASMS in a consistent manner, to enable risks to be compared, ranked and mitigation resources targeted accordingly. The requisite principles for management of RtL are detailed in the MRP.

Accountable Manager (Military Flying) (AM(MF))

9. AM(MF)s are accountable for the safe operation of systems and the development, upkeep and management of ASSCs supported by an effective ASMS within their AoR and within the terms of their (CFAOS) approval. In the same way as for ADHs the application of a risk management process is fundamental to achieving an effective ASMS. The requisite principles for management of RtL are detailed in the MRP.

Aircraft Operating Authority (AOA)

10. The AOA shall be any one of the following:

   a. The military commander of a discrete organization empowered by a Letter of Delegation (LOD) from the SoS through the Chiefs of Staff to operate specified types of UK military Air Systems. AOA is a command chain function.

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21 Refer to RA 1020 - Aviation Duty Holder and Aviation Duty Holder-Facing Organizations - Roles and Responsibilities.
b. The Chief Executive of a MOD agency empowered by a LOD from the SofS to operate specified types of UK military Air Systems.

c. The Chief Executive of a commercial company granted approval by the MAA to operate specific types of UK military Air Systems.

11. An AOA has the responsibility for operational governance arrangements safeguarding the protection of their people and those involved in their Defence aviation activities. Although AOA and ADH/AM(MF) responsibilities are distinct from one another, in order to ensure access to all the levers necessary to manage RtL effectively, an AOA should also be appointed as the ODH/Chief Executive for all Air Systems in their AoR.

Military Type Certificate Holders (MTCH)

12. In order to ensure that an Air System’s design meets appropriate safety requirements, a systematic, independent certification process\(^\text{22}\) has been introduced by the MAA; this process leads to the issue of a MTC to a MTCH. Only a TAA can be a MTCH.

Type Airworthiness Authority (TAA)

13. The TAA is responsible for exercising the Type Airworthiness of an Air System throughout its full life cycle. The TAA will be the MTCH for Air Systems that have been awarded a MTC by the MAA.

Release To Service Authority (RTSA)

14. The RTSA is responsible to their respective SDH for the authorization and issue of the RTS for an Air System type with due attention to continual assuring of the validity of the RTS. Where operational imperatives may result in higher levels of risk exposure or where supporting evidence is still immature, the RTSA may consider clearances such as Operational Emergency Clearances and Clearances with Limited Evidence and advise ADHs as appropriate.

Individual Responsibility

15. All individuals within the UK DAE have a duty to notify the MAA of any event that may jeopardize Air Safety and which is not being addressed appropriately by the responsible command or management chain\(^\text{23}\).

Regulated Community (RC)

16. The RC needs to ensure that it is working to extant Regulations through their own internal SMS, Quality Management Systems, other internal assurance arrangements, and by making regular reference to the published MRP (see MAA website).

DEFINITIONS

17. **Air Safety.** Air Safety is the state of freedom from unacceptable risk of injury to persons, or damage, throughout the life cycle of military Air Systems. Its purview extends across all Defence Lines of Development and includes Airworthiness, Flight Safety, Policy, Regulation and the apportionment of Resources. It does not address survivability in a hostile environment.

18. **Airworthiness.** Airworthiness is the ability of an Air System or other airborne equipment or system to be operated in flight and on the ground without significant hazard to Aircrew, ground crew, Passengers or to third parties; it is a technical attribute of materiel throughout its lifecycle.

19. The MAA maintains a regulatory system for Airworthiness management, including design and Maintenance regulation, using the following four pillars as a basis for achieving and preserving Airworthiness:

\[a. \quad \text{A SMS.} \]

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\(^\text{22}\) Refer to RA 5810 – Military Type Certificate (MRP 21 Subpart B).

\(^\text{23}\) Refer to RA 1410 – Occurrence Reporting and Management, which describes both Defence Air Safety Occurrence Reports (DASoRs) and the Defence Confidential Occurrence Report Scheme (DCORS).
b. Use of recognized standards.
c. Competence.
d. Independence.

20. **Flight Safety.** Flight Safety describes a collective endeavour to operate in the air environment safely and embraces any activity that contributes to the safe operation of military airworthy systems in flight or on the ground.

21. **Regulated Entity.** A regulated entity is an individual or organization that is required to comply with the MRP.
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Chapter 4  MAA REGULATORY PUBLICATIONS

INTRODUCTION

1. D MAA is the owner of the MRP and exercises authority to issue it for DG DSA on behalf of the SofS. The MRP common format improves clarity by separation of regulation from guidance. A key benefit is the removal of overlap, conflict and duplication of regulatory material. The MRP will benefit from the widest dissemination of information within the aviation community.

2. The Regulatory Articles (RAs) within the MRP (also referred to as “the Regulations”) are Orders within the meaning of the Armed Forces Act. The MRP has primacy over all other Defence aviation orders or instructions, except when superseded by a Regulatory Notification or a DIN issued by the Defence Council.

3. The MAA regulates Defence Aviation by issuing RAs which aim to:
   a. Reflect state of the art and global good practice in the field of air operations.
   b. Take into account worldwide Air System experience in service, scientific and technical progress.
   c. Be risk-based and proportionate.

Responsibilities

4. The RAs do not absolve any person from using their best judgement to ensure the safety of Air Systems and personnel nor do they preclude an individual from fulfilling any legal obligations that may be placed upon them in relation to the legal duty of care owed or statutory health and safety requirements. Where safety or operational imperatives demand, the Regulations may be deviated from provided that a convincing case can be offered in retrospect. Where authorized, individuals issue their own amplifying orders or instructions, they must be in accordance with the Regulations and must not be more permissive.

Applicability

5. The MRP is equally applicable to both the MOD and contractors. The MRP will be applied through contract to those commercial organizations designing, producing, maintaining, handling or operating Air Systems active on the UK MAR and associated equipment, including ATM. Compliance with these Regulations will not in itself relieve any person from any legal obligations imposed upon them. These Regulations have been devised solely for the use of the UK MOD, its contractors in the execution of contracts for the MOD and those organizations that have requested to operate their Air Systems active on the UK MAR. To the extent permitted by law, the MOD hereby excludes all liability whatsoever and howsoever arising for any loss or damage however caused when these Regulations are used for any other purpose. Contracts and contractual amendments should ensure that the requirement to comply with the extant MRP is captured at date of contract let or amendment. The MAA will continue to monitor this situation through audit and inspection.

Alternative to MRP Compliance

6. Where a Regulated Entity cannot comply with any part of the MRP, either by Acceptable Means of Compliance (AMC) or AAMC, and the criteria for the MAA to grant a Waiver or Exemption cannot be met, the Regulated Entity can seek agreement from the SofS to follow an alternative course of action, subject to the risks associated with this course of action being identified, mitigated and held at the appropriate level and only where SofS is assured that the requisite levels of Air Safety are maintained.

24 Refer to RA 1005 – Contracting with Competent Organizations.
MAA REGULATORY PUBLICATIONS STRUCTURE

7. This document provides D MAA's overarching policy. This policy is enabled and regulated through a number of standardized RAs, limited in scope to a specific topic. Each RA contains Rationale, Regulation, AMC and Guidance Material (GM) and may be supported by additional documents where appropriate.

8. In addition to MAA01, there are 2 further top-level documents:
   a. MAA02: MAA Master Glossary. The authoritative master glossary for all terms with a specific meaning used within the MRP. It is not the definitive Defence Taxonomy for aviation; rules for insertion of definitions are contained in the preface.
   b. MAA03: MAA Regulatory Processes. The processes that enable interaction between the Regulated Entities and the MAA, including (but not limited to) the MRP amendment, waivers and exemption processes and the process for submission/ratification of AAMC.

9. The RAs as part of the MRP are broken down into 5 distinct series as outlined below:
   a. 1000 Series: General Regulations (GEN).
   c. 3000 Series: Air Traffic Management Regulations (ATM).
   d. 4000 Series: Continuing Airworthiness Engineering Regulations (CAE).
   e. 5000 Series: Type Airworthiness Engineering Regulations (TAE).

Figure 4-1: MRP Structure

10. The contents of each series are published on the [MAA website](#).

11. Where required ADHs, Accountable Managers, commanders and those with delegated authority for Air Safety may issue lower-level orders or instructions appropriate to the individual operating scenarios and Air System types, with the aim of ensuring compliance with regulatory requirements.
REGULATORY ARTICLES

12. The RAs are applicable to both MOD and industry. Language usage and the meanings are explained below.

Rationale

13. Rationale provides the origin/reason for the subsequent text in the specific RA. It is always at the start of the RA and applies to the whole of that article. A table of regulation contents and, if appropriate, specific definitions follows the rationale. The rationale is written in such a way that it enables users of the RA to understand why a particular regulation has been created. The rationale will explain the context, (what is happening and why is regulation required) the hazard, (what are the hazards associated with the activity) and the defence, (what defence is the regulation aiming to provide).

Regulation

14. Regulation is defined as a “prescribed rule or authoritative direction”. Within the context of the MRP, the Regulations are defined as overarching mandatory activities which have to be followed without exception (unless a waiver/exemption has been formally issued). They will contain the executive verb shall (highlighted in bold for visual impact) and this is the only place where this particular executive verb will be used.

15. Where a regulation states that a person “shall” do something, he or she has no choice but to do it. Whenever possible, regulations will be written in the positive sense. If this is not feasible then where the provision states that a person “shall not” do something, he or she is prohibited from doing a certain act.

16. The MAA, as the Regulatory body, must be notified if a Regulated Entity considers that they cannot comply with a regulation.

Acceptable Means of Compliance (AMC)

17. AMC illustrate a means, but not the only means, by which Regulations can be met and the Regulated Entity may decide to show compliance by other means. AMC are written in the permissive sense in order to allow a Regulated Entity the opportunity to consider alternative approaches. As a consequence, AMC contain the permissive verb should (highlighted in bold for visual impact). This is the only place where this particular permissive verb is to be used.

18. Where the Regulated Entity believes there is a more effective way of satisfying the intent of the Regulation, it may utilize the AAMC process outlined in MAA03 to apply to the MAA for approval. However, AMC are strongly recommended practices; regardless of whether published AMC are used, or alternatives are proposed to the Regulator, the burden of proof that the Regulation is satisfied rests entirely with the Regulated Entity.

19. Due to the many vagaries of Defence Aviation, there can be no presumption of compliance if a published AMC is followed inappropriately. The Regulated Entity should consult the Regulator as necessary to ensure that AMC are valid for local operating conditions.

Guidance Material (GM)

20. GM is typically developed to accompany AMC in order to provide additional explanation to help illustrate and assist the application of the regulation. In seeking to assure compliance with the Regulations the Regulator may refer to GM as illustrating good practice.

21. Both mandatory and permissive statements can be contained in the GM. These will be enabled through the use of “Must/Will/May/Could”, with the following ‘rules’ associated with their usage:

   a. The word “Must” in the text is used for citing legislative or regulatory requirements (e.g. HSWA 1974 or other MRP RAs) and has to be complied with. If used to expand on the Regulation within amplifying instructions for achieving Regulatory compliance it has to be complied with.
b. The word “Will” in the text denotes an expectation, provision or service, or an intention in connection with a requirement.

c. Sentences containing the word “May” or “Could” are guidelines; no justification is required if they are not followed.

**Manuals**

22. Manuals have the same regulatory standing as GM but may differ in style and/or wording.

**WAIVERS AND EXEMPTIONS**

23. Waivers, for a specified period, or permanent Exemptions from extant regulations may be employed at the request of a Regulated Entity and when agreed by the Regulator (this signatory level will be dependent upon type, complexity or whether the request is novel and/or contentious). The process outlined in MAA03 is to be used. Notwithstanding that Exemptions are permanent, they will be periodically reviewed by the MAA.

**AMENDMENTS**

24. Sponsorship of the MRP and the authorization of amendments are the responsibility of D MAA. The extant MRP may be subject to amendment following routine or post-implementation review or as a result of: policy change; capturing good practice; developing AAMC; regulatory waivers; regulatory exemptions; the need for new regulation; the withdrawal of obsolete regulation or SI recommendations. Equally, the RC can submit a Request For Change (RFC) where an error or omission has been identified, or to change or improve the wording of the MRP.

**Regulatory Notifications**

25. To effect timely communication of regulatory changes, the MAA will employ one of 2 types of notification, dependent upon the nature of the information conveyed:

   a. Regulatory Instruction (RI). A RI will provide new mandatory direction.

   b. Regulatory Notice (RN). A RN will convey regulatory information, notify changes in structures, procedures, regulations, or provide guidance.

26. Notifications will be approved at the appropriate level within the MAA dependent upon type, complexity or whether the Regulatory Notification is novel and/or contentious. They will be published on the [MAA website](#) Received organizations are responsible for cascading notifications internally in an effective way. The Regulatory Notification process will exist in addition to the routine document amendment service but will only be used where more timely notification is required. When appropriate, Regulatory Notifications will be “uplifted” into the MRP as RAs.

**RFC Process**

27. Proposals for amendments to all MRP content can be made using the RFC form in accordance with the process detailed in [MAA03](#). It should be noted that amendments to the Manual of Airworthiness Maintenance – Documentation (MAM-D) and MOD Form 700 series forms, MOD Form 765 is to be used.

28. **Consultation.** The Regulated Entity will be consulted on particular regulatory amendments, through the MAA issuing a Notice of Proposed Amendment (NPA) on the [MAA website](#). The NPA will explain the rationale behind the amendment, the possible impact on the RC and set the deadline for comment/feedback; feedback is crucial to further developing the regulation. If a NPA results in a significant change, a further period of consultation will be considered prior to the amendment being issued via a Notice of Authorized Amendment (NAA).

29. **Publication.** Once staffing of a proposed amendment is complete, there may be a decision to implement a change. To inform the RC of changes in regulation, a NAA will be issued on the [MAA website](#) detailing which part of the MRP has been amended. To ensure the full context of the amendment, the NAA will include an overview of the amendment. Internally, the MAA will maintain records of the justification supporting any MRP amendment and the associated NAA authorizing signatory. The RC needs to be aware that when an NAA is issued to publish a Regulation or
Manual, the MRP Amendment Record Sheet is updated. This document provides the date of publication and issue status for all Regulations and Manuals.

30. **Periodicity.** Changes to the Regulations will be published in accordance with the MRP Publication Cycle. Where the routine amendment process for the MRP is not sufficiently agile to effect timely communication of urgent regulatory changes, Regulatory Notifications will be employed.

**EQUAL OPPORTUNITIES STATEMENT**

31. Throughout the MRP, all reference to the masculine gender (he, him and his) is to be taken to include the feminine gender (she, her and hers).

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