Civil Aviation Amendment Regulations 2004 (No. / )¹

Statutory Rules 2004 No.² 134

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the Civil Aviation Act 1988.

Dated 10 JUN 2004 2004

PM Jeffery
Governor-General

By His Excellency’s Command

JOHN ANDERSON
Minister for Transport and Regional Services
1 Name of Regulations
   These Regulations are the Civil Aviation Amendment Regulations 2004 (No. 1).

2 Commencement
   These Regulations commence on 15 November 2004.

3 Amendment of Civil Aviation Regulations 1988
   Schedule 1 amends the Civil Aviation Regulations 1988.

4 Amendment of Civil Aviation Safety Regulations 1998
   Schedule 2 amends the Civil Aviation Safety Regulations 1998.
Schedule 1  Amendments of Civil Aviation Regulations 1988
(regulation 3)

[1] Subregulation 2 (1), definitions of entitled person, hire-purchase agreement, property interest, purchaser and vendor
omitted

[2] Part 3
omitted

[3] Subregulation 297A (1), definition of reviewable decision, paragraph (a)
omitted
Division 4 of Part 3,
insert
Part 47 of CASR,
Schedule 2  Amendments of Civil Aviation Safety Regulations 1998  
(regulation 4)


*omit*

The registration holder of an Australian aircraft

*insert*

An aircraft registration holder


*omit*

The registration holder of an Australian aircraft

*insert*

An aircraft registration holder

[3]  Subregulation 39.003 (2)

*omit*

The registration holder

*insert*

The registered operator

[4]  Regulation 45.020

*omit*

Part 3 of CAR.

*insert*

Part 47.
[5] **Subregulation 45.025 (1)**

*substitute*

(1) An Australian aircraft’s *markings* are the letters *VH* (the Australian nationality mark) and the aircraft’s registration mark, in that order, connected by a hyphen.

[6] **Subregulation 45.140 (1)**

*substitute*

(1) An *aircraft registration identification plate* is a plate, made of fireproof material, on which is marked (by etching, stamping, engraving, or another approved method) the letters *VH* (the Australian nationality mark) followed by a hyphen and the aircraft’s registration mark.

[7] **After Part 45**

*insert*

**Part 47**

*Registration of aircraft and related matters*

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Subpart 47.A General

47.005 Applicability of Part 47

(1) This Part sets out:
   (a) how aircraft are registered; and
   (b) how registration marks are assigned to aircraft.

(2) It also sets out how dealer’s marks are assigned to manufacturers, distributors and dealers of aircraft, and regulates their use.

47.010 Definitions for Part 47

In this Part:

eligible person means one of the following:
(a) a resident of Australia who is:
   (i) 18 years of age or older; and
   (ii) an Australian citizen or the holder of a permanent visa (within the meaning of the Migration Act 1958);
(b) a corporation incorporated under the Corporations Act 2001;
(c) a body incorporated under a law (other than the Corporations Act 2001) in force in Australia;
(d) the Commonwealth, a State or a Territory;
(e) an agency of the Commonwealth, a State or a Territory;
(f) a foreign corporation that is lawfully carrying on business in Australia.

owner, of an aircraft, includes a part-owner of the aircraft who is appointed under regulation 47.020.

Note The owner of an aircraft who becomes its registration holder must, if he or she is not eligible to be its registered operator, appoint an eligible person as the registered operator: see regulation 47.100.
registered operator has the meaning given by regulation 47.100.

47.015 Requirement for aircraft to be registered

(1) For paragraph 20AA (1) (b) of the Act, an aircraft is required to be registered unless it is one of the following:
(a) an aircraft that is not intended to be used as an aircraft;
(b) an aircraft that, under Subpart 200.B, is exempt from these Regulations;
(c) an unmanned free balloon;
(d) a permanently tethered balloon;
(e) a kite;
(f) a model aircraft;
(g) a parachute;
(h) a rocket;
(i) a UAV other than a large UAV;
(j) an aircraft that is registered under the law of a foreign country referred to in subregulation (2);
(k) an aircraft that satisfies all the following conditions:
   (i) it has been manufactured in Australia for delivery outside Australia to a foreign operator;
   (ii) it is registered under the law of a foreign country referred to in subregulation (2);
   (iii) it displays nationality and registration marks in accordance with the law of that country;
   (iv) it has no certificate of airworthiness issued, or rendered valid, under the law of that country;
   (v) it is flown within Australia only for a purpose mentioned in paragraph 21.197 (1) (b) or (c).

(2) For paragraph (1) (j) and subparagraph (1) (k) (ii), the foreign countries are:
(a) the Contracting States; and
any other foreign country with which Australia has an
agreement that allows an aircraft registered under the law
of that country to be operated in Australia.

Note For the definition of Contracting State see subsection 3 (1) of the
Act.

47.020 Appointment of person to act on behalf of owners

If an aircraft is owned by more than 1 person, the owners must,
to register the aircraft, appoint one of them to act on their
behalf.

Subpart 47.B The Australian Civil Aircraft
Register

47.025 Australian Civil Aircraft Register

CASA must keep a register called the Australian Civil Aircraft
Register, or ensure that it is kept, in accordance with this
Subpart.

Note The Australian Civil Aircraft Register is the successor to the Aircraft
Register mentioned in regulation 8 of CAR; see regulation 202.221.

47.030 Register to be accessible to public

(1) CASA must make the Australian Civil Aircraft Register
available for inspection by members of the public at reasonable
times and places, and subject to reasonable conditions.

(2) CASA may comply with subregulation (1) by making the
information in the Register accessible on the Internet or by
another suitable electronic means.

47.035 Alteration or correction of Register

(1) CASA must correct the information recorded in the Australian
Civil Aircraft Register if an entry in the Register is not up to
date.

(2) CASA must correct the information in the Register if there is
an error in an entry in it.
Note An aircraft registration holder who finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is not correct must tell CASA about the change that should be made to the Register: see regulation 47.115.

47.040 Seeking information about Register

(1) If CASA thinks that there may be an error in the Australian Civil Aircraft Register in relation to an aircraft, CASA may ask the aircraft registration holder, in writing, to give CASA information that may show the accuracy of the entry.

Note Information that must be given to CASA under subregulation (1) may include a copy of a relevant document.

(2) A request under subregulation (1) must:
   (a) describe the information; and
   (b) specify a period of at least 28 days, starting when the request is given to the registration holder, during which the registration holder must give CASA the information.

Note CASA may cancel the registration of an aircraft if the registration holder fails to comply with a request for information made under subregulation (1); see subregulation 47.130 (3).

47.045 Communicating with CASA

(1) A notice that, under this Part, must be given to CASA may be delivered, posted, sent by fax or sent by e-mail.

Note The address, fax number and e-mail address for notices can be found in the advisory circular for this Part or on CASA's website: www.casa.gov.au.

(2) CASA may refuse to accept a notice that is not legible.

47.050 Accuracy of information in Register

(1) CASA must give, to an aircraft registration holder, a copy of the information in the Australian Civil Aircraft Register that relates to the holder and the aircraft.
(2) CASA must give the copy of the information within 28 days after:
   (a) the end of 3 years after the day on which:
       (i) an aircraft is registered; or
       (ii) if the aircraft's certificate of registration is transferred — the certificate is transferred; and
   (b) the end of each period of 3 years after that day.

(3) Within 28 days after the day when the registration holder is given the copy of the information, the holder must:
   (a) if necessary, correct the information on the copy about the aircraft and the holder; and
   (b) return the copy to CASA.

   Maximum penalty: 10 penalty units.

(4) An offence against subregulation (3) is an offence of strict liability.

(5) Information given to CASA for subregulation (3) must not be used as evidence of an offence against regulation 47.115.

(6) This regulation is not intended to limit the operation of regulations 47.035 and 47.040.

47.055 Entries in Register etc not conclusive evidence of title to aircraft

(1) An entry in the Australian Civil Aircraft Register in relation to an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.

(2) A certificate of registration for an aircraft is not conclusive evidence of the existence of a legal or beneficial property interest in the aircraft.
Subpart 47.C  Registration of aircraft

47.060  Applying for registration of unregistered aircraft

(1) An application to register an unregistered aircraft may be made by the owner or a person who is acting on behalf of, and at the direction or request of, the owner.

(2) The application must be made:
(a) in writing; or
(b) orally (by telephone or in person).

Note  An oral application must be confirmed in writing in accordance with regulation 47.070. If an oral application is not confirmed in writing in accordance with that regulation, the registration lapses: see subregulation 47.130 (4).

(3) An application for registration made in writing must:
(a) be made in an approved form; and
(b) include the information set out in regulation 47.065; and
(c) be signed by the person making the application.

(4) An application for registration made in writing must also include a declaration, signed by the person making the application:
(a) that the aircraft will be used as an aircraft; and
(b) if the aircraft has not been registered before — that the aircraft has never been registered; and
(c) if the aircraft has been registered before (whether in Australia or not) — that the aircraft is not, at the time of the application, registered on a foreign civil aircraft register.

47.065  Information required for registration — general

For paragraph 47.060 (3) (b), and subject to regulation 47.075, the following information must be included in an application for registration of an aircraft:
(a) the owner's name and address;
(b) if the application is made by a person on behalf of the owner — the name and address of the person making the application;

(c) if the owner proposes to appoint another person as the registered operator of the aircraft — the registered operator’s name and postal address, and:
   (i) if the registered operator is an individual — his or her home address; or
   (ii) if the registered operator is a corporation — the corporation’s registered address;

(d) for an aircraft that has a type certificate, type acceptance certificate or provisional type certificate:
   (i) the number of the certificate (if applicable); and
   (ii) the production certificate number (if applicable); and
   (iii) the manufacturer, and the country and year of manufacture, of the aircraft; and
   (iv) the aircraft model; and
   (v) the aircraft serial number;

Note For paragraph (d), the aircraft’s manufacturer, model and serial number are those set out on the aircraft’s data plate.

(e) for an aircraft to which paragraph (d) does not apply — the following:
   (i) the aircraft manufacturer (if applicable);
   (ii) the aircraft builder (if applicable);
   (iii) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
   (iv) the country and year of manufacture of the aircraft;
   (v) the aircraft model;
   (vi) the aircraft serial number;
   (vii) if the aircraft is power-driven — the number of engines and whether they are piston, turbopropeller or jet turbine engines;
   (viii) the number of seats including seats for the crew;
   (ix) whether the aircraft is able to be used on land, on water, or on both;
(f) if a registration mark has been reserved for the aircraft, and the reservation has not lapsed — the registration mark;

(g) if the aircraft has been imported:
   (i) the name of the country from which the aircraft was imported; and
   (ii) the aircraft’s registration mark, if any, in that country; and
   (iii) evidence, provided by the NAA of that country, that the aircraft is not on the aircraft register of that country;

(h) if the registration is required for a specific period — the period.

Note 1 If the application for registration is an oral application, CASA will ask for the information mentioned in this regulation during the oral application.

Note 2 If an aircraft is registered for a specific period, CASA must cancel the registration at the end of that period; see subregulation 47.130 (1). (However the period may be extended under subregulation 47.095 (4).)

47.070 Confirmation of oral application

(1) A person who has applied orally for the registration of an aircraft must give to CASA a written confirmation of the application.

(2) The confirmation:
   (a) must be in an approved form; and
   (b) must include the information required by regulation 47.065; and
   (c) must be received by CASA within 14 days after the day on which the oral application was made.

47.075 CASA may ask for further information

(1) If CASA reasonably requires further information to enable it to consider an application for the registration of an aircraft, CASA may ask the applicant, in writing, to give CASA the information.
(2) CASA must describe the information in the request.

(3) CASA may refuse to consider, or cease considering, the application until the applicant complies with the request.

47.080 Registration of aircraft

(1) CASA must register an aircraft if the application for the registration of the aircraft is made in accordance with regulation 47.060.

(2) CASA must enter the following information about the aircraft in the Australian Civil Aircraft Register:
   (a) the registration mark assigned to the aircraft;
   (b) whether the aircraft is a manned free balloon, an airship, a glider, a power-driven aeroplane, a rotorcraft or an ornithopter;
   (c) its manufacturer, model and serial number;
   (d) its country and year of manufacture;
   (e) the name and address of the owner;
   (f) the name and address of the registered operator;
   (g) the day on which it was registered;
   (h) if the registration is for a particular period — the day on which the registration ends.

47.085 Interim certificate of registration

(1) If CASA registers an aircraft on the basis of an oral application, CASA must:
   (a) issue an interim certificate of registration for the aircraft; and
   (b) tell the applicant:
      (i) the time and date from which the interim registration is in force; and
      (ii) a unique number that identifies the registration.

Note 1 An interim certificate includes the information set out in paragraphs 47.080 (2) (a) and the applicable provisions in paragraphs 47.080 (2) (c) to (g).
Note 2 If the oral application is not confirmed in accordance with regulation 47.070, the registration of the aircraft lapses: see subregulation 47.130 (4).

(2) If CASA registers an aircraft on the basis of an oral application, the aircraft registration holder must not allow the aircraft to be taken outside Australia before CASA issues the certificate of registration for the aircraft.

Maximum penalty: 50 penalty units.

Note An interim certificate of registration is not covered by the provisions of Annex 7 to the Chicago Convention, so is only valid for flights within Australia.

(3) An offence against subregulation (2) is an offence of strict liability.

(4) An interim certificate of registration for an aircraft ceases to be in force on the earlier of the following:
(a) the day that CASA gives the certificate of registration to the aircraft’s registration holder;
(b) 14 days after the day on which CASA registered the aircraft on the basis of an oral application.

47.090 Issue of certificate of registration
If CASA:
(a) registers an aircraft because it has received a written application; or
(b) receives confirmation of an oral application for the registration of an aircraft;
CASA must give a certificate of registration for the aircraft to the aircraft's owner (the registration holder).

Note The certificate of registration replaces any interim certificate of registration issued under regulation 47.085.

47.095 Period of registration
(1) Subject to this regulation, the registration of an aircraft has effect unless it lapses or is cancelled.
(2) If an applicant applies for registration of an aircraft for a particular period, CASA must register the aircraft for that period.

(3) If CASA registers an aircraft for a particular period, the registration holder may apply for an extension of that period.

(4) If CASA approves an application made under subregulation (3):
   (a) CASA must extend the period of registration of the aircraft in accordance with the application; and
   (b) the registration of the aircraft has effect until the end of that period.

Subpart 47.D Registered operator

47.100 Identity of registered operator of aircraft

(1) If the registration holder of an aircraft is an eligible person, the holder is the aircraft’s registered operator.

(2) However, the registration holder may appoint another eligible person as the registered operator.

(3) If the registration holder is not an eligible person, the registration holder must appoint an eligible person to be the registered operator.

Note: If the registration holder of an aircraft is not an eligible person and no eligible person is appointed as the registered operator, CASA must cancel the registration; see paragraph 47.130 (2) (c).

(4) The appointment of a registered operator has effect unless the appointment is cancelled or otherwise ceases to have effect.

Note: Regulation 202.222 provides that a reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft. Under CAR, the holder of the certificate of registration is responsible for the maintenance and continuing airworthiness of the aircraft.

(5) If the registration holder of an aircraft:
   (a) appoints a person as the aircraft’s registered operator; or
(b) cancels the appointment of a person as the aircraft’s registered operator;
the registration holder must, within 14 days of the appointment or cancellation, give CASA a notice in an approved form, including the aircraft’s registration mark, manufacturer, model and serial number.

(6) A notice of the appointment of a registered operator must also include:
(a) the registered operator’s name and postal address, and:
   (i) if the registered operator is an individual — his or her home address; or
   (ii) if the registered operator is a corporation — the address of the corporation’s registered office; and
(b) the date of the appointment of the registered operator; and
(c) evidence that the registered operator accepts the appointment.

(7) A notice of the cancellation of the appointment of a registered operator must include the date of the cancellation.

*Note* If a registration holder of an aircraft cancels the appointment of the registered operator and does not appoint another registered operator, the registration holder becomes the aircraft’s registered operator. However, if the registration holder is not an eligible person, CASA must cancel the aircraft’s registration; see paragraph 47.130 (2) (c).

(8) If CASA receives a notice that complies with this regulation, CASA must:
(a) amend the Australian Civil Aircraft Register to show the name and address of the new registered operator; and
(b) in writing, notify the registration holder and the new registered operator about the amendment of the Register.

**Subpart 47.E Transfer of ownership of aircraft**

**47.105 Meaning of former owner and new owner**

For this Subpart, if the ownership of an aircraft is transferred, the transferor is the *former owner* and the transferee is the *new owner*. 
47.110 Transfer of ownership

(1) In this regulation, transfer notice means a notice in an approved form that relates to the transfer of ownership of an aircraft and:

(a) shows:
   (i) the aircraft’s registration mark, manufacturer, model and serial number; and
   (ii) the date of the transfer; and
   (iii) the former owner’s name and address; and
   (iv) the new owner’s name and address; and

(b) either:
   (i) is signed by the former owner; or
   (ii) is signed by a person acting on behalf of, and at the direction or request of, the former owner.

(2) If a transfer notice is signed by a person acting on behalf of the former owner, it must include evidence of the person’s authority to do so.

(3) This regulation sets out how, if the ownership of an aircraft is transferred, the new owner becomes the aircraft’s registration holder.

(4) As soon as practicable after the transfer, the former owner, or a person acting on behalf of the former owner, must:

(a) give CASA a transfer notice; and

(b) give the new owner:
   (i) a transfer notice; and
   (ii) the aircraft’s certificate of registration.

(5) Within 14 days after the transfer, the new owner must apply to become the registration holder.

Note If the aircraft’s new owner does not apply to be the new registration holder within 14 days after the transfer, CASA must cancel the aircraft’s registration: see subregulation 47.130 (5).

(6) An application must:

(a) be in an approved form; and

(b) include the transfer notice given by the former owner; and
(c) either:
   (i) be signed by the new owner; or
   (ii) if the application is made by a person on behalf of the new owner — include the name, address and signature of the person making the application.

(7) CASA must, if it receives a transfer notice and an application that complies with subregulation (6):
   (a) amend the Australian Civil Aircraft Register to show the new owner as the registration holder; and
   (b) give a certificate of registration to the new owner.

   Note 1 The new owner must return the old certificate of registration to CASA: see regulation 47.135.

   Note 2 The new owner, as the registration holder, is also the registered operator of the aircraft unless the new owner appoints another person as the registered operator: see regulation 47.100.

   Note 3 If the new owner is not an eligible person, the new owner must appoint an eligible person as the registered operator: see subregulation 47.100 (3).

Subpart 47.F Administration of Australian Civil Aircraft Register

47.115 Notice of error in information in Register

If an aircraft registration holder finds out that anything in the Australian Civil Aircraft Register in relation to the aircraft is no longer correct, the holder must tell CASA in writing, within 14 days after finding out, about the change that should be made.

Maximum penalty: 10 penalty units.

47.120 Replacement certificate of registration

(1) Subregulation (2) applies if:
   (a) CASA has changed an entry in the Australian Civil Aircraft Register about an aircraft; and
   (b) the certificate of registration for the aircraft does not show the correct information.
(2) CASA must give the aircraft registration holder a replacement certificate of registration for the aircraft that:
   (a) shows the correct information; and
   (b) states that it is a replacement certificate of registration.

(3) If CASA gives the aircraft registration holder a replacement certificate, the holder must return the old certificate to CASA within 14 days after the holder is given the replacement certificate.

   Maximum penalty: 1 penalty unit.

(4) An offence against subregulation (3) is an offence of strict liability.

47.125 Loss etc of certificate of registration

(1) CASA must, on written application by an aircraft registration holder, give the holder a copy of the aircraft's certificate of registration if the certificate, or a copy of it previously given by CASA:
   (a) has been lost, stolen or destroyed; or
   (b) is so damaged that information on it is no longer clearly legible.

(2) If the application is made because a certificate or copy has been damaged, the aircraft registration holder must return the damaged certificate or copy to CASA within 14 days after the holder receives the new copy.

(3) The copy given under subregulation (1) must state that it is a true copy of the original certificate.

47.130 Lapsing or cancellation of registration

(1) If the registration of an aircraft was only for a particular period, the registration lapses at the end of that period.

(2) CASA must cancel the registration of an aircraft if:
   (a) the registration holder applies in writing for the registration to be cancelled; or
Schedule 2  Amendments of Civil Aviation Safety Regulations 1998

(b) CASA finds out that the aircraft:
   (i) is registered under the law of another country; or
   (ii) is no longer to be used as an aircraft; or
   (iii) has been stolen or destroyed; or
   (c) the registration holder of the aircraft is not an eligible person and the aircraft does not have a registered operator.

(3) CASA may cancel the registration of an aircraft if the registration holder does not comply with a request made under subregulation 47.040 (1).

(4) If the aircraft was registered following an oral application, the registration lapses if:
   (a) CASA does not receive a written confirmation of the application in accordance with regulation 47.070; or
   (b) within 14 days after the day on which the oral application was made, CASA has not received a written confirmation that includes all the information mentioned in regulation 47.065; or
   (c) CASA receives a document purporting to be a written confirmation that includes information that differs in a significant way from the corresponding information given orally to CASA.

(5) If:
   (a) the ownership of an aircraft is transferred; and
   (b) the new owner does not make an application that complies with subregulation 47.110 (6) to be the new registration holder within 14 days after the transfer;

CASA must cancel the aircraft's registration at the end of that period.

47.135 Return of certificate of registration

(1) This regulation applies to:
   (a) a person who ceases to be the registration holder of an aircraft because the registration of the aircraft has lapsed or has been cancelled; and
(b) a person who:
   (i) under subregulation 47.110 (7), has received a new
certificate of registration of an aircraft; or
   (ii) under regulation 47.165, has received a certificate of
registration showing a new registration mark for an
aircraft.

(2) Within 14 days after the day on which the registration lapsed or
was cancelled, or CASA sent a certificate of registration
mentioned in paragraph (1) (b), the person must:
(a) return the old certificate of registration for the aircraft to
CASA; or
(b) if the old certificate of registration has been destroyed or
lost — give CASA a statutory declaration to that effect.

Maximum penalty: 1 penalty unit.

(3) An offence against subregulation (2) is an offence of strict
liability.

Subpart 47.G Reservation, assignment and
change of registration marks

47.140 Meaning of aircraft for Subpart 47.G

In this Subpart:
aircraft includes an aircraft that:
(a) has not yet been built; or
(b) is being built.

47.145 Reservation of registration mark

(1) The owner of an aircraft may ask CASA, in writing, to reserve
a particular registration mark for the aircraft, whether or not the
aircraft is registered.

(2) The request must be in an approved form and identify the
aircraft.
(3) On receiving a request, CASA must reserve the registration mark for the aircraft unless, under regulation 47.155, the mark must not be reserved for an aircraft.

Note: About registration marks generally; see Part 45.

(4) The reservation lapses if, 12 months after the day on which the registration mark was reserved, the aircraft is not registered and using the reserved mark.

(5) In subregulation (1), owner includes a person acting on behalf of, and at the direction or request of, the owner.

47.150 Assignment of registration mark

If a person applies for the registration of an aircraft, and:

(a) CASA has not reserved a registration mark for the aircraft under regulation 47.145; or

(b) the reservation of a registration mark for the aircraft has lapsed;

CASA must assign a registration mark to the aircraft before registering the aircraft.

47.155 Marks that must not be reserved or assigned

The following registration marks must not be reserved for, or assigned to, an aircraft:

(a) the registration mark of an Australian aircraft;

(b) a registration mark that has been reserved for an aircraft under regulation 47.145;

(c) a mark that has been assigned to a dealer;

(d) a mark that might be confused with any 5-letter combination used in Part II of the International Code of Signals;

(e) a mark that might be confused with any 3-letter combination beginning with Q used in the Q Code;

(f) a mark that might be confused with the distress signal SOS;
(g) a mark that might be confused with an urgency or safety signal.

Examples of urgency or safety signals
XXX, PAN and TTT.

47.160 Assigning reserved registration mark to unregistered aircraft

If the owner of an unregistered aircraft:
(a) reserves a registration mark for the aircraft; and
(b) makes an application that complies with regulation 47.060 for registration of the aircraft;
CASA must, if it registers the aircraft, give the applicant a certificate of registration showing the reserved mark.

47.165 Change of registration mark

(1) If the registration holder of a registered aircraft has reserved a registration mark (the reserved mark) for the aircraft:
(a) the holder; or
(b) if the registered operator has the written consent of the registration holder — the registered operator;
may apply to CASA to change the aircraft’s existing mark to the reserved mark.

(2) The application must:
(a) be received by CASA at least 14 days before the day on which the existing mark is proposed to be changed; and
(b) be in an approved form and include the following:
   (i) the aircraft’s existing mark;
   (ii) the aircraft’s manufacturer, model and serial number;
   (iii) the reserved mark;
   (iv) the date on which the existing mark is proposed to be changed;
(v) if the application is made by a person on behalf of
the registration holder or registered operator — the
name and address of the person making the
application.

(3) If CASA approves the application, CASA must give the
applicant a certificate of registration showing the new mark.

Subpart 47.H  Dealer’s marks

47.170 Definitions for Subpart 47.H

In this Subpart:

aircraft dealer includes a manufacturer or distributor of
aircraft.

dealer’s plate means a plate made by an aircraft dealer under
regulation 47.205.

47.175 Assignment of dealer’s marks

(1) This regulation sets out the way in which an aircraft dealer may
be assigned 1 or more marks for use on aircraft manufactured,
or being distributed or dealt with, by the dealer.

(2) An aircraft dealer may apply to be assigned a mark only if the
dealer is an eligible person.

(3) The application must be made in an approved form and must
include:

(a) the dealer’s name and address; and
(b) a declaration that the dealer is an eligible person; and
(c) evidence that the dealer is engaged in the manufacture,
sales or distribution of aircraft in Australia; and
(d) a request for a particular number of marks and a statement
explaining why the dealer needs that number of marks; and
(e) if the application is made by a person on behalf of the
dealer — the name and address of the person making the
application.
(4) If the application complies with subregulation (3), CASA must assign to the dealer:
   (a) the number of marks requested by the dealer; or
   (b) if CASA thinks that the dealer has applied for more marks than is reasonably required to undertake the dealer’s business — a lesser number of marks.

47.180 What marks may be assigned to dealers

A mark that is assigned to an aircraft dealer must be a mark that could be assigned to an aircraft as a registration mark.

47.185 Record of dealer’s marks

(1) CASA must keep a record of dealer’s marks that have been assigned to aircraft dealers.

(2) The information in the record must include:
   (a) the mark; and
   (b) the aircraft dealer’s name and address.

47.190 How long assignment to dealer remains in effect

The assignment of a dealer’s mark to an aircraft dealer has effect unless CASA revokes the assignment.

Nota For revocation of the assignment of a dealer’s mark: see regulation 47.225.

47.195 Certificate of assignment of dealer’s mark

(1) If CASA assigns a dealer’s mark to an aircraft dealer, CASA must give to the dealer a certificate stating that the mark is assigned to the dealer.

(2) Each such certificate must be for 1 dealer’s mark only.
47.200 **Loss of certificate of assignment of dealer's mark**

(1) If a certificate of assignment of a dealer’s mark, or a replacement certificate of assignment already given under this subregulation, has been lost or destroyed, or is so damaged that information on it is no longer clearly legible, CASA must give to the aircraft dealer to whom the mark was assigned a replacement certificate if the dealer applies in writing.

(2) If an application is made because a certificate or copy has been damaged, the dealer must return the damaged certificate or copy to CASA within 14 days after the dealer receives the replacement certificate.

(3) A replacement certificate must state that it is a true copy of the original certificate.

47.205 **Dealer's plate**

(1) If CASA assigns a dealer’s mark to an aircraft dealer, the dealer may make 1 dealer’s plate bearing that mark.

(2) The plate must:

(a) be a piece of stainless steel (or similar fireproof material) at least 100 mm by 160 mm and at least 1 mm thick; and

(b) be engraved with the following in sans serif capital letters:

(i) ‘VH-’ and the mark in letters at least 25 mm high;

(ii) ‘CIVIL AVIATION SAFETY AUTHORITY’ and ‘DEALER’S PLATE CASR 1998’ in letters at least 8 mm high;

set out as shown in the following diagram, in which the letters ‘ABC’ represent the mark:

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CIVIL AVIATION SAFETY AUTHORITY

VH-ABC

DEALER’S PLATE CASR 1998
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47.210 Use of dealer's marks

(1) An aircraft dealer to whom a dealer’s mark is assigned must use the mark only on an aircraft that:
   (a) is not currently registered in any country; and
   (b) was manufactured, or is being distributed or dealt with, by the dealer.

Maximum penalty: 10 penalty units.

(2) If title to, or possession of, an unregistered aircraft on which a dealer’s mark is being used passes to another person, the dealer must ensure that the plate is removed from the aircraft before the other person operates the aircraft.

Maximum penalty: 30 penalty units.

(3) The aircraft dealer must keep records showing:
   (a) the manufacturer, model and serial number of each aircraft on which the mark was used; and
   (b) the periods during which it was used on that aircraft.

Maximum penalty: 10 penalty units.

(4) The aircraft dealer must keep the records for 12 months after the end of the period during which the mark was used on an aircraft.

Maximum penalty: 10 penalty units.

(5) An offence against subregulation (1), (2), (3) or (4) is an offence of strict liability.

47.215 Aircraft taken to be registered

An unregistered aircraft on which a dealer’s mark is being used is taken to be registered during any period in which it is being operated in Australia if:

(a) the aircraft carries the corresponding dealer’s plate; and
(b) the possession of the aircraft remains with the dealer.

Note: Flying an unregistered aircraft may be an offence: see subsection 20AA (1) of the Act.
47.220 Annual report to CASA on aircraft using dealer's marks

(1) An aircraft dealer to whom a dealer's mark has been assigned must, within 1 month after the end of each reporting period, give CASA a report showing the manufacturer, model and serial number of each aircraft on which the mark was used during that period.

Maximum penalty: 30 penalty units.

(2) An offence against subregulation (1) is an offence of strict liability.

(3) In subregulation (1):

*reporting period* means:

(a) the period of 12 months beginning on the day on which the mark was assigned to the dealer; or

(b) each consecutive period of 12 months at the end of which the mark is still assigned to the dealer; or

(c) a period of less than 12 months beginning on the day on which the mark was assigned to the dealer, or an anniversary of that day, and ending on the day on which the assignment of the mark is revoked or otherwise ceases.

47.225 Revocation of assignment of dealer's mark etc

(1) CASA must revoke the assignment of a dealer's mark to a person if the person:

(a) asks it in writing to do so; or

(b) ceases to be an aircraft dealer, or an eligible person; or

(c) fails to comply with this Subpart.

(2) If CASA revokes such an assignment, it must tell the person in writing that it has done so.

(3) The person must return the certificate of assignment of the mark to CASA within 14 days after receiving the notice of the revocation.

Maximum penalty: 10 penalty units.
(4) An offence against subregulation (3) is an offence of strict liability.

[8] Subpart 202.BF

substitute

Subpart 202.BF Transitional provisions for Part 47 (Registration of aircraft and related matters)

202.220 Definitions for Subpart 202.BF

In this Subpart:

certificate of registration means a certificate of registration issued under the old Regulations.

eligible person has the meaning given by regulation 47.010.

old Regulations means CAR as in force immediately before 15 November 2004.

property interest has the meaning given by the old Regulations.

registered operator has the meaning given by regulation 47.100.

202.221 Continuation of Aircraft Register

(1) For Subpart 47.B, the Aircraft Register mentioned in regulation 8 of the old Regulations (the Aircraft Register) continues in existence under the name Australian Civil Aircraft Register.

(2) Entries made in the Aircraft Register under Part 3 of the old Regulations are incorporated in, and form part of, the Australian Civil Aircraft Register.

202.222 Reference to holder of a certificate of registration

(1) A reference in CAR to the holder of a certificate of registration of an aircraft is taken to be a reference to the registered operator of the aircraft.
(2) A duty imposed on the holder of a certificate of registration of an aircraft is taken to be imposed on the registered operator of the aircraft.

202.223 Registration under CAR to continue

(1) The registration of an aircraft in the Aircraft Register continues as if the old Regulations were still in force, until the earlier of the following:
   (a) 15 November 2005;
   (b) the day when CASA registers the aircraft under Part 47.

(2) However, CASA must not, after 15 November 2004, accept an application for a change of any details about an aircraft that are kept in the Aircraft Register, other than a change of address of the holder of the certificate of registration or a property interest holder.

(3) If the registration of an aircraft is suspended under the old Regulations, the suspension continues as if the old Regulations were still in force.

202.224 Pending applications or notices

(1) This regulation applies if:
   (a) before 15 November 2004, a person applied to CASA or sent CASA a notice under Part 3 of the old Regulations; and
   (b) on or after 15 November 2004, CASA had not decided about the application or acted on the notice.

(2) CASA must decide about the application or act on the notice as if the old Regulations were still in force.

202.225 Application to register aircraft under Part 47

(1) The owner of an aircraft that is registered in the Aircraft Register may apply to CASA to register the aircraft under Part 47.
(2) The application must be made in an approved form and include:
   (a) the aircraft’s registration mark, manufacturer, model and serial number; and
   (b) the name, address and signature of the owner of the aircraft; and
   (c) the registered operator’s name and postal address, and:
       (i) if the registered operator is an individual — his or her home address; or
       (ii) if the registered operator is a corporation — the address of the corporation’s registered office; and
   (d) the name, address and signature of the person who holds the certificate of registration; and
   (e) the name, address and signature of each person who holds a property interest in the aircraft.

(3) If CASA receives an application in accordance with subregulation (2), CASA must register the aircraft.

202.226 Registration of aircraft by CASA

(1) This regulation applies in relation to an aircraft that is not registered under Part 47 by 15 November 2005.

(2) If the person who holds the certificate of registration is an eligible person, CASA must register the aircraft under Part 47 as follows:
   (a) the person who holds the certificate of registration will be the registered operator;
   (b) the name of a person who is shown, in the Aircraft Register, as a property interest holder will be entered on the register as the owner of the aircraft and will be the aircraft registration holder.

(3) If the person who holds the certificate of registration is not an eligible person, the aircraft’s registration lapses.
authorisation

insert

*Australian Civil Aircraft Register* means the register established and maintained under regulation 47.025.


*omit*

regulation 13B of CAR.

*insert*

regulation 47.090.


*omit*

[12] Dictionary, Part 1, definition of dealer's mark

*omit*

regulation 47.125.

*insert*

regulation 47.175.


*omit*


*omit*

Part 3 of CAR.

*insert*

Part 47.
Dictionary, Part 1, definition of registration agent
omit

Dictionary, Part 1, definition of registration holder
before
Civil Aircraft Register
insert
Australian

Notes


These Regulations also amend (in Schedule 2) Statutory Rules 1998 No. 237, as amended by 1999 Nos. 166 (as amended by 1999 No. 262) and 262; 2000 Nos. 7, 204 (Item [7] of Schedule 2 was disallowed by the Senate on 8 November 2000) and 227; 2001 Nos. 34, 242 and 349 (as amended by 2002 No. 79); 2002 Nos. 167 (as amended by 2003 No. 58), 266, 268, 320, 321, 349 and 350; 2003 Nos. 58, 75, 189, 232, 240, 297 and 365; 2004 No. 4.