BGA AIRWORTHINESS & MAINTENANCE PROCEDURE

DEFERRING AIRCRAFT DEFECTS

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Aircraft are in general terms airworthy or unairworthy.

Part ML describes how any aircraft defect that seriously endangers flight safety shall be rectified before further flight. It additionally notes that certain persons may decide that a defect does not seriously endanger flight safety and may defer it accordingly.

Before deferring a defect (in other words flying with a defect with the intention of resolving the defect at some point in the future), it is critically important to understand 'Part ML.A.403 Aircraft defects.'

But before getting into the detail of the regulation, what does 'deferring' mean from a practical perspective - and why might we occasionally defer a defect?

Consider a common defect of a club glider's wheel brake that works but is not effective as it should be. In this example, assume that there is no technical support available for an immediate fix, and in any case the pilot in command decides that it is airworthy.

How does the next pilot know about the defect? On a given day, it is important that the next pilot does know! The pilot in command must pass the information on.

How does everyone else know including tomorrow's pilots and the club inspector or technical officer? The pilot in command should write it in the glider DI book and either raise a BGA worksheet for the defect or report it to the club technical officer who will raise the worksheet.

Some defects could be deferred for a long time. An example might be a turbo engine not working or having been removed for repair. An inspector can sign a Certificate of Release to Service (CRS) on a worksheet with an agreed deferred defect present as a line item.

The following notes support understanding of Part ML.A. 403.

To assist readers, the *text of ML.A. 403* is reproduced below with its *Acceptable Means of Compliance (AMC)* and *Guidance Material (GM)*. BGA notes are added to support the reader.

PLEASE NOTE - ML.A.403 and AMC/GM can be updated at any time by the CAA. The CAA published version is the only accurate source.

(a) Any aircraft defect that seriously endangers the flight safety shall be rectified before further flight.

(b) The following persons may decide that a defect does not seriously endanger flight safety, and may defer it accordingly:

(1) the pilot in respect of defects affecting non-required aircraft equipment (see BGA note 1)

(2) the pilot, when using the minimum equipment list, in respect of defects affecting required aircraft equipment - otherwise, these defects may only be deferred by authorised certifying staff; (see BGA note 2)

(3) the pilot in respect of defects other than those referred to in points (b)(1) and (b)(2) if all the following conditions are met:

(i) the aircraft is operated under Annex VII to Regulation (EU) No 965/2012 (Part-NCO) or, in the case of balloons or sailplanes, not operated under Subpart-ADD of Annex II (Part-BOP) to Regulation (EU) 2018/395 or not following Subpart DEC of Annex II (Part-SAO) to Regulation (EU) 2018/1976; (see BGA note 3)

(ii) the pilot defers the defect with the agreement of the aircraft owner or, if applicable, of the contracted CAMO or CAO; the appropriately qualified certifying staff in respect of other defects than those referred to in points (b)(1) and (b)(2), where the conditions referred to in point 3(i) and (ii) are not met.(See BGA note 4)

(c) Any aircraft defect that does not seriously hazard flight safety shall be rectified as soon as practicable from the date on which the defect was first identified and within the limits specified in the maintenance data.

(d) Any defect not rectified before flight shall be recorded in the aircraft continuing airworthiness record system referred to in point ML.A.305 and a record shall be available to the pilot. (See BGA note 5).

AMC and GM detail:

AMC1 ML.A.403. Aircraft equipment should be declared to be defective if the pilot observed a malfunction during the flight, or if considered as faulty after inspection/test referred to in the maintenance data. This does not prevent the pilot from recording observations and comments on the performance of the aircraft equipment where this is not considered to constitute a defect.

GM1 ML.A.403. If appropriate certifying staff is readily available for consultation, the pilot should consider consultation with them before deferring any defect.

AMC1 MLA.403 (d). All deferred defects should be made known to the pilot/flight crew, whenever possible, prior to their arrival at the aircraft.

Deferred defects should be listed on the current list of deferred maintenance (ML.A.305(d)(6)) and rectified at the next appropriate maintenance event and within the limit specified in the maintenance data. Any deferred defect that is not rectified during the next maintenance event,

should be re- entered on the list of deferred maintenance and the original date of the defect should be retained. (See BGA note 7).

BGA notes

BGA note 1: The term 'required' refers to equipment that is required by the applicable airworthiness code (certification specification) or required by the relevant regulations for air operations or the applicable rules of the air or as required by air traffic management (e.g. a transponder in certain controlled airspace).

BGA note 2: The minimum equipment list is detailed in the aircraft flight manual.

BGA note 3: Part-SAO Subpart DEC refers to declaration as a commercial operation.

BGA note 4: Aircraft maintained within the BGA airworthiness organisation are not contracted to the Combined Airworthiness Organisation (CAO); therefore, the owner must agree.

BGA note 5: The full title of 'ML.A.305' is 'ML.A.305 Aircraft continuing airworthiness record system'.

BGA note 6: Appropriate certifying staff is a suitably qualified and experienced BGA inspector Part66L licence holder.

BGA note 7: Deferred defects should be recorded in a way that the owner and any pilot in command can easily identify deferred defects.

End.