

► This RA has been substantially re-written; for clarity no change marks are presented – please read RA in its entirety ◀

## RA 1162 – Air Safety Governance Arrangements for Civilian Operated (Development) and (In-Service) Air Systems

### Rationale

*To provide Defence with the required flexibility over how new capabilities are introduced, the aviation industry may be required to operate UK military registered Air Systems. However, without a clear understanding of the governance framework for this activity, there is a Risk that key Air Safety responsibilities may be diluted or neglected entirely, with the result that the Risks associated with operation of the Air System are not adequately managed. This RA details the Air Safety governance arrangements for Defence Contractor Flying Organizations (DCFO) operating under the Contractor Flying Approved Organization Scheme (CFAOS) that are operating in MOD Interest; such activities are conducted within the Civilian Operated (Development) or (In-Service) Defence Air Environment (DAE) Operating Categories<sup>1</sup>.*

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### Regulation 1162(1)

#### Air Safety Governance Arrangements

1162(1) The Sponsor **shall** confirm appropriate Air Safety arrangements are in place for the operation and Airworthiness of UK military registered Air Systems in the Civilian Operated (Development) or Civilian Operated (In-Service) DAE Operating Categories.

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#### Air Safety Governance Arrangements

1. The Sponsor **should** confirm:
  - a. That the operating organization is approved under the CFAOS.
  - b. That an appropriate Accountable Manager (Military Flying) (AM(MF)) is appointed<sup>2</sup>.
  - c. That the AM(MF) is supported for the management of Type Airworthiness (TAW)<sup>3</sup>:
    - (1) For UK MOD-Owned Air Systems, by a Defence Equipment and Support (DE&S) Operating Centre Director (OCD) appointed Type Airworthiness Authority (TAA).
    - (2) For Not UK MOD-Owned Air Systems, by a TAA and TAW Manager (TAM). The MAA have mandated four areas of non-delegable TAW Responsibilities, detailed at Table 1, that the Sponsor **should** ensure remain the responsibility of a TAA. For all other TAW tasks, the Sponsor **should** decide upon an appropriate TAW management model (eg which tasks will be conducted by the TAA, which will be delegated to a MAA approved TAM through a Letter of Appointment<sup>4</sup>) which depends upon the complexity of the activity. The Sponsor **should** inform the AM(MF) of their chosen construct for managing TAW.

<sup>1</sup> Refer to RA 1160 – The Defence Air Environment Operating Framework.

<sup>2</sup> Refer to RA 1028 – Contractor Flying Approved Organization Scheme.

<sup>3</sup> Refer to RA 1015 – Type Airworthiness Management – Roles and Responsibilities.

<sup>4</sup> Refer to RA 1003(3): Delegation of Airworthiness Authority within a Design Organization holding Type Airworthiness Management responsibilities.

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Table 1. Non-Delegable TAw responsibilities

TAw Functions	Applicable RAs	Non-Delegable responsibilities
Type Design and Aircraft Repairs	RA 5820 <sup>5</sup> RA 5865 <sup>6</sup>	<ul style="list-style-type: none"> <li>Approval of initial Type Design,</li> <li>Approval of Major Changes to Type Design and Repairs,</li> <li>Signing to Accept the initial Certificate of Design (CofD),</li> <li>Signing to Accept the CofD for Major Changes to Type Design and Repairs.</li> </ul>
Military Type Certificate (MTC)	RA 5810 <sup>7</sup>	<ul style="list-style-type: none"> <li>Responsibility to hold an MTC</li> </ul>
Military Permit To Fly (MPTF)	RA 1305 <sup>8</sup> RA 5880 <sup>9</sup>	<ul style="list-style-type: none"> <li>Approve the initial issue of the MPTF (Development),</li> <li>Certify the initial issue of MPTF (In-Service) Recommendations,</li> <li>Review TAM proposed amendments to MPTF (In-Service),</li> <li>Approve the issue of the MPTF (Single Task).</li> </ul>
Air System Document Set (ADS) and Technical Information	RA 1310 <sup>10</sup> RA 5405 <sup>11</sup> RA 5815 <sup>12</sup> RA 5010 <sup>13</sup>	<ul style="list-style-type: none"> <li>Approve the initial issue of the ADS,</li> <li>Review Airworthiness Directives and Service Bulletins, and approve the related Special Instruction (Technical)s (SI(T)),</li> <li>Evaluate and approve changes to Master Maintenance Schedule.</li> <li>Prepare the TAw Strategy.</li> </ul>

d. That the AM(MF) is supported for the management of CAw by an MAA approved Continuing Airworthiness Management Organization (CAMO)<sup>14</sup>.

e. The AM(MF) is supported by Competent organizations<sup>15</sup>.

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2. If the Sponsor is not in DE&S, the agreement of a DE&S OCD<sup>16</sup> will be required to appoint an appropriate TAA.

3. The Sponsor determined model for the management of TAw could be either:

a. The appointment of a TAA who is fully accountable for ensuring TAw and complying with all TAw Regulations, or

b. The appointment of a TAA and TAM, where the:

(1) TAA, as a minimum, is accountable for the MAA mandated non-delegable TAw responsibilities, and

(2) MAA approved TAM, within a Design Organization operating under the Design Approved Organization Scheme (DAOS) holding a TAw Management Supplement, is accountable for ensuring the remaining TAw responsibilities as detailed by the Sponsor.

<sup>5</sup> Refer to RA 5820 – Changes in Type Design (MRP Part 21 Subpart D).

<sup>6</sup> Refer to RA 5865 – Repairs (MRP Part 21 Subpart M).

<sup>7</sup> Refer to RA 5810 – Military Type Certificate (MRP Part 21 Subpart B).

<sup>8</sup> Refer to RA 1305 – Military Permit To Fly (In-Service), (Special Case Flying) and (Single Task).

<sup>9</sup> Refer to RA 5880 – Military Permit to Fly (Development) (MRP Part 21 Subpart P).

<sup>10</sup> Refer to RA 1310 – Air System Document Set.

<sup>11</sup> Refer to RA 5405 – Special Instructions (Technical).

<sup>12</sup> Refer to RA 5815 – Instructions for Sustaining Type Airworthiness.

<sup>13</sup> Refer to RA 5010 – Type Airworthiness Strategy.

<sup>14</sup> Refer to RA 1016 – Military Continuing Airworthiness Management.

<sup>15</sup> Refer to RA 1005 – Contracting with Competent Organizations.

<sup>16</sup> Refer to RA 1013 – Air Systems Operating Centre Director - Provision of Airworthy and Safe Systems.

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4. Operation of an Air System in MOD Interest, for which there is in force a Certificate of Usage issued on behalf of the Secretary of State for Defence (SofS), creates a duty on the SofS to ensure safe use of the Air System. Whilst Responsibility for this liability can be appropriately discharged to non-Crown Servants, dependent on the particular operating context, the MAA has determined a set of non-delegable regulatory TAw responsibilities that have to be retained by a Crown Servant TAA law the International Civil Aviation Organization (ICAO) principle that organizations do not regulate themselves in Airworthiness matters<sup>17</sup>. These responsibilities are identified as 'TAA non-delegable responsibilities'.
5. Prior to endorsing the responsibilities to which the Sponsor will delegate to the TAM, it is recommended they consult an appropriate DE&S OCD 2\* and where necessary an appropriate TAA for advice. The TAM's responsibilities, once formalized by the Sponsor in writing to the TAM, copied to the AM(MF), will be detailed in the respective TAw management supplement of the DAOS exposition.
6. Where a TAM invokes Design Organization privilege, the TAM will inform the TAA<sup>18</sup>.

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**Assurance of the Air Safety Governance Arrangements**

- 1162(2) The Sponsor **shall** confirm appropriate Assurance of the Air Safety arrangements is conducted for the operation and Airworthiness of UK military registered Air Systems in the Civilian Operated DAE Operating Category.

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**Assurance of the Air Safety Governance Arrangements**

7. The Sponsor **should** confirm that appropriate Assurance is conducted of:
- a. Flying operations,
  - b. CAw management,
  - c. TAw management:
    - (1) For the elements for which the TAA is accountable, the DE&S OCD conducts appropriate Assurance of the TAA.
    - (2) For the elements for which a TAM is accountable, appropriate Assurance of the TAM is conducted.
  - d. Maintenance of the Air System,
  - e. The management of RtL within an Air Safety Management System (ASMS), and
  - f. The management of the Live Air System Safety Case within the ASMS.
8. When assessing the level of activity required to assure that the Air Safety arrangements are appropriate, the Sponsor **should** consider the operating context in which the activity will be undertaken, the potential for conflict of loyalties and the level of risk exposure.

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**Assurance of the Air Safety Governance Arrangements**

9. The Sponsor will take a RtL based approach in determining the appropriate oversight applied to the operating arrangements, which could be done by MOD organizations (eg Aviation Duty Holders (ADH), "Safety, Training Assurance and Regulatory" (STAR) teams, Central Flying School (CFS), Standards units, or the Delivery Team if it retains Suitably Qualified and Experienced Persons (SQEP)), or by suitably Competent and experienced civilian organizations.
10. When undertaking Assurance of Air System operations, it is important to assure that, as a minimum:

<sup>17</sup> For information this is derived from ICAO Doc 9760 Chapter 4 – Airworthiness organization.

<sup>18</sup> Refer to RA 5850 – Military Design Approved Organization (MRP Part 21 Subpart J).

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- a. The MAA issued CFAOS schedule continues to cover the scope of the intended activity, and
- b. The Air System continues to be operated within the flight conditions as defined and permitted by the MPTF (Development), MPTF (In-Service), or Release To Service.

11. The Sponsor will confirm that the AM(MF) has sought appropriate advice on the operating aspects of the Air Safety arrangements from appropriate SQEP. The complexity of the arrangements and the activity being assured (novel and complex or inherently military in style) will dictate the level of SQEP. Particular attention may be necessary for those activities which are not normally within the capability of the flying organization and where SQEP external to the organization is being utilized.

12. The AM(MF) will provide the Sponsor with a copy of their annual Safety Statement<sup>19</sup>.

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<sup>19</sup> Refer to RA 1205 – Air System Safety Cases.