AIRWORTHINESS NOTICE

NOTICE 6403

Issue 1
15 July 2019

AIRWORTHINESS REQUIREMENT: AIRCRAFT LEASING ARRANGEMENT

IN exercise of the powers conferred by section 24O of the Civil Aviation Act 1969 [Act 3], the Chief Executive Officer makes this Airworthiness Notice ("Notice") — Airworthiness Requirement: Aircraft Leasing Arrangement.

This Notice provides the requirement pertaining to the airworthiness requirement on aircraft leasing arrangement.

This Notice is published by the Chief Executive Officer under section 24O of the Civil Aviation Act 1969 [Act 3] and come into operation on 19th July 2019.

Non-compliance with this Notice

Any person who contravenes any provision in this Notice commits an offence and shall on conviction be liable to the punishment under section 24O of the Civil Aviation Act 1969 [Act 3].

(Ahmad Nizar Zolfakar)
Chief Executive Officer
Civil Aviation Authority of Malaysia
15th July 2019
1.0 CITATION

This Notice may be cited as the Airworthiness Notice – Airworthiness Requirement: Aircraft Leasing Arrangement [Notice 6403].

2.0 APPLICATION

This Notice shall apply to—

(a) an applicant for a certificate of approval of lease issued under the MCAR; and
(b) a holder of a certificate of approval of lease issued under the MCAR.

3.0 INTERPRETATION

In this Notice, unless the context otherwise requires—

“Authority” means Civil Aviation Authority of Malaysia;
“MCAR” means Civil Aviation Regulations 2016;
“State” means a foreign state; and
“State of Registry” means the State on whose register an aircraft is entered.

4.0 AIRWORTHINESS RECOMMENDATION

For purposes of granting an approval to lease an aircraft under the MCAR, airworthiness recommendation is required.

5.0 AIRWORTHINESS REQUIREMENTS

5.1 No person shall make an application for lease if the aircraft is not a type of aircraft registered in Malaysia.

5.2 For purposes of paragraph 4.0 of this Notice, an applicant shall submit a comprehensive report with regards to the airworthiness status of the affected aircraft which consist of—

(a) details of a holder of Malaysian air operator certificate;
(b) details of a holder of foreign air operator certificate;
(c) details of aircraft which includes registration number, type and engine;
(d) in the case of lease in—
   (i) a copy of certificate of airworthiness;
(ii) a copy of certificate of registry;
(iii) consent letter from civil aviation authority of State of Registry
(iv) a copy of Noise Certificate;
(v) a copy of operational specifications;
(vi) a copy of mass and balance document;
(vii) minimum equipment list;
(viii) aircraft maintenance programme; and
(ix) flight manual and related supplement status;

(e) Lease Agreement;
(f) a copy of Radio Station License;
(g) a copy of insurance policy;
(h) aircraft maintenance activities details which includes scheduled maintenance, unscheduled maintenance, airworthiness directives compliance, current maintenance release, modification details, repair details and any other information that reflect the airworthiness status of the aircraft;

(i) previous aircraft accident and incident details including mandatory occurrence report (MOR);
(j) details of life limited parts;
(k) list of personnel who is responsible to issue a maintenance release;
(l) maintenance arrangement between the applicant / current operator and the aircraft maintenance provider;
(m) intended route of operation;
(n) projection of schedule maintenance activities expected during the lease period, intended location of the maintenance to carry out the accomplishment of the affected maintenance activities;

(o) organisation responsible for managing the continuing airworthiness activities of the affected aircraft during period of lease;
(p) a copy of audit report prepared by an applicant for assessment of current continuing airworthiness activities of the affected aircraft; and
(q) a copy of document reflecting the leasing arrangement procedures such as exposition or manual.

5.3 The applicant shall ensure that the report in paragraph 5.2 of this Notice shall comply to applicable requirements under this Notice.
5.4 The Authority may conduct a due diligence on the applicant and/or current operator premises, documents and facilities to determine compliance with the airworthiness requirement.

5.5 Any expenses incurred by reason of anything done during or incidental to any activities performed by the Authority under this Notice shall be paid by and recoverable from the applicant.

6.0 MODIFICATIONS AND REPAIRS

A holder of a certificate of approval of lease issued under the MCAR shall ensure the modifications and repairs are carried out in accordance with the airworthiness requirements as prescribed by the State of Registry and shall ensure required substantiating data supporting compliance with the airworthiness requirements be retained accordingly.

7.0 CONTINUING AIRWORTHINESS

A holder of a certificate of approval of lease issued under the MCAR shall ensure the continuing airworthiness activities are carried out in accordance with the airworthiness requirements as prescribed by the State of Registry and shall ensure required substantiating data supporting compliance with the airworthiness requirements be retained accordingly.