



Australian Government

Civil Aviation Safety Authority

Instrument number CASA EX45/19

I, WARREN CRAIG MARTIN, Acting Executive Manager, Regulatory Services & Surveillance, a delegate of CASA, make this instrument under regulations 11.160 and 11.205 of the *Civil Aviation Safety Regulations 1998*.

[Signed C. Martin]

Craig Martin

Acting Executive Manager, Regulatory Services & Surveillance

7 May 2019

CASA EX45/19 — Take off of Aircraft with Adherence of Frost or Ice Exemption 2019

1 Name

This instrument is *CASA EX45/19 — Take off of Aircraft with Adherence of Frost or Ice Exemption 2019*.

2 Duration

This instrument:

- (a) commences on the day after it is registered; and
- (b) is repealed at the earlier of:
 - (i) the commencement of the *Civil Aviation Safety Amendment (Part 91) Regulations 2018*; or
 - (ii) the end of 30 April 2022.

3 Repeal of CASA EX101/16

Instrument CASA EX101/16, *Exemption — take-off with traces of frost*, is repealed.

4 Exemption

- (1) The pilot in command of an aircraft is exempt from compliance with paragraph 244 (1) (c) of CAR.
- (2) The exemption in subsection (1) is subject to the conditions in section 5.

5 Conditions

- (1) The pilot in command of the aircraft must ensure that the aircraft does not begin a flight with frost or ice adhering to any of the aircraft's wings, flaps, control surfaces, rotors, propellers, horizontal stabilisers or vertical stabilisers.

- (2) The pilot in command of the aircraft must ensure that the aircraft does not begin a flight if:
 - (a) the aircraft has frost or ice adhering to the top of the aircraft's fuselage; and
 - (b) either:
 - (i) the aircraft has rear-mounted engines; or
 - (ii) the adherence of the frost or ice to the top of the aircraft's fuselage is a hazard to the safe operation of the aircraft for the flight.
- (3) Subsection (1) or (2) does not apply if the take-off for the flight is conducted in accordance with instructions in the aircraft's flight manual that relate to taking off under the conditions mentioned in that subsection.

Note **Flight manual** is defined in clause 37 of Part 2 of the CASR Dictionary.
