



# BAILIWICK OF JERSEY

Director of Civil Aviation

## Jersey Aviation Circulars

### JAC 91-1

#### **Permit to Fly requirements for the recovery of damaged or unserviceable aircraft – ferry flights**

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## **GENERAL**

Jersey Aviation Circulars are issued to provide advice, guidance and information on standards, practices, and procedures necessary to support Jersey Aviation Requirements. They are not in themselves law but may amplify a provision of the Air Navigation (Jersey) Law 2014 or provide practical guidance on meeting a requirement contained in the Jersey Aviation Requirements.

Organisations should ensure that an appropriate system of communication is in place within their company so that information contained within JACs is notified promptly to those individuals that need to be advised.

## **PURPOSE**

This JAC details the procedures an aircraft owner or operator should carry out in order to make an application to the Office of the Director of Civil Aviation for a Permit to Fly to operate a partially serviceable or damaged aircraft.

## **RELATED REQUIREMENTS**

This Circular relates to JAR Part 91.

## **CHANGE INFORMATION**

First Issue.

## **ENQUIRIES**

Enquiries regarding the content of this Circular should be addressed to the Director of Civil Aviation

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## 1. Introduction

Where an aircraft becomes unserviceable due to technical problems or suffers structural damage, the aircraft owner/operator may wish to carry out a ferry flight of the aircraft, outside the provisions of the Minimum Equipment List (MEL) or Configuration Deviation List (CDL), in order to reach a maintenance base to facilitate repair / rectification action.

If the aircraft no longer meets the certification standards set for the Type Acceptance Certificate, the Certificate of Airworthiness is invalid. The only provision for allowing an aircraft to fly in these circumstances is Part 3 Article 9(1) of the Air Navigation (Jersey) Law 2014 which permits the aircraft to be operated in accordance with the conditions of a Permit to Fly, granted by the Director, within the Channel Islands Control Zone. For a flight intending to terminate outside Jersey, the Permit to Fly also provides exemption from the requirements of Article 9(1), the requirement to hold a Certificate of Airworthiness. (But see paragraph 4 of this JAC entitled 'Operating Under A Permit to Fly'.)

## 2. Foreign registered aircraft (any aircraft not registered in Jersey)

The owner/operator of any foreign registered aircraft needing a Permit to Fly in order to carry out a ferry flight will be required to provide the Director of Civil Aviation with technical justification for the operation of the aircraft. This technical justification shall include the written agreement of the State of Registry for the flight to take place, together with details of any conditions that the State of Registry may impose on the flight. The operator may also be required to provide evidence that they have taken account of those factors listed at Appendix A (Operating Procedures) as part of their technical justification.

## 3. Operational and technical procedures for aircraft registered in Jersey

### 3.1 Private Owners

Non-commercial aircraft owners/operators, who may not utilise an Operations Manual or hold a Maintenance Control Manual, will nevertheless need to satisfy the Director that they have taken adequate measures to ensure that the flight can be made safely and will not endanger any person or property. Careful consideration should be given to the carriage of any persons not essential to the flight.

## 4. Operating under a Permit to Fly

Operators should be aware that aircraft not having a valid Certificate of Airworthiness in compliance with ICAO Annex 8 (which includes an aircraft holding a Permit to Fly) do not have rights of international air navigation under the Chicago Convention.

An aircraft operating under a Permit to Fly should obtain prior permission from each State whose airspace it is intended to use while operating without a valid Certificate of Airworthiness.

Operators of aircraft registered in Jersey should retain records of ferry flights, together with all documents supporting their decision to conduct the flight.

## **APPENDIX A**

### **Technical Procedures**

The following details should be included in the company's Maintenance Control Manual:

1. Who can assess aircraft damage and to whom it would be reported.
2. Who would be notified within the operator's airworthiness support organisation and the actions they would be required to follow to determine whether the aircraft could carry out a ferry flight safely with the identification of any particular operational limitations that would need to be applied. Procedures for contacting the aircraft Type Certificate Holder or approved DOA would be required.
3. How the operator's flight operations department would be consulted once the physical condition of the aircraft has been assessed and any operating conditions necessary for the ferry flight have been identified.
4. A list of nominated technical personnel who will be responsible for authorising the ferry flight and making an application to the Director of Civil Aviation for a Permit to Fly.
5. A description of how the Permit to Fly will be delivered to the aircraft and how the Flight Release Certificate will be raised, issued, and placed on the aircraft.

### **Operating Procedures**

The following details should be included in the company's Operations Manual.

1. The nominated flight operations personnel who can liaise with the technical department on procedures for the operation; details of those personnel who can authorise a ferry flight.
2. The considerations to be taken account of before a ferry flight is authorised. These may include:
  - (a) Any limitations applicable to ferry flights that are detailed within the Flight Manual
  - (b) Crew operating procedures for carrying out ferry flights, unless conduct of the flight is managed within existing crew operating procedures.
  - (c) Runway limitations
  - (d) Performance data for all phases of flight in the configuration to be flown.
  - (e) Fuel planning and management
  - (f) Existing unserviceable conditions
  - (g) Overflight permissions for the route to be flown
  - (h) En-route weather
  - (i) Crew experience

- (j) Additional crew operating procedures
- (k) Flight Time Limitations
- (l) Flight plans available at relevant speeds / altitudes
- (m) Crew briefing arrangements
- (n) Training requirements
- (o) Details of documentation and clearances required