

Transfer of non-Part 21 aircraft from Certificate of Airworthiness to Permit to Fly

Introduction

The CAA recognises there is a lack of Type support for some vintage general aviation (GA) aircraft that hold a national certificate of airworthiness (CofA). This can raise continued and continuing airworthiness issues such as design support for modifications, the sourcing of spare parts or the ability to meet the applicable maintenance standards.

The CAA may in some circumstances allow aircraft to transfer from a CofA to a national permit to fly (PtF). A PtF represents a lower standard of airworthiness assurance, however it may offer greater accessibility to design support and spare parts.

This document sets out the policy and process by which the CAA will determine whether an aircraft may be permitted to transfer. It is only applicable to non-Part 21 aircraft. The [non-Part 21 aircraft](#) criteria are available on the CAA website. The status of an individual aircraft may also be checked via [G-INFO](#).

Requests for a transfer to a national PtF are normally dealt with on a case-by-case basis, by individual aircraft serial number. Depending on the outcome of the request, the CAA may also consider the continued eligibility of the aircraft type to hold a CofA.

Transfer policy

Article 40(2) of the Air Navigation Order 2016 requires the CAA to refuse the issue of a national permit to fly, if it appears to the CAA that an aircraft is eligible for, and ought to fly in accordance with, a national certificate of airworthiness. The CAA will determine whether an individual aircraft ought to continue to fly in accordance with a CofA, considering the factors identified in this document.

The CAA is required by the Civil Aviation Act 1982 and the Chicago Directions to reflect the UK's ICAO obligations. Therefore, as far as practicable, UK registered aircraft must meet the airworthiness standards of ICAO Annex 8 (Airworthiness of Aircraft) and be issued an ICAO compliant certificate of airworthiness.

The eligibility of an aircraft to hold a CofA relies, in part, on an organisation to monitor and address continued airworthiness issues, i.e. a Type Certificate Holder (TCH). The loss of the aircraft's TCH will result in the aircraft type losing eligibility for a CofA, unless a new TCH is established, or a Type Responsibility Agreement (TRA) as described on p3.

Aircraft may be permitted to transfer to a PtF either when the TCH ceases to exist, or if the TCH is failing to meet their responsibilities, such as the monitoring of airworthiness issues, facilitation of spare parts and provision of current maintenance documentation.

Due to the applicability of ICAO Annex 8, Chapter 1, where the certification application for the aircraft type was originally made to the State of Design after 13th June 1960, the CAA will normally only allow transfer to a PtF when it is clear that the aircraft is not eligible to hold a CofA.

For aircraft where the application for certification was submitted to the State of Design before 13th June 1960, the CAA may have greater discretion as to whether an individual aircraft is permitted to transfer. When exercising this discretion, the CAA will consider the continued efficacy of the TCH and viability of maintaining the aircraft to a CofA standard.

Most of the aircraft this process could apply to are not UK designed types and therefore transfer requires the agreement of the relevant State of Design.

Decision process

1. The transfer decision will be made by the CAA, based on the information and evidence provided.
2. The owner of a non-Part 21 GA aircraft who believes that the TCH is not meeting its obligations, or by virtue of ceasing to exist is unable to do so, should advise this to the CAA's General Aviation Unit, initially via ga@caa.co.uk.
3. The owner or their representative should provide supporting evidence, including any relevant correspondence with the TCH, a representative body such as the Light Aircraft Association (LAA), type club, and/or the National Aviation Authority (NAA) of the State of Design for the type.
4. The UK CAA will review this information and follow up as appropriate.
5. For non-UK designed types, if the CAA agrees that the request may be supported, this will be progressed via consultation with the NAA of the State of Design.
6. Where the application for certification of the aircraft type was originally submitted **after 13th June 1960**, the State of Design must confirm to the UK CAA that the type is no longer supported in a manner that allows the aircraft to hold an ICAO CofA.
7. If the application for certification of the aircraft type was originally submitted **before 13th June 1960**, the CAA may accept a declaration that the State of Design has no technical objection to the aircraft transferring to a national PtF.
8. Where the type has been accepted as eligible for transfer to a PtF, individual applications for a national PtF may then be considered. The approval will be subject to compliance with the relevant provisions of [BCAR Section A](#).

NOTE: The permit to fly may be administered either by the CAA, or, in the case of an aircraft falling within the LAA's technical scope, by the LAA on behalf of the CAA. LAA guidance on this subject is published in [Technical Leaflet TL 1.20](#).

NOTE: It is often not practicable for aircraft on a PtF to transition back to a CofA, due to potential difficulties in establishing a compliant build standard.

Loss of a TCH

1. Where a TCH has ceased to function, the CAA shall define a period during which the associated aircraft may retain a CofA, to allow an opportunity for replacement of the TCH. The period to be allowed will be determined having regard to the use, size and complexity of the aircraft and the number operating.

NOTE: Several NAAs have published information regarding aircraft for which the Type Certificate (TC) has been surrendered or abandoned. This information will be used by CAA in determining the status of the TCH and eligibility of an aircraft for a CofA or PtF. The FAA website provides [guidance](#) on US designed aircraft.

2. If no TCH has taken on the continued airworthiness responsibilities by the end of the defined period, the CAA will revoke the UK Type Certificate for the aircraft, and it will no longer be eligible to hold a CofA. Such aircraft are sometimes referred to as being 'orphaned'. The type may be eligible for a national PtF, subject to compliance with [BCAR Section A](#).

NOTE: [CAP 747](#) lists aircraft types on the UK register that are designated as non-Part 21, including the Type Certificate (TC) number if applicable. Where a TCH has ceased to exist or the aircraft TC has been surrendered, the reference to the TC will normally be removed from [CAP 747](#).

3. Should a new TCH become established after aircraft of the relevant type have been issued with a national PtF, there will not be a requirement to return aircraft to a CofA, although the owner may do so if a compliant build standard can be established.

Type Responsibility Agreement

There are some aircraft types on the UK register for which there is no TCH, however the CAA may issue a CofA on the basis of the type being supported via a Type Responsibility Agreement (TRA) in accordance with A5-1 of [BCAR Section A](#).

For types supported by a TRA, the CAA may also allow aircraft of that type to fly in accordance with a national PtF. Details of current TRA holders for aircraft on the UK register may be found in [CAP 562](#), Leaflet B-90.