



**EVALUATE A LEASE AGREEMENT JOB AID**

**Lessee Name and AOC No. ....**

**Leasor Name and AOC No. ....**

**Date Submitted: .....**

ITEM	YES	NO	COMMENTS
<p>A. <i>Determine if a Lease Agreement has Occurred.</i> Request a copy of the lease or lease memorandum.</p>			
<p>A. <i>Definitions</i>            (1) <i>Lease:</i> Any agreement by a person (the lessor) to furnish an aircraft to another person (lessee) to be used for compensation or hire purposes. This does not include an agreement for the sale of an aircraft or a contract of conditional Sale.             (2) <i>Dry Lease:</i> Any agreement in which a lessor, (which could be an air carrier, bank, or leasing company) leases an aircraft without flight crewmembers to an air carrier (the lessee), and in which the lessee maintains operational control.             (3) <i>Wet Lease:</i> Any agreement in which a lessor, leases an aircraft, with at least one pilot flight crewmember, to either a Namibian. air carrier, foreign air carrier, or a foreign person (the lessee).             (4) <i>Operational Control:</i> Operation of aircraft as defined in B &amp; C bellow             (5) <i>Lessee:</i> The party using the aircraft under the provisions of a lease             (6) <i>Lessor:</i> The party furnishing the aircraft under a lease</p>			
<p>B. <i>Determining Operational Control of a Dry-Leased Aircraft.</i> Normally, operational control of any dry-leased aircraft rests with the lessee. In most dry lease agreements, the lessor is a bank of either a leasing or a holding company.             In neither case will the lessor have the operational expertise, the facilities, or the desire to assume responsibility and liability for controlling the day-to-day operations of the aircraft.</p>			
<p>C. <i>Determining Operational Control of Wet-Leased Aircraft.</i></p>			



<p>The fact that the DCA characterizes a lease as a wet lease does not necessarily make the lessor responsible for operational control.</p> <p>In the case where the DCA cannot determine who has operational control, The flight Safety Standards Office must be advised by the parties to the lease as in a form of a letter who has operational control</p> <p>The DCA must make this letter a matter of record in the operator's office file.</p>			
<p><i>D. Other Factors in Determining Operational Control of Leased Aircraft</i> shall determine if a person has operational control if that person exercised authority and responsibility for a specified number of operational functions. This could include scheduling flights and crewmembers, initiating flights, and terminating flights.</p> <p>(2) In cases where there is doubt or controversy over who exercises operational control, the DCA may consider additional factors, such as who is responsible for maintenance, servicing, and crewmember training.</p>			



<b>Review the Lease. Ensure that:</b>			
<b>ITEM</b>	<b>YES</b>	<b>NO</b>	<b>COMMENTS</b>
(1) The lessor and lessee are properly identified on the lease			
(2) The lease is signed by the appropriate personnel in both the lessor's and the lessee's organizations			
(3) All strikeovers, erasures, and corrections are initialed by both the lessor and the lessee			
(4) The aircraft subject to the lease agreement are identified by aircraft make and model, registration number, and serial number			
(5) The effective dates of the lease are identified			
(6) Operational control is specifically designated			
(7) Responsibilities for performing maintenance are specifically designated			
(8) Responsibilities for keeping aircraft maintenance records are specifically designated			
(9) Maintenance programs (lessee's or lessor's) that will be utilized are designated			
<b>C. Review the Lessee's Manuals. Ensure that the manual includes the following:</b>			
(1) Procedures adequate to incorporate the leased aircraft into his operating system, i.e., aircraft acceptance checks, etc.			
(2) Provisions in the maintenance training program to account for any differences in the configuration of the leased aircraft from the existing fleet			
(3) A program that is adequate to provide for configuration differences if the aircraft is to be maintained under the lessee's maintenance program			
(4) A Minimum Equipment List (MEL) that is applicable to the leased aircraft			
(5) Required Training Programs: Flight Crew Training, Cabin Crew Training, Operations personnel training, Maintenance personnel training.			
(6) Dispatch procedures including flight watch/flight following as well as Crew scheduling			
<b>D. Review the Aircraft Maintenance Records. Evaluate Operator's Maintenance Records)</b>			
<b>E. Perform an Aircraft Conformity Inspection. After performing the inspection, review the results to ensure that the differences between the leased aircraft and the aircraft already in operation are identified and will be addressed in operation specifications and the lessee's maintenance manual.</b>			



<p>F. <i>Review the Lease.</i> An aircraft lease/interchange agreement is reviewed to determine if all of the responsibilities of the lessor/lessee are described. The inspector must ensure that the lease/interchange contains all effective dates and provisions required by regulation. Those items not required by regulation must be reviewed to determine their applicability and compatibility with the regulatory requirements</p>			
<p><b>G. <i>The Lessor's Operator's Manual.</i></b>  <b>The lessor's manual must be reviewed for the following:</b></p>			
<p>(1) The continuous airworthiness maintenance program, for the aircraft, engines, propellers (if applicable), and appliances</p> <p>(2) The maintenance reliability program, if applicable</p> <p>(3) A training program for the maintenance personnel on the aircraft</p> <p>(4) Fueling procedures for the aircraft</p> <p>(5) Provision for use of an approved Minimum Equipment List (MEL)</p> <p>(6) Provisions for leasing the aircraft to the lessee</p>			
<p><b>H. <i>The Lessee's Operator's Manual.</i></b>  <b>The lessee's manual must be reviewed for the following:</b></p>			
<p>(1) To determine if the manuals provide adequate procedures and guidance for incorporating leased aircraft into its operating system</p> <p>(2) Procedures for the use of the lessor's continuous airworthiness maintenance program, for the aircraft, engines, propellers (if applicable), and appliances</p> <p>(3) Procedures for the use of the maintenance reliability program, if applicable</p> <p>(4) Procedures in the maintenance training program that are adequate to provide for configuration differences, if the aircraft is maintained under the lessor's maintenance program</p> <p>(5) Fueling procedures for the aircraft</p> <p>(6) Provisions for use of an approved MEL</p>			
<p>I. <i>Aircraft Maintenance Records.</i> The lessor will maintain the aircraft maintenance record and ensure that the items required to be inspected, repaired, or overhauled are addressed in those records.</p>			



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J. <i>Aircraft Conformity Inspections.</i> Aircraft conformity inspections are conducted to ensure that:			
(1) Differences between aircraft already in a lessee's fleet and aircraft being leased are noted. These differences must be addressed with:			
<ul style="list-style-type: none"> <li>• Amendments to the lessee's operations specifications</li> <li>• Revisions to the lessee's maintenance manual</li> </ul> (2) Configuration of the aircraft meets the regulatory requirements of the intended operation			

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**Recommendation/observation:**

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Inspector's Name & ASI #	Signature	Date
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**Flight Operations chief's Remarks:**

The above requirements have been evaluated against the operator submissions and is hereby approved / **not approved and recommended** / **not recommended** to be issued the appropriate authorization / Opspecs.

**Signature / Date:** .....

**Airworthiness chief's Remarks:**

The above requirements have been evaluated against the operator submissions and is hereby **approved** / **not approved and recommended** / **not recommended** to be issued the appropriate authorization / Opspecs.



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**Signature / Date:** .....