

Schedule 4

Aircraft & Component Original Certification

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SUBPART A: GENERAL

4.001 APPLICABILITY

- (a) This Schedule prescribes the requirements of the The Bahamas for the—
 - (1) Aircraft type-certificate and supplemental type certificate standards that will be applied during the issuance and renewal of airworthiness certificates, and
 - (2) Designation of applicable rules for original certification of aircraft and components.
- (b) This Schedule is applicable to the owners and operators of aircraft registered in The Bahamas and the persons and organizations that maintain these aircraft.

4.005 DEFINITIONS

- (a) For the purpose of this Schedule, the following definitions shall apply—

Note: Additional aviation-related terms are defined in Schedule 1 of these regulations.

Airworthy. The status of an aircraft, engine, propeller or part when it conforms to its approved design and is in a condition for safe operation.

Engine. A unit used or intended to be used for aircraft propulsion. It consists of at least those components and equipment necessary for functioning and control, but excludes the propeller/rotors (if applicable).

State of Design. The Contracting State which approved the original type certificate and any subsequent supplemental type certificates for an aircraft, or which approved the design of an aeronautical product or appliance.

State of Manufacture. The Contracting State, under whose authority an aircraft was assembled, approved for compliance with the type certificate and all extant supplemental type certificates, test flown and approved for operation. The State of Manufacture may or may not also be the State of Design.

State of Registry. The Contracting State on whose register the aircraft is entered.

4.010 ACRONYMS

- (a) The following acronyms are used in this Schedule—

AOC – Air Operator Certificate

TSO – Technical Standard Order

SUBPART B: TYPE CERTIFICATES

4.015 VALID CERTIFICATES

- (a) All aircraft to receive a Certificate of Airworthiness will have a valid type certificate.
- (b) A copy of that type certificate will be presented to the Authority.
- (c) The Authority shall establish the validity of that type certificate having been issued through a process that parallels the requirements of this Subpart.

4.020 DESIGN ASPECTS OF THE APPROPRIATE AIRWORTHINESS REQUIREMENTS

- (a) The Authority shall take steps to establish that the type certificates presented for validation are from Contracting States that comply with the Standards of Annex 8.
- (b) The Authority shall take steps to ascertain when an airworthiness requirement of Annex 8 was considered inappropriate and determine if the assigned equivalent level of safety is acceptable before issuing an airworthiness certificate..

- (c) In any situation where the design aspects are considered inadequate, the Authority shall require a corrective action that results in an equivalent level of safety to the requirements of this Schedule (and Annex 8) before issuing an airworthiness certificate.
- (d) Annex 8 requires that the design aspects of the appropriate airworthiness requirements, used by a Contracting State for type certification in respect of a class of aircraft or for any change to such type certification, shall be such that compliance with them will ensure compliance with the Standards of Annex 8, Schedule II and, where applicable, with the Standards of Parts IIIA, IIIB and IV of Annex 8.
- (e) Annex 8 also requires that the design shall not have any features or characteristics that render it unsafe under the anticipated operating conditions.
- (f) Annex 8 requires that the Contracting States apply appropriate requirements that give at least an equivalent level of safety where the design features of a particular aircraft render any of the design aspects of the appropriate airworthiness requirements or the Standards in Annex 8, Parts IIIA, IIIB or IV inappropriate.

4.025 PROOF OF COMPLIANCE WITH DESIGN ASPECTS OF THE APPROPRIATE AIRWORTHINESS REQUIREMENTS

- (a) The Authority shall take steps to ascertain that the proof of compliance with the design aspects is available in any situation where there is not adequate knowledge of the manufacturer and/or Contracting State's compliance with Annex 8 Standards.
- (b) In addition to determining compliance with the design aspects of the appropriate airworthiness requirements for an aircraft, the Authority shall take whatever other steps they deem necessary to ensure that the certificate of airworthiness is withheld if the aircraft is known or suspected to have dangerous features not specifically guarded against by those requirements.
- (c) Any approval for the design of a modification, of a repair or of a replacement part shall be provided to the Authority as satisfactory evidence that the aircraft continues to comply with the design aspects of the appropriate airworthiness requirements used for the type certification of that aircraft type or amended Type Certificate.
- (d) Annex 8 requires that the manufacturer shall be able to show an approved design consisting of such drawings, specifications, reports and documentary evidence as are necessary to define the design of the aircraft and to show compliance with the design aspects of the appropriate airworthiness requirements.
- (e) The manufacturer shall be able to show that the aircraft was subjected to such inspections and ground and flight tests as are deemed necessary by the State of Design and Manufacturer to show compliance with the design aspects of the appropriate airworthiness requirements.

4.030 SATISFACTORY EVIDENCE

- (a) The applicant for an airworthiness certificate shall present to the Authority satisfactory evidence that the requirements of (b) and (c) have been met.
- (b) The State of Design, upon receipt of satisfactory evidence that the aircraft type is in compliance with the design aspects of the appropriate airworthiness requirements, shall issue a Type Certificate to define the design and to signify approval of the design of the aircraft type.
- (c) When a Contracting State, other than the State of Design, issues a Type Certificate for an aircraft type, it shall do so on the basis of satisfactory evidence that the aircraft type is in compliance with the design aspects of the appropriate airworthiness requirements

4.035 VALIDATION OF TYPE CERTIFICATES

- (a) The Authority will validate the type certificate of the State of Design or State of Manufacture when issuing an certificate of airworthiness for an aircraft on the Bahamas' register.

- (b) The Authority may, after technical evaluation to ensure that ICAO Standards are properly met, validate a type certificate issued by ICAO Contracting State other than the State of Design or Manufacture.

4.040 NO TYPE CERTIFICATE ISSUED BY THE BAHAMAS

- (a) The Authority does not issue Type Certificates.

4.045 VALIDATION OF SUPPLEMENTAL TYPE CERTIFICATES

- (a) Any person who alters a product by introducing a major change in type design, not great enough to require a new application for a type certificate, shall apply for a Supplemental Type Certificate to the regulatory agency of the State of Design that approved the type certificate for that product, or to the State of Registry of the aircraft.
- (b) The applicant shall apply in accordance with the procedures prescribed by that State.

SUBPART C: AIRCRAFT CERTIFICATION REGULATIONS

4.050 APPLICABLE AIRCRAFT CERTIFICATION REGULATIONS

- (a) The Authority will apply the detailed and comprehensive aircraft certification regulations of the ICAO Contracting State which issued the type certificate to the determination of continued airworthiness of the aircraft, provided—
- (1) These regulations are in conformance with the Standards of ICAO Annex 8,
 - (2) These regulations are in English or certified translation to English,
 - (3) A copy of these regulations are provided with the application for the airworthiness certificate, and
 - (4) There is a satisfactory method of updating the Authority's copy of these regulations throughout the period of time the aircraft is registered in the Bahamas.
- (b) The Authority shall apply the requirements of Subparts F, G, or H of this Schedule to make a determination as to the satisfactory nature of the aircraft certification regulations of another Contracting State.
- (c) The aircraft certification regulations which are available to and applied by the Authority in the determination for issuance of a certificate of airworthiness and continuing airworthiness are those of the—
- (1) United States Federal Aviation Administration,
 - (2) European Joint Aviation Authorities, and
 - (3) Canadian Ministry of Transport.

SUBPART D: PRODUCTION

4.055 PRODUCTION CERTIFICATES

- (a) Any applicant for a production certificate for any aircraft or aeronautical product thereof for manufacture in The Bahamas shall comply with the type certificate as required by the State of Design for approval.
- (b) At such time as the application for production is presented the Authority will make available suitable schedules or provisions for the issuance of an airworthiness certificate, or airworthiness document as appropriate for the product concerned.

4.060 AIRCRAFT PRODUCTION

- (a) The Authority shall not issue a production certificate unless it has adequate qualified personnel to ensure that each aircraft, including parts manufactured by sub-contractors, conforms to the approved design.

4.065 PARTS PRODUCTION

- (a) The Authority, with the issuance of a production certificate, shall ensure that the parts conform to the approved design.

4.070 PRODUCTION CONTROL

- (a) When approving production of aircraft or aircraft parts, the Authority shall ensure that there are adequate quality control personnel to ensure that production is performed in a controlled manner including the use of a quality system so that construction and assembly are satisfactory.

4.075 TRACEABILITY

- (a) Persons holding a production certificate shall provide traceability records such that the identification of the aircraft and of the parts with their approved design and production can be established

SUBPART E: CERTIFICATE OF AIRWORTHINESS**4.080 APPLICABILITY**

- (a) The requirements of this Subpart are applicable in respect of all aircraft registered in The Bahamas.

4.085 ISSUANCE & RENEWAL OF A CERTIFICATE OF AIRWORTHINESS

- (a) A Certificate of Airworthiness shall not be issued by the Authority unless there is satisfactory evidence that the aircraft complies with the design aspects of the appropriate airworthiness requirements.

Note: More specific information regarding the issuance of a Certificate of Airworthiness is provided in Schedule 5 of these Schedules.

- (b) The Authority shall not issue or render valid a Certificate of Airworthiness international operations unless there is satisfactory evidence that the aircraft complies with the applicable Standards of Annex 8 through compliance with appropriate airworthiness requirements.
- (c) A Certificate of Airworthiness for aircraft on the Bahamas registry shall be renewed or shall remain valid, subject to compliance with the system of inspection prescribed by the Authority that requires periodical inspections at appropriate intervals having regard to lapse of time and type of service.

Note: The general criteria for those inspections is provided in Schedule 5 of these Schedules.

- (d) The Authority shall accept applications for an aircraft possessing a valid Certificate of Airworthiness issued by a Contracting State to be entered on the register of The Bahamas.
- (e) The Authority may consider prior issuance of the Certificate of Airworthiness by another Contracting State, when issuing another Certificate of Airworthiness or rendering the original certificate valid.
- (1) This Authority may accept the original Certificate of Airworthiness, in whole or in part, as satisfactory evidence that the aircraft is airworthy and in compliance with the appropriate airworthiness requirements.
 - (2) The validity of this authorization shall not extend beyond the period of validity of the original Certificate of Airworthiness.
- (f) The Authority may exercise this alternative when the aircraft is registered for the first time and when the aircraft changes its nationality.

4.090 STANDARD FORM OF CERTIFICATE OF AIRWORTHINESS

- (a) The Certificate of Airworthiness issued by the Authority shall contain the information required by ICAO Annex 8 and shall be generally similar to it.
- (b) The Certificate of Airworthiness shall be issued in English.

4.095 AIRCRAFT LIMITATIONS & INFORMATION

- (a) Each applicant for an Certificate of Airworthiness will make available to the Authority a flight manual, placards, or other documents stating the approved limitations within which the aircraft is considered airworthy as defined by the appropriate airworthiness requirements, and additional instructions and information necessary for the safe operation of the aircraft.

4.100 TEMPORARY LOSS OF AIRWORTHINESS

- (a) Any failure of the owner or operator to maintain an aircraft in an airworthy condition as defined by the appropriate airworthiness requirements of these regulations shall render the aircraft ineligible for operation until the aircraft is restored to an airworthy condition.

4.105 DAMAGE TO FOREIGN AIRCRAFT

- (a) If a foreign aircraft has sustained damage or is ascertained to be unairworthy when located in The Bahamas, the Authority shall be entitled to prevent the aircraft from resuming its flight on the condition that contact is made immediately with the Authority of the State of Registry, communicating to it all details necessary to formulate a judgement regarding airworthiness status of the aircraft..

Note: When an aircraft holding a Certificate of Airworthiness issued by the Bahamas is ascertained by the Authority of another Contracting State to be damaged or unairworthy, the requirements of Schedule 5 of these Schedules shall apply.

- (b) The State of Registry shall judge whether the damage is of a nature such that the aircraft is no longer airworthy as defined by the appropriate airworthiness requirements. be carried on board every aircraft engaged in international air navigation.
- (1) When the State of Registry considers that the damage sustained is of a nature such that the aircraft is no longer airworthy, it shall prohibit the aircraft from resuming flight until it is restored to an airworthy condition.
 - (2) The State of Registry may, in exceptional circumstances, prescribe particular limiting conditions to permit the aircraft to fly without fare-paying passengers to an aerodrome at which it will be restored to an airworthy condition.
 - (3) When the State of Registry considers that the damage sustained is of a nature such that the aircraft is still airworthy, the aircraft shall be allowed to resume its flight.

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