

S.I. No. 324 of 1996.

**IRISH AVIATION AUTHORITY (AIRWORTHINESS OF AIRCRAFT) ORDER,
1996**

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SCHEDULE

**IRISH AVIATION AUTHORITY (AIRWORTHINESS OF AIRCRAFT)
ORDER, 1996**

The Irish Aviation Authority, in exercise of the powers conferred on it by sections 5, 14, 58, 59, 60, 65, 67 and 75 of the Irish Aviation Authority Act, 1993 (No. 29 of 1993), hereby orders as follows:

Short Title and Commencement

1. (1) This Order may be cited as the Irish Aviation Authority (Airworthiness of Aircraft) Order, 1996.
- (2) This Order shall come into operation on the first day of March, 1997.

Interpretation

2. (1) In this Order

"accessories" includes component parts, spare parts, replacements, items repaired and overhauled and aircraft materials;

"the Act" means the Irish Aviation Authority Act, 1993 (No. 29 of 1993);

"aerial work aircraft" means an aircraft, not being a public transport aircraft, which is being flown for payment required to be made or promised to the operator of the aircraft in respect of the flight or of the purpose for which the flight is made;

"aircraft" means any machine that can derive support in the atmosphere from the reactions of the air other than the reaction of the air against the earth's surface;

"air transport undertaking" means an undertaking the principal business of which includes the carriage by air of passengers or cargo for hire or reward;

"applicable Joint Aviation Regulations" means the relevant Joint Aviation Regulations effective in the State under the European Communities Council Regulation 91/3922/EEC of 16 December 1991¹ or otherwise prescribed as effective by a direction of the Authority under this Order or any other Order;

¹OJ No L.373, 31.12.91 pp 4-8

"appropriate authority" means, in relation to the State, the Authority and, in relation to any other state, the relevant civil aviation authority of the state having sovereignty over the territory being overflown, and in the case of flight over the high seas, the relevant authority of the state in which the aircraft concerned is registered;

"the appropriate fee" means the fee for the time being prescribed for the purpose by the Authority by an Order under the Act;

"authorised officer of the company" has the meaning assigned to it in section 2 of the Act;

"the Authority" means The Irish Aviation Authority;

"balloon" means a non-power driven lighter-than-air aircraft;

"cargo" includes mail and animals;

"certificate of airworthiness for export" has, save where the context otherwise requires, the meaning assigned to it by Article 14 of this Order;

"certificate of type approval" has the meaning assigned to it by Article 9 of this Order;

"certificate of validation" has the meaning assigned to it by Article 12 of this Order;

"certificate of release to service" means a certificate which —

- (a) certifies that an aircraft or part of an aircraft or its equipment to which the certificate relates has been inspected, overhauled, repaired, replaced or modified in a manner and with material of a type approved by the Authority either generally or

- in relation to a class of aircraft or the particular aircraft;
- (b) identifies the aircraft, part or equipment and the inspection, overhaul, repair, replacement or modification related thereto and includes particulars of the work done;
 - (c) in relation to an inspection required by the Authority, certifies that the inspection has been made in accordance with the requirements of the Authority and that any consequential overhaul, repair, replacement or modification has been carried out in accordance with those requirements;
 - (d) where the work to which it relates is carried out in accordance with Joint Aviation Regulations, has the meaning assigned to it by the applicable Joint Aviation Regulations;
 - (e) has the same effect as a maintenance release referred to in Annexe 6 to the Chicago Convention.

"Chicago Convention" has the meaning assigned to it by the Act;

"component parts" includes spare parts, replacements, items repaired and overhauled and aircraft materials;

"equipment" includes instruments, and cognate words shall be construed accordingly;

"flight crew member" means —

- (a) in relation to an aircraft registered in the State, a crew member licensed under the Air Navigation (Personnel Licensing) Orders, 1966 to 1996, and charged with duties essential to the operation of the aircraft during flight time; or
- (b) in relation to an aircraft registered in any other state, a crew member appropriately licensed under the law of that state and charged with duties essential to the operation of the aircraft during flight time;

"flight manual" has the meaning assigned to it by Article 24 of this Order;

"flight permit" has the meaning assigned to it by Article 7 of this Order;

"flight time" means the total time from the moment an aircraft first moves under its own power from the loading point for the purpose of taking off until the moment it comes to rest at the unloading point at the end of the flight;

"glider" means a non-power-driven heavier-than-air aircraft which derives its lift in flight chiefly from aerodynamic reactions on surfaces which remain fixed under given conditions of flight;

"Joint Aviation Authorities" has the meaning assigned to it in section 14 of the Act.

"Joint Aviation Regulations" (abbreviated as "JARs") means regulations adopted by the Joint Aviation Authorities of Europe;

"kite" means a non-mechanically-driven aerodyne which —

- (a) is supported in flight by aerodynamic reactions on surfaces remaining fixed under the same conditions of flight; and
- (b) is moored to the ground;

"maintenance programme" means a compilation of the individual maintenance and inspection functions utilised by an operator to fulfil the total maintenance requirements with respect to an aircraft, and includes inspections and maintenance actions carried out in accordance with an approved maintenance schedule, unscheduled maintenance procedures, structure, engine and equipment time limits, supplemental structural inspections, performance, reliability and condition monitoring programmes and such other maintenance-related activities as are required by the Authority in relation to an

operator's aircraft;

"maintenance schedule" means a list of the maintenance operations required to be performed at intervals (specified therein) in order to ensure airworthiness;

"mandatory continuing airworthiness requirements" include mandatory requirements for the inspection, modification or replacement of parts of an aircraft, or amendments to the aircraft operating procedures or limitations, issued by the Authority or the state of manufacture of that aircraft in the form of airworthiness directives or equivalent instructions;

"operating cycle" is the application and removal or reversal of a service load or stress in the structure, engines or equipment of an aircraft such as during takeoff and landing, engine spool up and spool down, fuselage pressurisation and depressurisation, as may be specified and defined by the aircraft, engine or equipment manufacturer;

"operator" means a person, organisation, or enterprise engaged in or offering to engage in an aircraft operation and who or which, in relation to any particular aircraft, has at the relevant time the management of that aircraft;

"pilot-in-command" means the pilot responsible for the operation and safety of the aircraft during flight time;

"private aircraft" means an aircraft which is neither a public transport aircraft nor an aerial work aircraft;

"public transport aircraft" means an aircraft used or intended to be used by the operator for the purpose of carrying passengers or cargo for which purpose payment is required to be made or promised to the operator or, where the carriage is effected by an air transport undertaking, whether for payment or not;

"rotorcraft" means a heavier-than-air aircraft supported in flight chiefly by the reactions of the air on one or more power-driven rotors on substantially vertical axes;

"technical log" has the meaning assigned to it by Article 20 of this Order;

"time in service" means, with respect to maintenance records, the time from the moment the aircraft leaves the surface of the earth until it touches it at the next point of landing or as otherwise specified in the applicable Joint Aviation Regulations.

- (2) Save where the context otherwise requires or where otherwise expressly stated, "certificate of airworthiness" has the meaning assigned to it by Article 11 of this Order, and includes any certificate of validation in respect thereof.

Purpose of the Order

- 3.** This Order is for the purpose of giving continuing effect to Annexe 8 to the Chicago Convention in the context of membership by the State of the European Communities and the Joint Aviation Authorities of Europe.

Application of Order

- 4.** This Order shall apply—
- (a) to aircraft registered in the State wherever they may be, and
 - (b) save where the contrary intention appears, to all other aircraft when in or over the State.

Revocations

- 5.** (1) The Air Navigation (Airworthiness) Order, 1964 (S.I. No. 141 of 1964), and the Air Navigation (Airworthiness) Order, 1973 (S.I. No. 102 of 1973), are hereby revoked.

- (2) Notwithstanding the revocation of the Air Navigation (Airworthiness) Order, 1964 (S.I. No. 141 of 1964), every direction given under that Order and in force at the commencement of this Order shall continue in force and shall be deemed for all purposes to have been given under this Order until withdrawn or amended.

Continuance in force of existing certificates

6. (1) Every certificate of airworthiness issued or validated under the Air Navigation (Airworthiness) Order, 1964, S.I. No. 141 of 1964) and in force at the commencement of this Order, shall continue in force and shall be deemed for all purposes either to have been issued or validated under this Order until withdrawn or amended or until the expiry of any period of validity specified therein.
- (2) In this Article "certificate of airworthiness" includes a certificate of airworthiness for export issued by a state which is a party to the Chicago Convention and validated under the Air Navigation (Airworthiness) Order, 1964 (S.I. No. 141 of 1964).

When certificates of airworthiness required

7. (1) Subject to paragraphs (2) and (3) of this Article, an operator shall not permit an aircraft to fly or attempt to fly —
 - (a) unless there is in force in respect thereof a certificate of airworthiness issued or validated under the law of the state in which the aircraft is registered; or
 - (b) if there is not in force in respect thereof such a certificate, unless a permit in writing (in this Order referred to as a "flight permit") has been granted by the Authority to fly the aircraft;

and the terms and conditions on or subject to which such certificate was issued or validated or such flight permit was granted (as the case may be) are complied with.

- (2) Paragraph (1) of this Article shall not apply to a glider, unmanned balloon, unmanned model aircraft or kite which is neither a public transport aircraft nor an aerial work aircraft and which is used solely on flights beginning and ending in the State without passing over any other state.
- (3) Paragraph (1) of this Article shall not apply to an aircraft which —
 - (a) is being flown for the purpose of experimenting with or testing the aircraft (including, in particular, its power-units) and its equipment; or
 - (b) is being flown to enable the aircraft to qualify for the issue or renewal of a certificate of airworthiness or the validation thereof or the issue or validation of a certificate of airworthiness for export or the approval of a modification to the aircraft under paragraph (4) of Article 17 of this Order; or
 - (c) is proceeding to or from a place at which any experiment, test, inspection or weighing of the aircraft is to take place for any purpose referred to in subparagraph (a) or (b) of this paragraph;

provided that the aircraft complies with the following conditions and with any other conditions which may be directed by the Authority as applicable to such a flight as is referred to in subparagraph (a), (b) or (c) of this paragraph, that is to say:

- (i) the aircraft and its engines are certified as fit for flight by a person or persons qualified in accordance with the provisions of Article 25 of this Order so to certify;
- (ii) the flight begins and ends in the State without passing over any other state or, if it passes over any other state, or takes place in another state, the flight is

permitted by the appropriate authority of that other state and complies with the laws, regulations or conditions then in force in that other state relating to such a flight;

- (iii) the aircraft carries the flight crew members necessary to ensure the safety of the aircraft;
- (iv) the aircraft does not carry any passengers or cargo, other than persons performing duties in the aircraft in connection with the flight;
- (v) the aircraft does not fly over any congested area of a city, town or settlement or over any open-air assembly of persons in the State save to the extent that it is necessary to do so in order to take-off or land, in accordance with normal aviation practice, at an aerodrome licensed by or under the control of the Authority or a State aerodrome as defined in the Act or an aerodrome approved by the Authority for the take-off or landing of aircraft so engaged;
- (vi) where one flight only is conducted and where a subsequent flight is required, it shall be subject to any other conditions the Authority may require in relation thereto, except that a sufficient number of test flights after maintenance may be conducted as are necessary to establish the fitness for service of an aircraft and a report in respect of each such flight shall be submitted to the Authority.

Directions in respect of airworthiness requirements

- 8.** The Authority may give a direction in respect of aircraft and parts of aircraft (including power-units, systems, equipment, accessories and other component parts) specifying comprehensive and detailed requirements in respect of airworthiness which shall be such as to ensure that compliance therewith shall ensure compliance of aircraft and aircraft parts with—
- (a) the Standards in Part II of Annexe 8 to the Chicago Convention;
 - (b) the Standards in Part III of the said Annexe 8 where applicable;
 - (c) the Standards in Part IV of the said Annexe 8 where applicable, and
 - (d) the provisions of the applicable Joint Aviation Regulations (JARs);
- provided that, where the design features of a particular aircraft render any of the Standards of the said Annexe 8 inapplicable or inadequate, the Authority may under this Order permit variations from the said Standards if the Authority considers that such variations ensure a level of safety equivalent to those ensured by the said Standards.

Certificate of type approval

- 9.** (1) The Authority may give a direction to the effect that the issue of a certificate (in this Order referred to as a "certificate of type approval") in respect of any type of aircraft shall be a prerequisite to the issue, renewal or continued validity of a certificate of airworthiness or the issue or validation of a certificate of airworthiness for export in respect of an aircraft of that type.
- (2) A certificate of type approval may, subject to payment of the appropriate fee, be issued by the Authority in respect of any type of aircraft constructed in the State, or in any other state, being a party to the Chicago Convention, if the Authority is satisfied that the requirements in respect of airworthiness as may be specified in a direction issued by the Authority under this Order and applicable to that type of aircraft are complied with or if the Authority is of the opinion that such requirements, although not so complied with, are compensated for by factors which ensure a level of safety equivalent to that ensured by such requirements.

- (3) The Authority may, for the purpose of paragraph (2) of this Article, give a direction as to the procedure for obtaining a certificate of type approval and may require the performance of flying trials and other tests or inspections of the aircraft type concerned or of its equipment.
- (4) A certificate of type approval shall be in such form and contain such particulars as specified by the Authority or as required by the applicable Joint Aviation Regulations.

Categories of aircraft

10. The Authority may, subject, where appropriate, to the applicable Joint Aviation Regulations, give a direction specifying the categories in which aircraft may be classified for issue of certificates of airworthiness and the purposes for which an aircraft may be flown in relation to those categories.

Issue of certificate of airworthiness

- 11.** (1) Subject to paragraph (1) of Article 9 of this Order, the Authority may issue in respect of any aircraft registered in the State a certificate which shall be known, and in this Order is referred to, as a "certificate of airworthiness" if it is satisfied that the aircraft—
- (a) complies with the requirements in respect of airworthiness as may be specified in a direction issued under this Order or required by the applicable Joint Aviation Regulations, or the Authority makes a determination that such requirements not so complied with are compensated for by factors which ensure a level of safety equivalent to that ensured by such requirements;
and
 - (b) is equipped in the manner considered necessary in the opinion of the Authority to ensure airworthiness and as required by the applicable Joint Aviation Regulations.
- (2) The Authority may, for the purpose of paragraph (1) of this Article, require—
- (a) the submission to it of drawings, specifications, reports, documentary evidence and other particulars relating to the aircraft, and
 - (b) the performance of such flying trials and other tests of the aircraft as may, in the opinion of the Authority, be necessary to establish compliance with the requirements in respect of airworthiness prescribed under this Order and appropriate to the aircraft, and
 - (c) payment of the appropriate fee.
- (3) A certificate of airworthiness shall—
- (a) be in the form set out in the Schedule to this Order;
 - (b) specify such of the categories as may be specified in a direction issued by the Authority under Article 10 of this Order as are, in the opinion of the Authority, appropriate to the aircraft; and
 - (c) be issued subject to the condition that the aircraft shall be flown only for the purposes as may be specified in a direction issued in relation to those categories and to such other conditions (if any) relating to the airworthiness of the aircraft concerned as the Authority may specify;
 - (d) be issued in accordance with the applicable Joint Aviation Regulations where appropriate.

Certificate of validation and renewal and validation of certificate of airworthiness.

12. (1) The Authority may, subject to payment of the appropriate fee and such conditions as it

considers appropriate, issue a certificate which shall be known, and in this Order is referred to, as a "certificate of validation", the effect of which shall be to render valid for the purposes of this Order a certificate of airworthiness or a certificate of airworthiness for export issued (in either case) under the law of any state other than the State in respect of an aircraft registered in the State.

- (2) Subject to this Article and to Article 15 of this Order, a certificate of airworthiness or a certificate of validation shall remain valid for such time as may be specified therein and may be renewed from time to time by the Authority for a further period as it thinks fit.
- (3) A certificate of airworthiness or a certificate of validation issued in respect of an aircraft registered in the State shall cease to be in force if—
 - (a) the aircraft is removed from the register maintained under the Air Navigation (Nationality and Registration of Aircraft) Order, 1996 (S.I. No. 321 of 1996);
 - (b)
 - (i) the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft is maintained, overhauled, repaired or modified, or
 - (ii) any part of the aircraft or of the equipment referred to in clause (i) of this subparagraph is removed or replaced,
otherwise than in a manner and with material of a type approved by the Authority or required by the applicable Joint Aviation Regulations, either generally or in relation to a class of aircraft or to the particular aircraft, or
 - (c) in the case of an inspection, overhaul, repair, replacement or modification required under paragraph (3) of Article 17 of this Order, until the issue of a certificate of release to service relating to the inspection, overhaul, repair, replacement or modification, as the case may be.

Aircraft and equipment record

- 13.** The Authority may require an operator to prepare and preserve in relation to aircraft registered in the State a record enabling the aircraft, including, in particular, its power-unit(s) and such of its equipment as the Authority may consider necessary for the airworthiness of the aircraft when issuing, altering or rendering valid a certificate of airworthiness for export, to be identified with any drawings and other documents in respect of the aircraft, being documents referred to in Article 11 of this Order.

Certificate of airworthiness for export

- 14.**
 - (1) Subject to paragraph (1) of Article 9 of this Order and to any conditions that may be specified in a direction issued by the Authority and to payment of the appropriate fee, the Authority may issue a document, in this Order referred to as a "certificate of airworthiness for export", in respect of any aircraft to be registered in another state, if it is satisfied that, apart from any additions or substitutions required by the state where it is to be registered, the aircraft complies with subparagraphs (a) and (b) of paragraph (1) of Article 11 of this Order.
 - (2) An aircraft to which a certificate of airworthiness for export relates shall not be flown unless—
 - (a) the state in which the aircraft is registered issues a certificate of airworthiness for that aircraft, or another document of validation, thereby validating the certificate of airworthiness for export; or
 - (b) where the aircraft is for the time being registered in the State, there is in force a certificate of airworthiness or a certificate of validation for that aircraft.
 - (3) The certificate of airworthiness for export shall be in a form as specified by the

Authority and shall contain all the particulars specified by the Authority to be contained in such a form.

Cancellation of certificate or permit

- 15.** The Authority may, on grounds which in its opinion are sufficient, cancel, suspend or alter any certificate, flight permit or validation issued or granted under this Order.

Access and inspection

- 16.** The Authority may cause such inspections, investigations, tests, experiments and flight trials to be made as it deems necessary for the purposes of this Order, and any person authorised in writing by the Authority to make any such inspection, investigation, test, experiment or flight trial may at any reasonable time inspect any aircraft or part of an aircraft or material intended to be incorporated in or used in the manufacture, overhaul, repair, replacement or modification of an aircraft or any part of an aircraft or its equipment, and any documents or records (including the records in any flight recorder) relating to any such aircraft, part or material and may for the purpose of any such inspection, investigation, test, experiment or flight trial, enter any aerodrome or premises where necessary for the purposes of this Article.

Inspections, overhauls, repairs, replacements and modifications

- 17.** (1) This Article shall apply to aircraft registered in the State.
- (2) Any inspection, test, replacement, overhaul, repair or modification carried out in, on or in relation to an aircraft shall be carried out by a method prescribed by the Authority as appropriate to the aircraft concerned.
- (3) (a) The Authority may require that an aircraft, a specified part of an aircraft or such of the equipment of an aircraft as is, in the opinion of the Authority, necessary for the airworthiness of the aircraft, be inspected for the purpose of ascertaining if the aircraft is airworthy or be overhauled, repaired, replaced or modified, and whenever the Authority so requires, the aircraft, part or equipment concerned shall be inspected, overhauled, repaired, replaced or modified (as the case may be) in accordance with the requirement;
- (b) Mandatory continuing airworthiness requirements, such as airworthiness directives, issued by the State or the state in which an aircraft was designed or manufactured, shall be implemented in relation to that aircraft, including its power-units and equipment to which they apply, unless otherwise specified in a direction issued by the Authority.
- (4) Every modification carried out under this Article shall be subject to approval by the Authority and, subject to subparagraph (b) of paragraph (3) of Article 7 of this Order, an operator shall not permit an aircraft so modified to fly until the approval has been obtained.
- (5) A record of all maintenance inspections, tests, component replacements, overhauls, repairs, modifications and mandatory airworthiness requirements as incorporated shall be kept and preserved by the operator in such a form and for such a period as may be specified in a direction issued by the Authority or as may be otherwise required by the applicable Joint Aviation Regulations.

Maintenance release of aircraft

- 18.** (1) An aircraft registered in the State shall not be permitted by its operator to fly, otherwise than in accordance with Article 7 (1)(b) or 7(3) of this Order, unless—

- (a) it is maintained in accordance with a maintenance programme or a maintenance schedule approved by the Authority in relation to that aircraft or, in the case of a private category aircraft, it is being maintained in accordance with a direction to that effect by the Authority;
 - (b) in the case of a public transport aircraft or either an aerial work or private category aircraft of such type, weight, size or complexity as may be specified in a direction issued by the Authority, it is maintained by an organisation approved for aircraft maintenance in accordance with the Air Navigation (Personnel Licensing) Orders, 1966 to 1996, or the applicable Joint Aviation Regulations;
 - (c) in the case of an aircraft operated by an operator certificated or authorised by a state which is a member of the International Civil Aviation Organisation but is not be a member state of the Joint Aviation Authorities of Europe, and which is operated in accordance with the Standards and Recommended Practices of Annex 6 to the Chicago Convention, it is maintained in a manner directed by or otherwise acceptable to the Authority;
 - (d) there is in force a certificate of release to service in respect of the aircraft relating to the accomplishment of each inspection, test or other maintenance action due and required to be accomplished by a maintenance programme or maintenance schedule approved in accordance with paragraph (1) of this Article.
- (2) The Authority may from time to time require an owner or operator to show to its satisfaction that an aircraft registered in the State has been maintained in accordance with paragraph (1) of this Article.

Certificate of release to service

- 19.** (1) An aircraft registered in the State shall not fly if any part of the aircraft or such of its equipment as is necessary for the airworthiness of the aircraft has been overhauled, repaired, replaced or modified or has been inspected in accordance with an inspection required under Article 17 (3) or Article 18 (1) of this Order, unless a certificate of release to service relating to the overhaul, repair, replacement, modification or inspection, as the case may be, has been issued in accordance with paragraph (2) of this Article.
- (2) A person or persons qualified in accordance with the provisions of Article 25 of this Order and no other person may issue a certificate of release to service for the purposes of this Article or of Article 18 of this Order.
 - (3) A certificate of release to service shall be in such form and contain such particulars as may be specified in a direction by the Authority or as required by the applicable Joint Aviation Regulations.
 - (4) (a) If the aircraft to which a certificate of release to service relates is a public transport aircraft or an aerial work aircraft, the certificate of release to service shall be preserved by the operator of the aircraft concerned for the period of time for which such operator is required under Article 22 of this Order to preserve the log book or similar records relating to the same part of the aircraft or to the same equipment, as the case may be, or as otherwise required by the applicable Joint Aviation Regulations;
 - (b) In the case of aircraft other than public transport aircraft or aerial work aircraft, the certificate of release to service shall be preserved by the operator of the aircraft for a period of two years beginning on the date of issue of the certificate of release to service, or as otherwise required by the applicable Joint Aviation Regulations.

Technical log and rectification of defects revealed therein

- 20.** (1) A document which shall be known, and in this Order is referred to, as a "Technical Log", in a form acceptable to the Authority or as required by the applicable Joint Aviation Regulations, shall be kept by the operator in respect of every public transport aircraft and aerial work aircraft operated by that operator and registered in the State.
- (2) The pilot-in-command of a public transport aircraft or aerial work aircraft registered in the State shall on the termination of each flight enter in the Technical Log particulars of the following and shall sign and date such entries—
- (a) the times at which the flight began and ended;
 - (b) any known defect in any part of the aircraft or its equipment, or, if no such defect is known, an entry to that effect;
 - (c) such other particulars in respect of the operation or airworthiness of the aircraft as the Authority may require or as required by the applicable Joint Aviation Regulations.
- (3) A copy of each entry made under this Article shall, unless otherwise agreed by the Authority, be removed from the aircraft to which it relates before each flight and shall be kept by the operator concerned at a convenient place, not being in an aircraft.
- (4) Every Technical Log shall be preserved by the operator concerned for a period of twelve months beginning on the date on which the most recent entry was made in the Technical Log, or as otherwise required by the applicable Joint Aviation Regulations.
- (5) (a) Any defect entered in the Technical Log under this Article which affects the safety of the aircraft shall be rectified in accordance with the provisions of Article 21 of this Order and any other defect entered in the Technical Log under this Article shall be rectified as soon as is reasonably practicable;
- (b) In each such case a copy of the certificate of release to service relating to that rectification shall be entered by the operator in the Technical Log in such a position as to be readily identifiable with the entry of the defect to which it relates.
- (6) A copy of the current certificate of release to service required under Article 18(1)(d) of this Order shall be filed in the Technical Log.

Reporting and rectification of defects

- 21.** (1) This Article shall apply to aircraft registered in the State but, where appropriate, may be made applicable to an aircraft registered elsewhere as specified in a direction to that effect issued by the Authority.
- (2) Incidents involving faults, malfunctions, defects and other occurrences which cause or may cause adverse effects on the airworthiness of an aircraft of such type, weight, size or complexity as may be specified in a direction issued by the Authority, shall be reported by the registered owner or the operator, or the person or organisation for the time being responsible for the maintenance of and in charge of that aircraft, to the organisation responsible for type design of the aircraft, and information on such reports shall be provided to the Authority.
- (3) If an aircraft in flight (or such of its equipment as is necessary for the airworthiness of the aircraft) sustains a defect affecting the safety of the aircraft the operator shall ensure that the aircraft lands at the earliest safe opportunity, subject to the provisions of Article 10 (3) of the Air Navigation (Operations) Order, 1986 (S.I. No. 62 of 1986), and does not fly again until a certificate of release to service relating to the rectification of the defect has been issued under this Order.

- (4) If an aircraft on the ground or on water (or such of its equipment as is necessary for the airworthiness of the aircraft) sustains a defect affecting the safety of the aircraft, the operator shall ensure that the aircraft does not fly until a certificate of release to service relating to the rectification of the defect has been issued under this Order unless that defect is acceptable for continued operation of the aircraft under the terms of an operator's minimum equipment list referred to in the Second Schedule to the Air Navigation (Operations) Order, 1986 (S.I.No.62 of 1986).
- (5) The Authority may cause such investigations or inspections as are deemed appropriate or necessary to be made in respect of any incidents involving faults, malfunctions, defects and other occurrences which cause or may cause adverse effects on the airworthiness of an aircraft and may, for the purposes of any such investigations or inspections, detain any such aircraft, remove and detain any aircraft equipment, obtain from any person such information as may reasonably be required, take copies of or extracts from any documents or records (including the records in any flight recorder) and have access to any place or premises as may reasonably be required.

Records and Logbooks

- 22.** (1) Subparagraph (a) of paragraph (2) of this Article shall apply in respect of all aircraft registered in the State, and subparagraph (b) of the said paragraph shall apply in respect of public transport aircraft, aerial work aircraft and such aircraft in the private category as may be specified in a direction issued by the Authority, which are registered in the State.
- (2) The operator of an aircraft shall keep in respect of that aircraft log books or equivalent records of a form and in a manner approved by the Authority and including the following particulars and such other particulars as may be specified in a direction issued by the Authority or as required by the applicable Joint Aviation Regulations—
- (a) in respect of major components of the aircraft or its engines:
 - (i) the total time in service,
 - (ii) the total number of operating cycles, where relevant,
 - (iii) the date, operating time and operating cycles, where relevant, of the last inspection,
 - (iv) the date, operating time and operating cycles, where relevant, of the last overhaul.
 - (b) in respect of equipment of which the operating life is determined by its total time or operating cycles in service:
 - (i) such records of the total time or operating cycles in service as are necessary to compute its operating life,
 - (ii) the date, time in service and operating cycles, where relevant, at last overhaul, and
 - (iii) the date, time in service and operating cycles, where relevant, at last inspection.
- (3) (a) The records required to be kept under subparagraph (a) of paragraph (2) of this Article shall be preserved by the operator for a period of two years starting at the end of the operating life of the component to which they relate or as otherwise required by the applicable Joint Aviation Regulations.
- (b) The records required to be kept under subparagraph (b) of paragraph (2) of this Article shall be preserved by the operator for a period of ninety days starting at the

end of the operating life of the equipment to which they relate or as otherwise required by the applicable Joint Aviation Regulations.

- (c) The records required to be kept under paragraph (2) of this Article shall be transferred with the aircraft by the owner or the operator of that aircraft to the new owner or operator when the aircraft is permanently transferred to that new owner or operator.
- (4) In this Article "total time in service" means the aggregate of all flight time properly attributable to the aircraft, its major components or its equipment, as the case may be.

Aircraft weight schedule

- 23.** (1) Every aircraft in respect of which a certificate of airworthiness issued or rendered valid under this Order is in force shall be weighed, and the position of its centre of gravity determined, at such time and in such manner as may be specified in a direction issued by the Authority or required by the applicable Joint Aviation Regulations.
- (2) Upon the completion of the weighing under this Article, the operator of the aircraft shall prepare a weight schedule.
- (3) The weight schedule shall be preserved by the operator of the aircraft until the expiry of a period of six months starting on the next following occasion on which the aircraft is weighed for the purposes of this Article or as otherwise required by the Joint Aviation Regulations.
- (4) In this Article "weight schedule" means a document showing –
 - (a) the basic weight of the aircraft, that is to say, the weight of the aircraft empty together with the weight of unusable fuel and unusable oil in the aircraft and of such items of equipment as are listed in the weight schedule; and
 - (b) the position of the centre of gravity of the aircraft when the aircraft contains only the items included in the basic weight.

Flight Manual

- 24.** Each aircraft registered in the State shall be provided either with a document, which shall be known as a "flight manual", containing the limitations approved by the Authority or as required by the applicable Joint Aviation Regulations and within which the aircraft is to be considered airworthy, together with instructions, procedures and information necessary to the flight crew members for the safe operation of the aircraft, or with other documents acceptable to the Authority as equivalent to the flight manual.

Qualifications of certifying persons

- 25.** Every person charged with the responsibility of certifying any matter required under this Order to be certified in relation to the airworthiness of an aircraft shall be either a person holding a current aircraft maintenance engineer's licence granted or validated by the Authority under the Air Navigation (Personnel Licensing) Orders, 1966 to 1996, or a person designated in that behalf by an organisation approved by the Authority for aircraft maintenance or overhaul under the same Orders or, where appropriate, under the applicable Joint Aviation Regulations, or such other person approved in that behalf by the Authority under the same Orders, entitling that person to certify the matter concerned.

Approval of an organisation for design or production of aircraft

- 26.** (1) The Authority may, subject to any conditions which it sees fit to impose and payment of the appropriate fee, approve an organisation, separately or in combination, for the

design, manufacture, assembly, processing or testing of aircraft, aircraft component parts, power-units, propellers, equipment and accessories, and may direct requirements for the grant and retention of such approval where such requirements are not otherwise specified by the applicable Joint Aviation Regulations.

- (2) An organisation approved under this Article shall at all reasonable times permit an authorised officer of the company –
 - (a) to have access to all drawings, calculations, reports and records relating to the design, manufacture, assembly, processing or testing of aircraft, aircraft component parts, power-units, propellers, equipment and accessories; and
 - (b) to witness all tests in any way associated with establishing –
 - (i) the airworthiness of an aircraft, aircraft component parts, power-unit or propeller, or
 - (ii) the release to service, with associated specification(s), in the case of equipment accessories, processes and tests.

Approval of organisations for overhaul or maintenance of aircraft or premises for the storage of aircraft parts, materials or fuel

27. (1) Organisations approved in accordance with the Air Navigation (Personnel Licensing) Orders, 1966 to 1996, and the applicable Joint Aviation Regulations for the overhaul, modification and repair of aircraft, aircraft engines, aircraft equipment and components including all required inspections and tests, or the maintenance, modification and repair of aircraft, aircraft engines, aircraft equipment and components, shall comply with such requirements, conditions and limitations as are specified in the applicable Joint Aviation Regulation(s) or as the Authority sees fit to impose by a direction to that effect in respect of each type of organisation, its technical personnel and its premises.
- (2) The requirements, conditions and limitations for the grant and retention of such approval in each case shall be detailed in an exposition manual or manuals, which shall be subject to the approval of the Authority as a condition for the approval of each organisation.
- (3) Organisations engaged in –
 - (a) procurement, storage and distribution of aircraft parts or materials intended for fitting to aircraft in service to aircraft or undergoing maintenance, inspection, test, overhaul, modification or repair;
 - or
 - (b) the procurement, distribution, storage or issue to aircraft of aviation fuels and lubricants or any combination of these activities,may have their premises approved by the Authority subject to such requirements, conditions and limitations as it sees fit to impose as a condition of that approval and to payment of the appropriate fee to the Authority in respect of each type of organisation and its premises.
- (4) The requirements, conditions and limitations applicable to the grant and retention of such approval in each case shall be specified in an exposition manual which shall be subject to the approval of the Authority as a condition of the approval for each organisation.
- (5) Nothing in this Article shall be construed as requiring the Authority to issue an approval for a premises specified in paragraph (3) above.

Copy of certificate

- 28.** The Authority may, on being satisfied that a certificate of type approval, a certificate of airworthiness, a certificate of airworthiness for export, a certificate of validation or a flight permit has been lost or destroyed, issue a copy of the relevant certificate or permit in replacement thereof subject to payment of the appropriate fee.

Surrender of certificate or flight permit

- 29.** The holder or any person having the possession or custody of a certificate or a flight permit which has been cancelled or suspended under Article 15 of this Order or, in the case of a certificate of airworthiness or a certificate of validation, has ceased to be in force by virtue of paragraphs (2) or (3) of Article 12 of this Order, shall surrender it to the Authority within a reasonable time after being required to do so by the Authority.

Exemption from Order

- 30.** Any class of aircraft or organisation in respect of which, or class of person or persons in respect of whom, the Authority gives a direction under this Order for the purposes of this Article shall be exempt from such provisions of this Order as are specified in the direction, subject to any conditions or limitations in respect of the airworthiness of an aircraft or its certification contained therein.

Directions under the Order

- 31.** (1) The Authority may give directions in respect of such matters and things as may be specified in this Order for carrying out the purposes of this Order and the Schedule thereto.
- (2) Directions under and advisory information relating to this Order may be given in the form of Notices to Airmen (otherwise known as "NOTAMS"), Notices to Aircraft Owners, Operators and Aircraft Engineers (otherwise known as Aeronautical Notices), Aeronautical Information Circulars, Airworthiness Advisory Memoranda, or by notice or letter sent by registered post to the person or organisation affected.

Forgery, alteration and improper use of certificates

- 32.** No person shall –
- (1) forge or fraudulently alter or procure to be forged or fraudulently altered or assist in forging or fraudulently altering a certificate required by or under this Order or a flight permit;
 - (2) make, procure to be made, or assist in making any false representations for the purpose of procuring, either for him or herself or for any other person, the issue, grant, validation, renewal or alteration of a certificate required by or under this Order or a flight permit;
 - (3) fraudulently use a certificate required by or under this Order or a flight permit to which he or she is not entitled;
 - (4) use a certificate required by or under this Order or a flight permit which has ceased to be in force or has to his or her knowledge been forged, cancelled or suspended or which has been altered otherwise than in accordance with Article 15 of this Order; or
 - (e) fraudulently lend a certificate required by or under this Order or a flight permit to any other person or allow or permit it to be used by any other person.

Making of entries

- 33.** (1) (a) Every entry in a Technical Log, log book or other record required to be kept under this Order shall be made as soon as is reasonably practicable after the occurrence of the matter to which it relates.
- (b) Entries made in writing shall be in ink.
- (c) Where records required by this Order are held in the storage sub-systems of data processing or computer systems, effective safeguards shall be provided to ensure that those records are not lost through accidental erasure, corruption or destruction of the relevant data.
- (2) No person shall –
- (a) mutilate, alter or render illegible or otherwise irretrievable a Technical Log, log book or other record required to be kept under this Order or any entry made in such Technical Log, log book or other record or destroy any such Technical Log, log book or other record during the period for which it is required by this Order to be preserved;
- (b) wilfully make or procure to be made or assist in the making of any false entry in or material omission from a Technical Log, log book or other record kept under this Order.

Detention of aircraft

- 34.** (1) Where it appears, either to the Authority or to an authorised officer of the company that an aircraft is intended or is likely to be flown from any place within the State –
- (a) in such circumstances that Article 7 of this Order would be contravened in relation to the proposed flight, or
- (b) in such circumstances that the flight would be in contravention of any provision of this Order or of any directions made under any such provision and would be a cause of danger to any person or property, whether or not in the aircraft,
- or
- (c) while in a condition which renders the aircraft unfit for safe flight, whether or not the flight would otherwise be in contravention of this Order or of any direction made thereunder,

the Authority or that authorised officer of the company may give to the operator or the person designated by the operator to act as pilot-in-command such instructions and take such steps by way of detention of the aircraft and otherwise as appear to it to be necessary in order to prevent the flight and the person so instructed shall comply with such instructions.

- (2) When an aircraft registered in another state which is a party to the Chicago Convention is detained under subparagraph (c) of paragraph (1) of this Article, the Authority shall immediately inform that state of the detention and shall communicate to it all details necessary to enable the state wherein the aircraft is registered to decide whether or not the aircraft detained is airworthy, and if that state decides that the aircraft is no longer airworthy the Authority shall prohibit the aircraft detained from resuming its flight until it is restored to an airworthy condition:

provided that the other state may, in exceptional circumstances, specify particular conditions of a limiting nature subject to which in its opinion the aircraft, in respect of which it has made a decision that it is no longer airworthy, may be permitted to fly without fare-paying passengers to an aerodrome at which it can be restored to an airworthy condition, and in such circumstances the Authority may permit the flight.

- (3) When, in the case of an aircraft registered in another state, the state wherein the aircraft is registered considers that the condition of an aircraft detained under subparagraph (c) of paragraph (1) of this Article is such that the aircraft is airworthy the Authority may, upon being so informed by the other state, permit the aircraft to resume its flight.
- (4) For the purposes of paragraph (1) of this Article the Authority or the authorised officer concerned may enter and inspect the aircraft concerned.

SCHEDULE

Article 11

IRELAND

THE IRISH AVIATION AUTHORITY

CERTIFICATE OF AIRWORTHINESS

1. Nationality and Registration Marks	2. Manufacturer and Manufacturer's Designation of Aircraft	3. Aircraft Serial Number
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4. Category:

5. This Certificate of Airworthiness is issued pursuant to the Convention of International Civil Aviation dated 7th December, 1944 and to the Irish Aviation Authority Act, 1993, (No. 29 of 1993) and the Orders and Directions made thereunder which define the applicable airworthiness code in respect of the above-mentioned aircraft, which is considered to be airworthy when maintained and operated in accordance with the foregoing and the pertinent operating limitations.
the Irish Aviation Authority

Date of Issue:

: An Officer authorised in this behalf by the Authority

6. (For use by the Authority)

Given under the Common Seal of The Irish Aviation Authority,
this 4th day of November 1996

Sheila McCabe

Director

W J Keller

Director

EXPLANATORY NOTE

This Order revises and replaces the Air Navigation (Airworthiness of Aircraft) Order, 1964 (S.I.No. 141 of 1964)

The principal changes are as follows:–

- (a) the addition of certain new definitions in Article 2 and references to the Joint Aviation Regulations where relevant throughout the Order;
- (b) the limitation of number of flights allowed when no Certificate of Airworthiness or Permit to Fly is in force (Article 7);
- (c) the addition of a reference to ICAO Helicopter Airworthiness Standards and to Joint Aviation Regulations in Article 8;
- (d) the amendment of wording to regulate any and all types of work that may be carried out on an aircraft (Article 17);
- (e) the amendment of conditions for the issue of a certificate of release to service (formerly called a certificate of maintenance release) (Article 18).
- (f) the addition of documentation to be carried in the aircraft Technical Log (Article 20);
- (g) the addition of a requirement for mandatory reporting of defects (Article 21);
- (h) the inclusion of component record traceability back to the start of the component's life and the records of its total operating cycles in service where relevant (Article 22);
- (i) the amendment of the qualifications of "certifying persons" (Article 25);
- (j) the amendment and extension of the approval conditions for certain organisations (Article 27);
- (k) the amendment of requirements for safeguarding aircraft records to include electronic data files (Article 33).