



**AIRWORTHINESS**

**ADVISORY**

**CIRCULAR**

CIVIL AVIATION AUTHORITY OF BOTSWANA

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CAAB Document AAC-011

**PERMIT TO FLY  
AND  
SPECIAL FLIGHT PERMIT**

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## 1. PURPOSE

This Airworthiness Advisory Circular (AAC) provides information and guidance and serves as an acceptable means of compliance with Regulations 20, 24 and 28 of the Civil Aviation (Airworthiness) Regulations, 2012 for application for a Permit to fly or Special Flight Permit.

## 2. STATUS OF THIS ADVISORY CIRCULAR

This AAC is an original issuance.

## 3. EFFECTIVE DATE

This AAC becomes effective immediately. It supersedes Aeronautical Engineering Notices (AENs) No. 19 and 29.

## 4. APPLICABILITY

This AAC is applicable to Botswana registered aircraft seeking to operate under a Permit to fly or Special Flight Permit. Provision is made for foreign registered aircraft seeking to operate in or over Botswana.

*Copies may be obtained from the Government Printer.*

## 5. RELATED REGULATIONS

- Civil Aviation (Approved Maintenance Organisations) Regulations.
- Civil Aviation (Personnel Licensing) Regulations
- Civil Aviation (Approved Training Organizations) Regulations
- Civil Aviation (Airworthiness) Regulations
- Civil Aviation (Rules of the Air and Air Traffic Services) Regulations
- CAAB Aeronautical Information Circular (AIC) 07/2013

## 6. RELATED PUBLICATIONS

- ICAO Annex 8
- ICAO Doc 9760

*Copies may be obtained from Document Sales Unit, ICAO, 999 University Street, Montreal, Quebec, Canada H3C5H7.*

## 7. DEFINITIONS AND ACRONYMS

7.1 The following definitions are used in this circular

**'Microlight aircraft'** means an aircraft having maximum total weight exceeding 300 kg for a single seat landplane, or 450 kg for a two seat landplane, and a wing loading at maximum weight not exceeding 25 kg per square metre at empty weight or a stalling speed at maximum weight not exceeding 35 knots calibrated.

**'Permit'** means either a Permit to fly or Special Flight Permit.

**'State of Design'** means the State which has jurisdiction over the organization responsible for the type design.

**State of Operator** means the State in which the Operator's principal place of business is located, or if there is no such place, the Operator's permanent residence.

**'State of Registry'** means the State on whose register the aircraft is entered.

*Advisory Circulars (ACs) are intended to provide advice and guidance to illustrate an acceptable means, but not necessarily the only means, of complying with the regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material. Where a regulation contains the words "prescribed by the Authority," the AC may be considered to prescribe a viable method of compliance, but status of that "prescription" is always "guidance" (never regulation).*

**'Type Certificate'** means a certificate issued by a State of Design to define an aircraft type design and to certify that this design meets the appropriate airworthiness requirements of that State.

**Visual Meteorological Conditions (VMC)** means meteorological conditions expressed in terms of visibility distance from cloud, and ceiling equal to or better than the specified minima.

7.2 The following acronyms are used in this circular

**AAC** Airworthiness Advisory Circular

**CAAB** Civil Aviation Authority of Botswana

**C of A** Certificate of Airworthiness

**ICAO** International Civil Aviation Organization

**MTWA** Maximum Take-off Weight Authorized

## 8. BACKGROUND

8.1 Pursuant to Regulation 20.(3) of the Civil Aviation (Airworthiness) Regulations, 2012, the CAAB may issue a Permit to fly to an aircraft that does not meet the applicable airworthiness certification specifications but is capable of safe flight under such conditions. The provision applies to aircraft specified in Regulation 5.(2) of the Civil Aviation (Airworthiness) Regulations which are registered in Botswana.

8.2 For an aircraft that would otherwise qualify for a Certificate of Airworthiness (C of A) but is unable to meet the applicable airworthiness requirements (i.e. C of A is not in force), a Special Flight Permit may be issued by the CAAB in accordance with Regulations 28.(4) and 29.(1) of the Civil Aviation (Airworthiness) Regulations. Such Permit will have a limited validity period depending on the circumstances under which it is issued.

8.2.1 A Permit issued by the CAAB will only be valid for use in Botswana. Where an aircraft is flying under the conditions of a Permit to fly and the flight involves operations over other States, the operator of the aircraft shall first obtain an authorization from the appropriate authority of each of the States concerned prior to undertaking the flight.

## 9. PERMIT TO FLY

### 9.1 General

9.1.1 The CAAB may issue a Permit to fly to an aircraft that does not qualify for a Certificate of Airworthiness. Normally, this refers to aircraft without Type Certificates (TC) and Certificate of Airworthiness (C of A), including:

- (a) Aircraft that were not built by an approved aircraft manufacturer, as in amateur-built aircraft;
- (b) Aircraft not designed and manufactured to specified civil standards, e.g. ex-military aircraft;
- (c) Microlight aircraft or ultralight aircraft including those classified as "type approved" which are ineligible for a Certificate of Airworthiness; and,
- (d) Vintage aircraft where the State of Design no longer supports such an aircraft.

9.1.2 A Permit to fly confirms that the aircraft is in a safe condition to fly after consideration of its design, construction, and maintenance. Since the aircraft does not meet the applicable airworthiness certification specifications, limitations and operational conditions are imposed to maintain safety.

9.1.3 A Permit to fly will be issued on individual merits, but not to an aircraft that is eligible for a Certificate of Airworthiness.

## 9.2 **Application Procedure**

9.2.1 An application for initial issue or renewal of a Permit to fly should be made in **CAAB Form AIR 123** and submitted to the CAAB Flight Safety Directorate, together with the following:

- (a) Records of inspections, repair, alterations, overhaul and any other maintenance performed since issuance/renewal of the last Permit.
- (b) Results of all aircraft tests carried out (including ground and flight tests);
- (c) A weight and balance report, where necessary;
- (d) Aircraft radio license;
- (e) Annual Inspection Report (**CAAB Form AIR 326**); and,
- (f) A properly executed maintenance endorsement in the aircraft permanent record by a person or organization authorized in accordance with the Civil Aviation (Airworthiness) Regulations, stating that the subject aircraft has been inspected and found to be safe for the intended flight;
- (g) a fee specified in the Civil Aviation (Airworthiness) Regulations;
- (h) Third Party liability insurance for an amount of not less than BWP 50,000-00; and,
- (i) Passenger liability insurance for an amount of not less than BWP 20,000-00.

9.2.2 Additional documents may be required on a case-by-case basis.

9.2.3 The aircraft and its records should be made available for inspection at a location acceptable to the CAAB.

## 9.3 **Initial Issue of Permit to fly**

9.3.1 In addition to documents required in paragraph 9.2 above, the application for initial issue of a Permit to fly should be accompanied by:

- (a) documentation of the aircraft design basis and its maintenance standards;
- (b) Two (2) copies of the current aircraft equipment list;

9.3.2 For amateur built aircraft, the aircraft will be inspected by CAAB Flight Safety Inspectors at various stages of construction.

9.3.3 Prior to the issue of a Permit to fly, the aircraft shall be inspected by, or under the supervision of, the holder of an Aircraft Maintenance Engineer's Licence endorsed for Categories 'A' and 'C' for aircraft having MTWA up to 5700 kg or a person authorized by the CAAB and offered the aircraft for inspection by the owner.

- 9.3.4 This inspection shall be recorded in appropriate logbook(s) by the Engineer concerned and certified. The logbook(s) will also contain records of all maintenance performed, assembly and disassembly, modification records and all flying times which will be certified by the aircraft Owner.
- 9.3.5 When the aircraft and its records has been inspected by the CAAB Flight Safety Directorate, and has been found to be appropriately equipped and safe to fly, the Authority will issue a Permit to fly.
- 9.3.6 The Permit to fly will specify the validity period (*paragraph 9.5*) and operating limitations (*paragraph 9.6*), and is renewable.

#### 9.4 **Renewal of Permit to fly**

- 9.4.1 A Permit to fly may only be renewed for an aircraft registered in Botswana.
- 9.4.2 An application for renewal of a Permit to fly should be made in accordance with paragraph 9.2 above at least thirty (30) days before expiry of the Permit.
- 9.4.3 The aircraft should be subjected to an annual inspection in accordance with the relevant aircraft manuals by an appropriately licensed Aircraft Maintenance Engineer or Approved Maintenance Organization.
- 9.4.4 Upon being satisfied that the aircraft maintenance records are adequate and the aircraft was found serviceable, the CAAB will renew the Permit for a further period specified in paragraph 9.5.

#### 9.5 **Validity**

- 9.5.1 A Permit to fly shall be valid for a period of twelve (12) months, unless a shorter period is specified by the CAAB.

#### 9.6 **Operating Limitations**

- 9.6.1 Due to lack of compliance with some airworthiness standards on the part of aircraft issued with a Permit to fly, their operation will be more restrictive compared to aircraft with a Certificate of Airworthiness. The limitations imposed on an aircraft operating under a Permit to fly are:
- (a) A Permit to fly should not be used to fly an aircraft for commercial air transport or aerial work;
  - (b) A Permit to fly should not be used to carry any person except the minimum flight crew;
  - (c) Flights are limited to day Visual Flight Rules (VFR) only;
  - (d) Placards should be placed in the aircraft showing operating limitations and conditions;
  - (e) Flights will be restricted within the Republic of Botswana unless prior permission is obtained from the country in which the flights are intended to be made;
  - (f) The aircraft will not be permitted to fly over congested areas;
  - (g) An aircraft, flying in accordance with a Permit to fly, should be affixed with a placard in full view of its occupants worded as follows, "Occupant Warning: This aircraft has not been certificated to internationally accepted certification standards"; and,

- (h) A copy of the Permit to fly should be carried in the aircraft at all times when the aircraft is operating under the terms of the permit.

**NOTES:** *With the approval of the Authority, a Permit to Fly may be used to fly an aircraft:*

- (1) *for the purpose of flying displays, associated practice, tests, modification approval and positioning flights or for the exhibition or demonstration of an aircraft where it is clearly stated therein, or*  
(2) *for the purpose of aerial work which consists of giving instruction in flying or the conduct of flying tests.*

## 10. SPECIAL FLIGHT PERMIT

### 10.1 General

10.1.1 The CAAB may issue a Special Flight Permit for an aircraft that is capable of safe flight but is unable to meet applicable airworthiness requirements. Normally, this applies to an aircraft that has been issued with a Certificate of Airworthiness but does not conform to the conditions of the Certificate. The occasions that may warrant issuance of a Special Flight Permit are:

- (a) Relocating the aircraft to a base where maintenance is to be performed; or to a point of storage;
- (b) Testing after repairs, alterations, or maintenance have been performed;
- (c) Delivering the aircraft;
- (d) Evacuating the aircraft from an area of impending danger, or in cases of force majeure; and,
- (e) Operating the aircraft at a weight in excess of the aircraft's maximum certified take-off weight for flight beyond normal range where adequate landing facilities or appropriate fuel is not available.

**NOTE:** *Excess Weight is limited to additional fuel, fuel carrying facilities, and navigational equipment necessary for the flight.*

### 10.2 Application Procedure

10.2.1 An application in the form of a letter for a Special Flight Permit should be submitted to the CAAB at least ten (10) working days before the date of the intended flight.

10.2.2 The application should be made in writing, and should contain at least the following:

- (a) Make, model, serial number, and registration marks of the aircraft;
- (b) Purpose of the flight;
- (c) Proposed itinerary;
- (d) Crew required to operate the aircraft (Note: Provide full names of all crew members, and include copies of their licences where applicable);
- (e) Details of non-compliance with applicable airworthiness requirements;
- (f) Any restriction the applicant considers necessary for safe operation of the aircraft;
- (g) Any other information considered necessary by the CAAB for the purpose of prescribing operating limitations;
- (h) Full names of other persons other than crew, and their role in the aircraft, where possible;

- (i) Names and address of the Registered owner;
- (j) A properly executed maintenance endorsement in the aircraft permanent record by a person or organization authorized in accordance with the Civil Aviation (Airworthiness) Regulations, stating that the subject aircraft has been inspected and found to be safe for the intended flight; and
- (k) Application fee.

10.2.3 Since a Special Flight Permit is issued to cover operation of an aircraft which may not meet airworthiness standards, the CAAB will require the applicant to make appropriate inspections or tests, for the purpose of determining and prescribing appropriate operating limitations.

### 10.3 Issuance of Special Flight Permit

10.3.1 Upon being satisfied that the application meets the requirements, and that the aircraft is appropriately equipped and safe to fly, the CAAB will issue a Special Flight Permit specifying operating limitations and validity period.

10.3.2 A Special Flight Permit is NOT renewable. When it expires, a new application should be submitted for another permit to be issued.

### 10.4 Validity

10.4.1 A Special Flight Permit shall be valid for fourteen (14) days unless a shorter period is specified by the CAAB.

10.4.2 For ferry flights (i.e. flights for the purpose of delivering the aircraft, or relocating it to a point of maintenance or storage), the permit will be valid for one (1) flight only, expiring immediately upon arrival at the destination.

### 10.5 Operating Limitations

10.5.1 When issuing a Special Flight Permit, appropriate limitations should be prescribed to minimize hazard to persons or property. The following limitations are considered to be essential in all Special Flight Permits:

- (a) The Special Flight Permit (or certified copy thereof) should be on board the aircraft at all times when operating under the terms of the Special Flight Permit;
- (b) The registration marks assigned to the aircraft by the State of Registry should be displayed on the aircraft in conformity with the requirements of that State;
- (c) Persons or property should not be carried for commercial purposes in the aircraft;
- (d) A person should not be carried in the aircraft unless that person is essential for the purpose of the flight and has been advised of the terms of the Special Flight Permit and the airworthiness status of the aircraft ;
- (e) The aircraft should be operated by the crew who are aware of the purpose of the flight and any limitations imposed and who hold appropriate certificates or licences issued or validated by the CAAB;
- (f) All flights in that aircraft should be conducted so as to avoid areas of heavy traffic or any other areas where flights where flight might create hazardous exposure to persons to persons or property;

- (g) All flights should be conducted within the performance operating limitations prescribed in the aircraft flight manual and any other additional limitations as may be specified by the CAAB;
- (h) The flight shall be conducted during DAY VMC and within the parameters as dictated by the Configuration Deviation List (CDL) / Minimum Equipment List (MEL);
- (i) The operator must satisfy itself that the aircraft is fit for the intended flight and all maintenance and operational requirements have been met; and,
- (j) The Special Flight Permit is not valid for use in foreign airspace unless validated by foreign civil aviation authorities whose airspace will be overflowed.

10.5.2 Because of the different kinds of operations involved, there may be differences in the detailed limitations, however, the above limitations are considered to be essential in all Special Flight Permits.

10.5.3 All flights should be conducted in accordance with the applicable general operating rules of the States in or over which the operations are conducted.

## 11. PERMITS FOR FOREIGN REGISTERED AIRCRAFT

11.1 The Authority may issue a Permit for a foreign aircraft if ---

- (a) The State of Registry has issued a Permit for the aircraft and has listed applicable limitations.
- (b) The aircraft logbook contains a statement that the aircraft has been inspected and is in a safe condition for the intended flight.
- (c) The person intending to operate the flight acknowledges and adheres to all listed limitations.

11.2 Pursuant to Regulation 20.(4) of the Civil Aviation (Airworthiness) Regulations, a Permit to fly may be issued for a foreign registered aircraft that does not meet applicable airworthiness certification specifications (i.e. aircraft without Type Certificate) but is capable of safe flight. The application should be submitted in accordance with the procedure outlined in paragraph 9 of this Advisory Circular. With the exception of paragraphs 9.3, 9.4 and 9.5, all other provisions of paragraph 9 shall apply.

11.3 The CAAB may issue a Special Flight Permit validation for a foreign registered aircraft that may not meet applicable airworthiness requirements, but is capable of safe flight to allow the aircraft to cross Botswana airspace. The application for validation must be made in writing and attaching a copy of the Special Flight Permit issued by the State of Registry.

11.4 A Permit issued to a foreign aircraft is NOT renewable. When it expires, a new application should be submitted for another permit to be issued.

  
 .....  
 For/Civil Aviation Authority of Botswana



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