

Regulatory Instruction

04 Apr 2022

MAA/RI/2022/03 – Flight release and limitations documents for Civilian Operated (In-Service) UK Military Registered Air Systems

Issue

1. The release of the 1160 series Regulatory Articles (RA) and associated regulations^{1, 2} in Nov 20 required Air Systems in the Civilian Operated (In-Service) Defence Air Environment (DAE) Operating Category to operate under a Military Permit to Fly (MPTF) (In-Service). In some circumstances, where a Release To Service³ (RTS) already exists for the Air System, the burden of generating and managing a separate MPTF (In-Service) may be disproportionate to the activity being conducted by the Defence Contractor Flying Organization (DCFO). The original intent of the DAE framework was to allow DCFOs operating Air Systems on temporary Allotment⁴ from a military Aircraft Operating Authority (AOA)⁵ to operate under the extant RTS, but this intent is not reflected clearly in the current RAs.

Scope

2. This Regulatory Instruction (RI) provides detail to support operation under an RTS, in lieu of an MPTF (In-Service), for DCFOs operating In-Service Air Systems on temporary Allotment from a military AOA.

Aim

3. This RI will ensure that DCFOs and their Air System Sponsors are aware of the mechanism for operating under an RTS, pending amendment of the MAA Regulatory Publications (MRP).

Implementation

4. This RI is effective from the date of publication until the MRP are updated to articulate the details of the RI.

Background

5. The 1160 series RAs and associated regulations^{1, 2}, released in Nov 20, require Air Systems operated in the Civilian Operated (In-Service) DAE Operating Category to operate under an MPTF (In-Service). The process for generating and managing an MPTF (In-Service) is detailed in RA 1305² and generally mirrors that for an RTS, with the production of an MPTF Recommendation which is approved by the Operating Centre Director 2* and subject to both MAA and independent scrutiny. However, there are significant differences between an MPTF (In-Service) and an RTS, including:

- a. The MPTF (In-Service) is prepared, in the first instance, by the operator.
- b. The MPTF (In-Service) is required to be signed by the Accountable Manager (Military Flying) (AM(MF)).

¹ Refer to RA 1019 – Sponsor of Military Registered Civilian-Owned and Civilian Operated Air Systems - Air Safety Responsibilities.

² Refer to RA 1305 – Military Permit to Fly (In-Service), (Special Case Flying) and (Single Task).

³ Refer to RA 1300 – Release To Service.

⁴ Refer to RA 1164 – Transfer of UK Military Registered Air Systems.

⁵ Refer to MAA02: MAA Master Glossary.

c. The MPTF (In-Service) Recommendation is prepared by either the Type Airworthiness Manager (TAM) or Type Airworthiness Authority (TAA)⁶.

d. The MPTF (In-Service), including any subsequent amendments, is authorized by the Sponsor, vice the RTS Authority (RTSA).

e. The RTS, and the RTS approval processes, are designed for Air Systems in the Military Operated (In-Service) DAE category. As such, in approving the RTS, the RTSA will exclusively consider the military operating context, Defence Lines of Development (DLoD) and the Risk to Life (RtL) ownership of the respective Aviation Duty Holders (ADH). It does not consider the DCFO operating context and DLoDs, nor the AM(MF)'s acceptance of the residual RtL. For Air Systems operating in the Civilian Operated (In-Service) DAE category, these functions are fulfilled by the Sponsor through the approval of the MPTF (In-Service).

f. The MPTF (In-Service) cannot contain Operational Emergency Clearances (OECs)⁷.

6. DCFOs undertake a wide range of flying activity across the DAE. Some DCFOs, such as those who are contracted by the MOD to deliver depth Maintenance and subsequent Maintenance test flights, exclusively operate in the Civilian Operated (In-Service) DAE category and within the bounds of the extant RTS for the Air System. The Air Systems are temporarily Allotted from a military AOA to the DCFO under RA 1164⁴ for the purposes of the Maintenance activity (which may include ferrying to / from the DCFO's depot) and transferred back to the military AOA on completion of the task. The legacy 1120 series RAs⁸ permitted such organizations to operate to the limitations within the RTS, and this is currently still reflected within the Contractor Flying Approved Organization Scheme (CFAOS) suite of RAs⁹ for those yet to transition to the 1160 series RAs.

7. For organizations undertaking activity such as that described in para 6, the burden on the Air System enterprise¹⁰ of generating a separate MPTF (In-Service) which mirrors the extant RTS would be considerable. Whilst an RTS may permit a wider scope of Air System operation than that undertaken by the DCFO, the latter is limited by the scope of the DCFO's CFAOS Approval. The intent of the 1160 series RAs was to permit such organizations to continue to utilize an RTS as the flight release and limitations document, and this is reflected in some of the Notice of Proposed Amendment (NPA) feedback provided to the circulated drafts of the RAs¹¹. However, it is acknowledged that the intent was not translated clearly into the final published RAs which, in their current form, mandate an MPTF (In-Service) for all Air Systems operated in the Civilian Operated (In-Service) category. This RI addresses these issues and provides a mechanism for DCFOs, in certain circumstances, to operate in accordance with (iaw) the extant RTS in lieu of an MPTF (In-Service).

⁶ Where the Air System is Civilian-Owned, ownership of regulatory responsibility by either the TAA or Type Airworthiness Manager (TAM) needs to be agreed within the Sponsor's approved model for Type Airworthiness (TAW) management; refer to RA 1162 – Air Safety Governance Arrangements for Civilian Operated (Development) and (In-Service) Air Systems.

⁷ Refer to RA 1330 – Release To Service Special Clearances.

⁸ Refer to RA 1125 – Military Registered Air Systems Transferred to Contractors, Issue 3, accessible through Regulatory Notice MAA/RN/2020/16 - Implementation Plan for Regulatory Articles 1019 (Sponsor of Military Registered Civilian-Owned and Civilian Operated Air Systems - Air Safety Responsibilities), 1160, 1161, 1162, 1163 (Re-Categorization of Activity within the Defence Air Environment) and 1305 (Military Permit to Fly (In-Service), (Special Case Flying) and (Single Task)).

⁹ Refer to RA 1024 – Accountable Manager (Military Flying); RA 1028 – Contractor Flying Approved Organization Scheme – Responsibilities; and RA 2501 – Contractor Flying Approved Organization Scheme.

¹⁰ Including the DCFO operator, DAOS organization, TAM (if applicable), TAA and Sponsor.

¹¹ It is also acknowledged that the NPA feedback itself was, in places, confusing.

Utilization of RTS

8. When a temporary Allotment of an Air System, for which a valid RTS exists, occurs between a military AOA and a civilian AOA (Civilian Operated (In-Service)¹²), the activity may be conducted iaw the relevant RTS in lieu of an MPTF (In-Service). Where this condition is invoked:

a. The Sponsor **should**:

- (1) Approve the use of the RTS as the flight release and limitations document.
- (2) Stipulate any elements of the RTS which are not applicable, including (as a minimum) OECs⁷.
- (3) Define the bounds of the activity which may be conducted under the RTS.
- (4) Be satisfied that all RtL has been identified and brought to the attention of the AM(MF), who has made a Safety Statement to the effect that the RtL has been reduced to As Low As Reasonably Practicable and Tolerable.

b. The AM(MF) **should** ensure the use of the RTS is appropriately considered within their Air System Safety Case (ASSC).

9. **Affected RAs.** Several RAs within the MRP stipulate the requirement for an Air System operating in the Civilian Operated (In-Service) DAE category to have an MPTF (In-Service) as its flight release and limitations document. Where the use of an RTS is authorized in lieu of an MPTF (In-Service) iaw paragraph 8 above, the following applies:

a. **RA 1024, RA 1028 and RA 2501**⁹. These RAs (paragraph 3.a, paragraph 2.e.(2) and paragraph 4 respectively) already permit the use of an RTS as the limitations document for Air Systems operated under CFAOS. Whilst these are legacy entries that were applicable to the 1120 series and will be amended once the 1160 series transition period has ended, they **should** also be read as permitting the use of the RTS as the flight release and limitations document under the 1160 series when approved iaw paragraph 8 above.

b. **RA 1160**¹³. Where RA 1160, including Figure A-1 and Table A-1 within Annex A, specifies the requirement for Air Systems in the Civilian Operated (In-Service) DAE Category to be operated iaw an MPTF (In-Service) flight release and limitations document, this **should** be read as “or RTS” when approved iaw paragraph 8 above.

c. **RA 1162**¹⁴. Where RA 1162 specifies the requirement for Air Systems in the Civilian Operated (In-Service) DAE Category to be operated within the flight conditions defined in an MPTF (In-Service), this **should** be read as “or RTS” when approved iaw paragraph 8 above.

d. **RA 1300**³, **RA 1325**¹⁵ and **RA 1360**¹⁶. The Rationale (of all three RAs) and Regulation 1300(1) refer to the RTS being applicable to Air Systems in the Military Operated (In-Service) DAE Category, and the need for ADHs to observe the RTS limitations. These **shall** be read as extending to Civilian Operated (In-Service) DAE Category and AM(MF)s when the use of an RTS is approved in lieu of an MPTF (In-Service) iaw paragraph 8 above. However, there is no additional requirement for the RTS and RTS Recommendation processes (as detailed in these RAs and related RAs such as, but not limited to, RA 1021¹⁷) to consider the DCFO operating context or the AM(MF)'s ASSC in the production of the RTS; this function will be fulfilled by the Sponsor through paragraph 8.a above.

¹² Air Systems operated in the Civilian Operated (Development) and Special Case Flying categories will require an MPTF (Development) and MPTF (Special Case Flying) respectively. Refer to RA 5880 – Military Permit to Fly (Development) (MRP Part 21 Subpart P) and RA 1305 – Military Permit to Fly (In-Service), (Special Case Flying) and (Single Task).

¹³ Refer to RA 1160 – The Defence Air Environment Operating Framework.

¹⁴ Refer to RA 1162 – Air Safety Governance Arrangements for Civilian Operated (Development) and (In-Service) Air Systems.

¹⁵ Refer to RA 1325 – Release To Service Limitations.

¹⁶ Refer to RA 1360 – Release To Service Recommendations Preparation and Authorization.

¹⁷ Refer to RA 1021 – Release To Service Authorities – Roles and Responsibilities.

e. **RA 1305²**. The following elements are affected by this RI:

(1) The Rationale and Definitions (paragraph 1) refer to the MPTF (In-Service) being the (sole) flight release and limitations document for Air Systems in the Civilian Operated (In-Service) DAE Category. When approved iaw paragraph 8 above, the RTS may also be used as the flight release and limitations document.

(2) Regulation 1305(1) specifies the requirement for Air Systems in the Civilian Operated (In-Services) DAE Category to operate under an MPTF (In-Service); this **shall** be read as “or RTS” when approved iaw paragraph 8 above. However, AMC 1305(1) remains applicable to MPTF (In-Service) only; AMC 1300(1) within RA 1300³ **should** be applied when an RTS is used.

10. **Guidance.** The Sponsor may elect to approve the use of an RTS (where one exists) in lieu of an MPTF (In-Service) where Air Systems are temporarily Allotted to a DCFO for the conduct of activity that would ordinarily fall within the scope of an In-Service military AOA to conduct. This may include (but is not limited to):

- a. Post Maintenance Flight Test iaw Topic 5M or equivalent.
- b. Ferry / positioning flights.
- c. Crew currency flying.

11. In approving the use of an RTS, the Sponsor will consider the operating context of the DCFO in relation to that of the military AOA and satisfy themselves that the RTS is appropriate for use within the bounds of the approved activity (with any additional limitations), noting that the RTSA will not have considered the AM(MF) or DCFO’s operating context when fulfilling their responsibilities under RA 1021¹⁷.

MRP Update

12. The MRP affected by this change will be updated during the routine MRP update cycle¹⁸. This RI will be withdrawn once all affected MRPs have been updated.

Queries

13. Any observations or requests for further guidance on the content of this RI, or any queries relating to scenarios not explicitly covered, should be submitted by email to DSA-MAA-MRPEnquiries@mod.gov.uk.

MAA Head Regulation and Certification

¹⁸ Refer to MAA03 Annex A: MAA Regulatory Publications Amendment.