

Statutory Rules 1998 No. ¹h

237

Civil Aviation Regulations 1998

I, WILLIAM PATRICK DEANE, 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 ^h 1998.

15 July

^h
Governor-General WILLIAM DEANE

By His Excellency's Command,

MARK VAILE
Minister for Transport and Regional Development

PART 1—PRELIMINARY**Name of regulations**

1.1. These regulations are the *Civil Aviation Regulations 1998*.

Commencement

1.2. (1) Subparts F, G, J, K and O of Part 21 commence on 1 December 1998.

(2) The remainder of these regulations commence on 1 October 1998.

Harmonisation with FARs

1.3. (1) These regulations contain provisions based on the FARs.

(2) An object of these regulations is to harmonise certain parts of Australia's aviation safety law with the FARs.

(3) The words '*Source* FARs' below a regulation indicate that the regulation is based on the section of the FARs, as in force on 1 January 1997, stated after the words and, if the section number is followed by the word 'modified', the word indicates that the FARs section has been modified for the regulation.

*Example***Eligibility**

21.13 Any person is eligible to apply to CASA for a type certificate or type acceptance certificate.

Source FARs section 21.13 modified.

The words set out below the regulation in this example indicate that the regulation is based on section 21.13 of the FARs as in force on 1 January 1997 and that the FARs section has been modified for the regulation.

(4) If a word or expression is used in both a regulation and the FARs section on which the regulation is based, the meaning of the word or expression in the FARs section may be taken into account in interpreting the word or expression in the regulation, unless the contrary intention appears.

Definitions—the dictionary etc

1.4. (1) The dictionary at the end of these regulations defines certain words and expressions, and includes signpost definitions to words and expressions defined elsewhere in these regulations.

Note A signpost definition (eg *ATSO authorisation* see paragraph 21.601 (2) (b)) is included in the dictionary if the definition applies outside the regulation defining the word or expression.

(2) The dictionary is part of these regulations.

(3) A definition in these regulations applies to each use of the word or expression in these regulations, unless the contrary intention appears.

References to JAR

1.5. (1) In these regulations, a reference to JAR followed by a hyphen and a number, 1 or more letters, or a number and 1 or more letters, is a reference to the provision of the Joint Aviation Requirements as so numbered or lettered.

(2) In this regulation:

Joint Aviation Requirements means the Joint Aviation Requirements printed and distributed by the Civil Aviation Authority of the United Kingdom on behalf of the Airworthiness Authorities Steering Committee.

Availability of documents

1.6. Documents mentioned in these regulations may be obtained either from CASA or through the CASA website on the internet (URL: www.casa.gov.au).

Status of notes

1.7. A note in these regulations is explanatory, and is not part of the regulations.

PART 21—CERTIFICATION AND AIRWORTHINESS REQUIREMENTS FOR AIRCRAFT AND PARTS

Subpart A—General

Applicability

21.1. This Part deals with certification and airworthiness requirements, and includes:

- (a) rules dealing with type certificates, provisional type certificates, supplemental type certificates, type acceptance certificates, production certificates, certificates of airworthiness and export airworthiness approvals; and
- (b) rules governing the holders of certificates or approvals mentioned in paragraph (a); and
- (c) rules dealing with the approval of aircraft engines, propellers and certain materials, parts, processes, and appliances.

Source FARs section 21.1 modified.

Definition for Subpart

21.1A. In this Subpart:

instrument means an approval, authorisation, certificate or permit issued under this Part.

Application of Part

21.1B. This Part applies in relation to:

- (a) international air navigation; and
- (b) air navigation in relation to trade and commerce with other countries and among the States; and
- (c) air navigation conducted by a foreign corporation or a trading or financial corporation formed within the limits of the Commonwealth; and
- (d) air navigation within a Territory; and
- (e) air navigation to or from a Territory; and

- (f) any other air navigation that includes landing at, or taking off from, any place owned or acquired by the Commonwealth for public purposes; and
- (g) if the aircraft is a Commonwealth aircraft—any air navigation.

Falsification of applications, reports or records

21.2. A person must not make or cause to be made:

- (a) a fraudulent or intentionally false statement on an application for an instrument; or
- (b) an intentionally false entry in a record or report that is required to be kept, made, or used to show compliance with any requirement for the issue or the exercise of the privileges of an instrument; or
- (c) a reproduction for a fraudulent purpose of any instrument; or
- (d) an alteration for a fraudulent purpose of any instrument.

Penalty: 50 penalty units.

Source FARs section 21.2 modified.

Requests for information

21.2A. (1) CASA or an authorised person may, by written notice, require an applicant for an instrument to give CASA or the authorised person any written information or document necessary to decide the application.

(2) If CASA or an authorised person gives the applicant a notice, CASA or the authorised person is not required to consider, or further consider, the application until the applicant complies with the notice.

Applicants to be told about decisions

21.2B. (1) As soon as practicable after CASA or an authorised person decides an application for an instrument, CASA or the authorised person must tell the applicant in writing of its decision.

(2) If the decision is to refuse the application, CASA or the authorised person must also give the applicant written reasons for the decision, and tell the applicant that the applicant may apply to have the decision reviewed under regulation 201.4.

Note Regulation 201.4 provides for review of certain decisions by the Administrative Appeals Tribunal.

Suspension or cancellation of an instrument

21.2C. (1) CASA may suspend or cancel an instrument, by written notice given to its holder, if:

- (a) CASA is reasonably satisfied that the holder has made or caused to be made:
 - (i) a fraudulent or intentionally false statement on the application for the instrument; or
 - (ii) an intentionally false entry in a record or report that is required to be kept, made, or used to show compliance with any requirement for the issue or the exercise of the privileges of the instrument; or
 - (iii) a reproduction for a fraudulent purpose of any instrument; or
 - (iv) an alteration for a fraudulent purpose of any instrument; and
- (b) CASA has given the holder a show cause notice under regulation 21.2D in relation to the instrument; and
- (c) CASA has taken into account any representations made by or on behalf of the holder within the period stated in the notice.

(2) A notice must set out:

- (a) the grounds for the suspension or cancellation; and
- (b) in the case of a suspension—when the suspension stops having effect.

(3) An instrument that is suspended under this regulation has no force while it is suspended, but, if it was issued for a fixed term, the suspension period counts as part of the term.

(4) If CASA suspends an instrument under this regulation, the holder cannot use it to meet the requirements for the issue of any other instrument during the period of suspension.

Source FARs section 21.2 modified.

Show cause notices

21.2D. (1) CASA may give the holder of an instrument a show cause notice if there are reasonable grounds for believing that there are facts or circumstances that would justify the suspension or cancellation of the instrument under regulation 21.2C.

(2) A show cause notice must be in writing and must:

- (a) inform the holder of the facts or circumstances that, in CASA's opinion, would justify the suspension or cancellation of the instrument; and
- (b) invite the holder to show cause, within the period stated in the notice, why the instrument should not be suspended or cancelled.

(3) The period stated in the notice must be reasonable, having regard to all the circumstances of the case.

Cancellation of an instrument at the request of the holder

21.2E. (1) Despite any other provisions of these regulations, CASA must cancel an instrument if the holder of the instrument requests CASA, in writing, to do so.

(2) If CASA cancels a type certificate, provisional type certificate, type acceptance certificate or supplemental type certificate under this regulation, CASA must publish a notice in the *Gazette* stating:

- (a) that the certificate is cancelled; and
- (b) when the cancellation takes effect.

(3) The cancellation of a certificate mentioned in subregulation (2) takes effect on the day after the notice is published in the *Gazette*, or if a later day is stated in the request for cancellation, on the later day.

(4) The cancellation of any other instrument takes effect on the day when the request for cancellation is given to CASA or, if a later day is stated in the request, on the later day.

Reporting failures, malfunctions, and defects

21.3. (1) Except as provided in subregulation (4), the holder of a type certificate, a supplemental type certificate, an APMA or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any failure, malfunction, or defect in any of the following that it is aware has resulted in any of the occurrences listed in subregulation (3):

- (a) an aircraft, aircraft engine or propeller, or any other part or article manufactured by it;
- (b) a manufacturing process specified by it.

Penalty: 25 penalty units.

(2) The holder of a type certificate, a supplemental type certificate, an APMA, or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate, must report to CASA any defect in any aircraft, aircraft engine or propeller, or in any part, or article manufactured by it that has left its control and that it is aware could result in any of the occurrences listed in subregulation (3).

Penalty: 25 penalty units.

(3) For the purposes of establishing a contravention of subregulation (1) or (2), a person is taken to have been aware of a failure, malfunction or defect of a kind mentioned in the relevant subregulation if, having regard to a person's abilities, experience, qualifications and other attributes, and all the circumstances surrounding the alleged contravention of the subregulation, the person could reasonably have been expected to be aware of the failure, malfunction or defect.

(4) The following occurrences must be reported as provided in subregulations (1) and (2):

- (a) fires caused by a system or equipment failure, malfunction, or defect;

- (b) an engine exhaust system failure, malfunction, or defect which causes damage to the engine, adjacent aircraft structure, equipment, or components;
 - (c) the accumulation or circulation of toxic or noxious gases in the crew compartment or passenger cabin;
 - (d) a malfunction, failure, or defect of a propeller control system;
 - (e) a propeller or rotorcraft hub or blade structural failure;
 - (f) flammable fluid leakage in areas where an ignition source normally exists;
 - (g) a brake system failure caused by structural or material failure during operation;
 - (h) a significant aircraft primary structural defect or failure caused by any self-generating condition (for example, fatigue or corrosion);
 - (i) any abnormal vibration or buffeting caused by a structural or system malfunction, defect, or failure;
 - (j) an engine failure;
 - (k) any structural or flight control system malfunction, defect, or failure which causes an interference with normal control of the aircraft or which derogates from the flying qualities;
 - (l) a complete loss of more than one electrical power generating system or hydraulic power system during a given operation of the aircraft;
 - (m) a failure or malfunction of more than one attitude, airspeed, or altitude instrument during a given operation of the aircraft.
- (5) Subregulation (1) does not apply to:
- (a) failures, malfunctions, or defects that the holder of a type certificate, a supplemental type certificate, an APMA or an ATSO authorisation, or the licensee of a type certificate or supplemental type certificate:
 - (i) has reasonable grounds for believing were caused by improper maintenance, or improper usage; or
 - (ii) has reasonable grounds for believing were reported to CASA by another person under Part IVB of CAR 1988; or

- (iii) has already reported under the accident reporting provisions of the *Air Navigation Act 1920*; or
- (b) failures, malfunctions, or defects in aircraft, aircraft engines, propellers, or other parts or articles:
 - (i) manufactured by a foreign manufacturer under a type certificate of the kind mentioned in regulation 21.25 or 21.27 or issued under regulation 21.29, or a letter of ATSO design approval under regulation 21.617; or
 - (ii) imported into Australian territory under regulation 21.500, 21.500A, 21.502 or 21.502A.
- (6) For subregulations (1) and (2), a report must:
 - (a) be given to CASA, in writing, within 3 working days after the person required to make the report becomes aware, or could reasonably be expected to have become aware, that the failure, malfunction, or defect required to be reported has occurred; and
 - (b) include as much of the following information as is available and applicable:
 - (i) the aircraft's serial number;
 - (ii) the aircraft's registration mark;
 - (iii) when the failure, malfunction, or defect is associated with an article approved under an ATSO authorisation—the article serial number and model designation, as appropriate;
 - (iv) when the failure, malfunction, or defect is associated with an aircraft engine or propeller—the aircraft engine or propeller serial number, as appropriate;
 - (v) identification of the product model;
 - (vi) identification of the part, component, or system involved (including the part number);
 - (vii) the nature of the failure, malfunction, or defect.

(7) Whenever the investigation of an accident or service difficulty report shows that an article manufactured under an ATSO authorisation is unsafe because of a manufacturing or design defect, the manufacturer must, upon request of CASA, investigate the defect and report to CASA the results of its investigation and any action taken or proposed by the manufacturer to correct that defect.

Penalty: 25 penalty units.

(8) If action is required to correct the defect in an article manufactured under an ATSO, the manufacturer must submit to CASA the data necessary for the issue of an appropriate airworthiness directive.

Penalty: 10 penalty units.

Source FARs section 21.3 modified.

Aeroplane or rotorcraft flight manual

21.5. (1) With each aeroplane or rotorcraft that was not type certificated with an aeroplane or rotorcraft flight manual and that has had no flight time prior to 1 March 1979, either the holder of a type certificate or a supplemental type certificate, or the licensee of a type certificate, must give the owner, when the owner takes delivery of the aeroplane or rotorcraft from the holder or licensee, a current aeroplane or rotorcraft flight manual that is approved under these regulations and contains the information mentioned in subregulations (2) and (3).

Penalty: 10 penalty units.

(2) The aeroplane or rotorcraft flight manual must contain the operating limitations and information required to be furnished in an aeroplane or rotorcraft flight manual or in manual material, markings, and placards, by the applicable regulations under which the aeroplane or rotorcraft was type certificated.

(3) The maximum ambient atmospheric temperature for which engine cooling was demonstrated must be stated in the performance information section of the flight manual, if the applicable regulations under which the aircraft was type certificated do not require ambient temperature on engine cooling operating limitations in the flight manual.

Source FARs section 21.5 modified.

Subpart B—Type certificates and type acceptance certificates

Note A type certificate or a type acceptance certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

Applicability

21.11. This Subpart prescribes:

- (a) requirements for the issue of:
 - (i) type certificates for aircraft, aircraft engines and propellers; and
 - (ii) type acceptance certificates for aircraft; and
- (b) rules governing the holders of those certificates; and
- (c) rules dealing with the NAAs of foreign countries.

Source FARs section 21.11 modified.

Recognised foreign countries

21.12. Each of the following countries is a recognised country for these regulations:

- (a) Canada;
- (b) New Zealand;
- (c) The French Republic;
- (d) The Kingdom of the Netherlands;
- (e) The United Kingdom;
- (f) The United States of America.

Eligibility

21.13. Any person is eligible to apply to CASA for a type certificate or a type acceptance certificate.

Source FARs section 21.13 modified.

Issue of type certificate

21.13A. CASA must issue a type certificate (except a type certificate mentioned in regulation 21.29) to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.13, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

Recognition of foreign certification

21.14. Despite regulation 21.13A, CASA must not issue a type certificate mentioned in regulation 21.21, 21.24, or 21.25, for an aircraft manufactured in another country, if:

- (a) a type acceptance certificate may be issued for the aircraft under regulation 21.29A; or
- (b) a type certificate may be issued for the aircraft under regulation 21.29.

Application for type certificate

21.15. (1) An application for a type certificate must be made to CASA in a form and manner acceptable to CASA.

(2) An application for an aircraft type certificate must be accompanied by a three-view drawing of that aircraft and available preliminary basic data.

(3) An application for an aircraft engine type certificate must be accompanied by a description of the engine design features, the engine operating characteristics, and the proposed engine operating limitations.

Source FARs section 21.15 modified.

Special standards and other conditions on type certificates

21.16. (1) If CASA considers that some of the airworthiness standards mentioned in these regulations that are applicable to a particular type of aircraft, aircraft engine or propeller do not provide an adequate or appropriate safety standard for the aircraft, aircraft engine or propeller, CASA may issue a type certificate for it on condition that it complies with any special conditions that are necessary to establish a level of safety equivalent to that established under these regulations for comparable aircraft, aircraft engines or propellers.

(2) CASA may issue a type certificate for an aircraft, aircraft engine or propeller subject to any other conditions that are necessary in the interests of aviation safety.

(3) A condition imposed under subregulation (2) may include operational limitations.

(4) A special condition or other condition must be in writing, and set out in, or attached to, the type certificate.

(5) A person must not contravene a special condition or other condition of a type certificate.

Penalty for subregulation (5): 50 penalty units.

Source FARs section 21.16 modified.

Designation of applicable airworthiness standards

21.17. (1) An applicant for a type certificate for an aircraft mentioned in regulation 21.21 or 21.25, or an aircraft engine or propeller, must show that the aircraft, aircraft engine or propeller meets:

- (a) the applicable requirements of this Part, and of the airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35, that are effective on the date of application for that certificate unless:
 - (i) otherwise specified by CASA; or
 - (ii) compliance with later effective amendments is elected or required under this regulation; and
- (b) any special conditions imposed under regulation 21.16.

(2) For special classes of aircraft (airships and other non-conventional aircraft), including the engines and propellers installed thereon, for which airworthiness standards have not been prescribed in these regulations, the airworthiness standards are the portions of those airworthiness standards mentioned in Parts 22, 23, 25, 27, 29, 31, 32, 33 and 35 that CASA considers to be appropriate for the aircraft and applicable to a specific type design, or such airworthiness criteria as CASA may consider provide an equivalent level of safety to those Parts.

(3) An application for type certification of a transport category aircraft is effective for 5 years, and an application for any other type certificate is effective for 3 years, unless an applicant shows, before the application lapses, that the aircraft requires a longer period of time for design, development, and testing, and CASA approves a longer period.

(4) If an application ceases to be effective, the applicant may:

- (a) file a new application for a type certificate and comply with all the provisions of subregulation (1) applicable to an original application; or

- (b) file for an extension of the original application and comply with the applicable airworthiness requirements of these regulations that were effective on a date, to be selected by the applicant, not earlier than the date which precedes the date of issue of the type certificate by the time limit established under subregulation (3) for the original application.

(5) If an applicant elects to comply with an amendment to these regulations, or to any matter incorporated by reference in these regulations, that is effective after the filing of the application for a type certificate, the applicant must also comply with any other amendment or incorporated matter that CASA considers is directly related to the application.

(6) For primary category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.

(7) For intermediate category aircraft, the airworthiness standards are the airworthiness standards mentioned in Part 26 or such other airworthiness criteria that CASA considers are appropriate to the specific design and intended use and provide a level of safety acceptable to CASA when the aircraft is operated under the conditions stated in its type certification basis.

(8) If an airworthiness standard has been agreed by CASA or one of its predecessors after 30 September 1993 as a response to a design advice mentioned in section 100.3 or 100.6 of the Civil Aviation Orders, the standard continues to apply until 5 years after the date of approval of the design advice, unless the applicant elects to comply with a later standard.

Source FARs section 21.17 modified.

Changes requiring a new type certificate

21.19. (1) A type certificate for an aircraft, aircraft engine or propeller ceases to apply to an aircraft, aircraft engine or propeller of that type if:

- (a) a change is made in the design configuration, power, power limitations (engines), speed limitations (engines), or weight of the aircraft, aircraft engine or propeller that is so extensive that a substantially complete investigation of compliance with the requirements applicable under regulation 21.17 is necessary in the interests of aviation safety; or
- (b) in the case of a normal, utility, acrobatic, commuter or transport category aircraft, a change is made:
 - (i) in the number of its engines or rotors; or
 - (ii) to engines or rotors using different principles of propulsion or to rotors using different principles of operation; or
- (c) in the case of an aircraft engine—a change is made in the principle of operation; or
- (d) in the case of propellers—a change is made in the number of blades or principle of pitch change operation.

(2) A person who proposes to make a change mentioned in subregulation (1) may apply to CASA for a new type certificate for the aircraft, aircraft engine or propeller.

Source FARs section 21.1 modified.

Type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers

21.21. An applicant is entitled to a type certificate for an aircraft (except an aircraft mentioned in regulation 21.27) in the normal, utility, acrobatic, commuter, or transport category, or for a manned free balloon, or for a special class of aircraft or an aircraft engine or propeller, if:

- (a) the applicant submits the type design, test reports, and computations necessary to show that the aircraft, aircraft engine or propeller to be certificated meets the applicable requirements of this Part, the airworthiness standards mentioned in these regulations and any conditions subject to which the type certificate is to be issued; and
- (b) CASA is satisfied that the type design and the aircraft, engine or propeller meet the applicable requirements of this Part and the airworthiness standards mentioned in these regulations, and any airworthiness provisions not complied with are compensated for by factors that provide an equivalent level of safety; and
- (c) for an aircraft—CASA is satisfied the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

Source FARs section 21.21 modified.

Type certificate: primary category aircraft

21.24. (1) The applicant is entitled to a type certificate for an aircraft in the primary category if:

- (a) the aircraft:
 - (i) is unpowered; is an aeroplane powered by a single, naturally aspirated engine with a V_{SO} of 61 knots or less; or is a rotorcraft powered by a single, naturally aspirated engine with a 29.3 kgm^{-2} main rotor disc loading limitation, under sea level standard day conditions; and

- (ii) has a maximum take-off weight of not more than 1225 kg or, if the aircraft is a seaplane, a maximum take-off weight of not more than 1530 kg; and
- (iii) has a maximum seating capacity of not more than 4 persons, including the pilot; and
- (iv) has an unpressurised cabin; and
- (b) the applicant has submitted to CASA:
 - (i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.17 (6); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and
 - (ii) the flight manual required by regulation 21.5, including any information required to be furnished by the applicable airworthiness standards; and
 - (iii) instructions for continued airworthiness in accordance with subregulation 21.50 (2); and
 - (iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations the applicant must retain and make available under regulation 21.49 to substantiate compliance with the applicable airworthiness standards; and

(c) CASA is satisfied that:

- (i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.17 (6); and
- (ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

(2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-owner, as part of the aircraft's type design or supplemental type design.

(3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1) (b) (i) must be made by the NAA of the exporting country.

Source FARs section 21.24 modified.

Issue of type certificate: restricted category aircraft

21.25. (1) An applicant is entitled to a type certificate for an aircraft in the restricted category for one or more of the special purpose operations mentioned in subregulation (2) if:

- (a) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and
- (b) the aircraft:
 - (i) meets the airworthiness requirements of a category mentioned in paragraph 21.175 (a) except those requirements that CASA considers are inappropriate for the special purpose for which the aircraft is to be used; or

- (ii) is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America, and has been later modified for the special purpose operation or operations.
- (2) For subregulation (1), the special purpose operations are:
- (a) agricultural operations (for example, spraying, dusting, and seeding, and livestock and feral animal control); and
 - (b) forest and wildlife conservation; and
 - (c) firefighting; and
 - (d) aerial surveying or scientific research (for example, photography, mapping, and oil and mineral exploration); and
 - (e) patrolling (for example, pipelines, power lines, and canals); and
 - (f) weather control and atmospheric research (for example, cloud seeding); and
 - (g) aerial advertising (for example, skywriting, banner towing, airborne signs and public address systems); and
 - (h) glider towing; and
 - (i) target towing; and
 - (j) target designation; and
 - (k) any other operation similar to any of these operations.

Source FARs section 21.25 modified.

Type certificate: intermediate category aircraft

21.26. (1) The applicant is entitled to a type certificate for an aircraft in the intermediate category if:

- (a) the aircraft:
 - (i) is an aeroplane with a V_{SO} of 61 knots or less; or is a rotorcraft with a 29.3 kgm^{-2} main rotor disc loading limitation, under sea level standard day conditions; and
 - (ii) has a maximum take-off weight of not more than 1750 kg; and

- (iii) has a maximum seating capacity of 4 persons, including the pilot; and
 - (iv) has an unpressurised cabin; and
- (b) the applicant has submitted to CASA:
 - (i) except as provided by subregulation (3), a statement, in a form and manner acceptable to CASA, certifying that: the applicant has completed the engineering analysis necessary to demonstrate compliance with the applicable airworthiness requirements; the applicant has conducted appropriate flight, structural, propulsion, and systems tests necessary to show that the aircraft, its components, and its equipment are reliable and function properly; the type design complies with the airworthiness standards established for the aircraft under subregulation 21.17 (7); and the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use; and
 - (ii) the flight manual required by regulation 21.5, including any information required to be furnished by the applicable airworthiness standards; and
 - (iii) instructions for continued airworthiness in accordance with subregulation 21.50 (2); and
 - (iv) a report that: summarises how compliance with each provision of the type certification basis was determined; lists the specific documents in which the type certification data information is provided; lists all necessary drawings and documents used to define the type design; and lists all the engineering reports on tests and computations that the applicant must retain and make available under regulation 21.49 to substantiate compliance with the applicable airworthiness standards; and
- (c) CASA is satisfied that:
 - (i) the aircraft complies with the airworthiness standards or other criteria established under subregulation 21.17 (7); and

- (ii) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

(2) An applicant may include a special inspection and preventive maintenance program, designed to be accomplished by the pilot-owner, as part of the aircraft's type design or supplemental type design.

(3) For aircraft manufactured outside Australian territory in a country with which Australia has a bilateral agreement for the acceptance of these aircraft, and from which the aircraft is to be imported into Australian territory, the statement required by subparagraph (1) (b) (i) must be made by the NAA of the exporting country.

Source FARs section 21.24 modified.

Type certificate: surplus aircraft of the Armed Forces

21.27. (1) Except as provided in subregulation (2), an applicant is entitled to a type certificate for an aircraft in the normal, utility, acrobatic, commuter, or transport category that was designed and constructed in Australian territory and was accepted for operational use, and declared surplus by, the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America (in this regulation called a *surplus defence aircraft*), and that is shown to comply with the applicable certification requirements in subregulation (6).

(2) An applicant is entitled to a type certificate for a surplus defence aircraft that is a counterpart of a previously type certificated civil aircraft, if the applicant shows compliance with the regulations governing the original civil aircraft type certificate.

(3) Aircraft engines, propellers, and their related accessories installed in surplus defence aircraft, for which a type certificate is sought under this regulation will be approved for use on those aircraft if the applicant shows that on the basis of the previous military qualifications, acceptance, and service record, the engines or propellers provide substantially the same level of airworthiness as would be provided if the engines or propellers met the airworthiness standards mentioned in Part 33 or 35.

(4) CASA may relieve an applicant from strict compliance with a specific provision of the applicable requirements in subregulation (6), if CASA is satisfied that the method of compliance proposed by the applicant provides substantially the same level of airworthiness and that strict compliance with the requirements would impose a severe burden on the applicant. CASA may use experience that was satisfactory to the relevant armed force in making such a determination.

(5) CASA may require an applicant to comply with later requirements than those in subregulations (3) and (6) if CASA is satisfied that compliance with the requirements in those subregulations would not ensure an adequate level of airworthiness for the aircraft.

(6) Except as provided in subregulations (2), (3), (4) and (5), an applicant for a type certificate under this regulation must comply with the appropriate regulations listed in the following table:

Type of Aircraft	Date accepted for operational use by the Armed Force	Regulations that apply ¹
Small reciprocating-engine powered aeroplanes	Before May 16, 1956	Civil Air Regulations Part 3, as effective May 15 1956
	After May 15, 1956	Civil Air Regulations Part 3, or FARs Part 23, or CAR 1998 Part 23
Small turbine-engine powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 3, as effective Oct.1 1959
	After Oct. 1, 1959	Civil Air Regulations Part 3, or FARs Part 23, or CAR 1998 Part 23
Commuter category aeroplanes	After Feb. 17, 1987	FARs Part 23, as effective Feb 17, 1987, or CAR 1998 Part 23
Large reciprocating-engine powered aeroplanes	Before Aug. 26, 1955	Civil Air Regulations Part 4b, as effective Aug. 25, 1955
	After Aug. 25, 1955	Civil Air Regulations Part 4b, or FARs Part 25, or CAR 1998 Part 25

Type of Aircraft	Date accepted for operational use by the Armed Force	Regulations that apply ¹
Large turbine engine-powered aeroplanes	Before Oct. 2, 1959	Civil Air Regulations Part 4b, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 4b, or FARs Part 25, or CAR 1998 25
Rotorcraft with a maximum certificated take-off weight of:		
	2,722 kg or less	Before Oct. 2, 1959 After Oct. 1, 1959
		Civil Air Regulations Part 6, as effective Oct. 1, 1959 Civil Air Regulations Part 6, or FARs Part 27, or CAR 1998 Part 27
Over 2,722 kg	Before Oct. 2, 1959	Civil Air Regulations Part 7, as effective Oct. 1, 1959
	After Oct. 1, 1959	Civil Air Regulations Part 7, or FARs Part 29, or CAR 1998 Part 29.

¹ Where no specific date is listed, the applicable regulations are those in effect on the date that the first aircraft of the particular model was accepted for operational use by the relevant armed force.

Source FARs section 21.27 modified.

Type certificate for imported aircraft not type certificated by NAA of recognised country

21.29. (1) CASA may issue a type certificate for an aircraft manufactured in a foreign country and for which a type certificate issued by the NAA of a recognised country is not in force, if the aircraft:

- (a) meets the applicable airworthiness requirements mentioned in regulation 21.17; or
- (b) meets the airworthiness requirements of a Contracting State and any other requirements imposed by CASA that are necessary to provide a level of safety equivalent to that provided under these regulations for comparable aircraft.

(2) CASA may accept a certificate given by the NAA of a Contracting State to the effect that an aircraft meets the State's airworthiness requirements as evidence of that fact.

(3) An application for a type certificate under this regulation must be accompanied by:

- (a) any relevant certificate issued by the NAA of a Contracting State; and
- (b) the relevant technical data.

(4) CASA may inspect the aircraft and carry out, or require the applicant to carry out, any tests and inspections necessary to enable CASA to decide whether or not to issue the type certificate.

Source FARs section 21.29 modified.

Type acceptance certificate for imported aircraft certificated by NAA of recognised country

21.29A. Subject to regulations 21.29B and 21.29C, CASA must issue a type acceptance certificate for an aircraft manufactured in a foreign country, without making the type acceptance certificate subject to any conditions, if:

- (a) a foreign type certificate issued by the NAA of a recognised country is in force for aircraft of that type; and
- (b) the applicant has given CASA:
 - (i) evidence that the type design has been approved by the NAA of the recognised country by issue of a type certificate or equivalent document; and
 - (ii) details of any equivalent safety determinations or waivers (however described) that were made in the course of the type certification; and
 - (iii) a copy of the applicable type certificate data sheet; and
 - (iv) a copy of the flight manual that contains all the available options applicable to the type, and that was approved by the NAA that issued the foreign type certificate; and
 - (v) a copy of the manufacturer's instructions for continued airworthiness of the aircraft; and
 - (vi) a copy of the parts catalogue for the aircraft; and
 - (vii) a list of all current field service documents applicable to the aircraft; and
 - (viii) an undertaking from the holder of the foreign type certificate to continue to supply to CASA service bulletins and instructions for the continuing airworthiness of aircraft of that type and any amendments of the documents mentioned in subparagraphs (iv), (v), (vi) and (vii).

Issue of type acceptance certificates subject to conditions

21.29B. (1) CASA may issue a type acceptance certificate under regulation 21.29A subject to a condition that is substantially the same as a condition imposed by the NAA of a recognised country on the corresponding foreign type certificate.

(2) Also, CASA may issue a type acceptance certificate subject to other conditions if:

- (a) there are reasonable grounds for believing that issuing the certificate without imposing conditions or taking other measures would constitute a significant threat to aviation safety; and
- (b) CASA has consulted the applicant, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and
- (c) CASA has considered the views of the applicant, the manufacturer and the NAA before deciding whether or not to issue the type acceptance certificate subject to conditions; and
- (d) there are reasonable grounds for believing that imposing the conditions would substantially reduce the threat to aviation safety; and
- (e) there are no other practicable means of substantially reducing the threat to aviation safety.

(3) A condition may include operational limitations.

(4) A condition must be in writing, and set out in, or attached to, the type acceptance certificate.

(5) A person must not contravene a condition of a type acceptance certificate.

Penalty for subregulation (5): 50 penalty units.

Note The power of CASA to issue a type acceptance certificate subject to a condition under subregulation (2) must be exercised by the Director personally: see subregulation 201.2 (2).

Refusal to issue type acceptance certificate

21.29C. (1) CASA may refuse to issue a type acceptance certificate for an aircraft manufactured in a foreign country if:

- (a) there are reasonable grounds for believing that issuing the certificate would constitute a significant threat to aviation safety; and
- (b) CASA has consulted the applicant, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and
- (c) CASA has considered the views of the applicant, the manufacturer and the NAA before deciding whether to issue the type acceptance certificate; and
- (d) there are reasonable grounds for believing that issuing the certificate subject to conditions is not a practicable means of substantially reducing the threat to aviation safety and there are no other practicable means of substantially reducing the threat.

(2) If CASA refuses to issue a type acceptance certificate, CASA must deal with the application for the type acceptance certificate as if it were an application for a type certificate under regulation 21.29.

Note The power of CASA to refuse to issue a type acceptance certificate must be exercised by the Director personally: see subregulation 201.2 (2).

Type design—meaning

21.31. (1) The type design of an aircraft, aircraft engine or propeller (except an aircraft type certificated under regulation 21.29 or 21.29A) consists of the following:

- (a) the drawings and specifications approved by CASA or an authorised person, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the aircraft, aircraft engine or propeller shown to comply with the airworthiness standards applicable to it under regulation 21.17;
- (b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft, aircraft engine or propeller;

- (c) the airworthiness limitations section of the instructions for continued airworthiness as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35; or as otherwise required by CASA and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.17 (2);
 - (d) the operating limitations and other information necessary for the safe operation of the aircraft, aircraft engine or propeller as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29, 31, 32, 33 and 35 and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.17 (2);
 - (e) for primary and intermediate category aircraft, if maintenance on the aircraft is to be carried out by an appropriately rated and trained pilot-owner—a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;
 - (f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft, aircraft engines or propellers of the same type.
- (2) The type design for an aircraft type certificated under regulation 21.29 consists of the following:
- (a) the drawings and specifications accepted by CASA or an authorised person, and a listing of those drawings and specifications, necessary to define the configuration and the design features of the aircraft shown to comply with the airworthiness standards applicable to it under regulation 21.17;
 - (b) information on dimensions, materials, and processes necessary to define the structural strength of the aircraft;
 - (c) the airworthiness limitations section of the instructions for continued airworthiness as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29 and 31, or as otherwise required by CASA and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.17 (2);

- (d) the operating limitations and other information necessary for the safe operation of the aircraft as required by the airworthiness standards mentioned in Parts 22, 23, 25, 26, 27, 29 and 31, and as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.17 (2);
- (e) for primary category aircraft, if maintenance on the aircraft is to be carried out by an appropriately rated and trained pilot-owner—a special inspection and preventive maintenance program designed to be accomplished by the pilot-owner;
- (f) any other data necessary to allow, by comparison, the determination of the airworthiness of later aircraft of the same type.

(3) The type design for an aircraft type certificated under regulation 21.29A consists of the type design that was accepted by the NAA of the recognised country that issued the foreign type certificate for the aircraft.

Source FARs section 21.31 modified.

Inspection and tests

21.33. (1) CASA is not required to issue, under regulation 21.13A, a type certificate for an aircraft, aircraft engine or propeller unless the applicant allows CASA to make any inspection and any flight and ground test necessary to determine that the aircraft, aircraft engine or propeller complies with the applicable requirements of these regulations. However:

- (a) no aircraft, aircraft engine, propeller, or part thereof may be presented to CASA for test unless compliance with paragraphs (2) (b), (c) and (d) has been shown for that aircraft, aircraft engine, propeller, or part thereof; and
- (b) no change may be made to an aircraft, aircraft engine, propeller, or part thereof between the time that compliance with paragraphs (2) (b), (c) and (d) is shown for that aircraft, aircraft engine, propeller, or part thereof and the time that it is presented to CASA for test.

(2) Each applicant must make all inspections and tests necessary to determine:

- (a) compliance with the applicable airworthiness requirements; and
- (b) that the aircraft, aircraft engine or propeller and its materials conform to the specifications in the type design; and
- (c) that parts of the aircraft, aircraft engine or propeller conform to the drawings in the type design; and
- (d) that the manufacturing processes, construction and assembly conform to those specified in the type design.

(3) For an aircraft with not more than 2 seats, a maximum take-off weight not exceeding 750 kg and a V_{SO} of 45 knots or less that is to be type certificated in the primary category or intermediate category, an authorised person may make any determination, inspection, flight test or ground test necessary to establish whether the aircraft complies with the applicable requirements of these regulations.

Source FARs section 21.33 modified.

Flight tests

21.35. (1) Each applicant for a type certificate mentioned in regulation 21.21 (except a type certificate issued under regulation 21.29) must make the tests listed in subregulation (2). Before making the tests the applicant must show CASA:

- (a) compliance with the applicable structural requirements of these regulations; and
- (b) completion of necessary ground inspections and tests; and
- (c) that the aircraft conforms with the type design; and
- (d) that CASA received a flight test report from the applicant (signed, in the case of an application for a type certificate for an aircraft in the transport category, by the applicant's test pilot) containing the results of the tests.

(2) Upon showing compliance with subregulation (1), the applicant must make all flight tests that CASA considers are necessary:

- (a) to determine compliance with the applicable requirements of these regulations; and
- (b) for aircraft to be type certificated under these regulations, except gliders and except aeroplanes of 2720 kg or less maximum certificated weight in the normal, utility, acrobatic, or commuter category—to determine whether there is reasonable assurance that the aircraft, its components, and its equipment are reliable and function properly.

(3) Each applicant must, if practicable, make the tests prescribed in paragraph (2) (b) upon the aircraft that was used to show compliance with:

- (a) paragraph (2) (a); and
- (b) for rotorcraft—the rotor drive endurance tests prescribed in the applicable airworthiness standards mentioned in Parts 27 and 29.

(4) Each applicant must show CASA for each flight test (except in a glider or a manned free balloon) that adequate provision is made for the flight test crew for emergency egress and the use of parachutes.

(5) Except in a manned free balloon, an applicant must discontinue flight tests under this regulation until the applicant shows CASA that corrective action has been taken, whenever:

- (a) the applicant's test pilot is unable or unwilling to make any of the required flight tests; or
- (b) items of non-compliance with requirements are found that may make additional test data meaningless or that would make further testing unduly hazardous.

(6) The flight tests prescribed in paragraph (2) (b) must include:

- (a) for aircraft incorporating turbine engines of a type not previously used in a type certificated aircraft—at least 300 hours of operation with a full complement of engines that conform to a type certificate; and
- (b) for all other aircraft—at least 150 hours of operation.

Source FARs section 21.35 modified.

Flight test pilot

21.37. Each applicant for a type certificate mentioned in regulation 21.21 (except a type certificate issued under regulation 21.29) must provide a person holding an appropriate endorsement under regulation 5.22 of CAR 1988, or an appropriate permission under regulation 5.50 of CAR 1988, to make the flight tests required by this Part.

Source FARs section 21.37 modified.

Flight test instrument calibration and correction report

21.39. (1) Each applicant for a type certificate mentioned in regulation 21.21 (except a type certificate issued under regulation 21.29) must submit a report to CASA showing the computations and tests required in connection with the calibration of instruments used for test purposes and in the correction of test results to standard atmospheric conditions.

(2) Each applicant must allow CASA to conduct any flight tests that CASA is satisfied is necessary to check the accuracy of the report submitted under subregulation (1).

Source FARs section 21.39 modified.

Type certificate—meaning

21.41. (1) In these regulations, unless the contrary intention appears:

foreign type certificate, for an aircraft, aircraft engine or propeller:

- (a) means a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of a foreign country and is equivalent to a type certificate; but
- (b) does not include a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of a foreign country solely on the basis of a certificate (however described) for the aircraft, aircraft engine or propeller that is issued by the NAA of another country and is equivalent to a type certificate.

type certificate, for an aircraft, aircraft engine or propeller, means a type certificate issued under regulation 21.13A or 21.29 for the aircraft, aircraft engine or propeller.

(2) In these regulations, except in this Subpart, a reference to a *type certificate*, or *foreign type certificate*, for an aircraft, aircraft engine or propeller, includes a reference to the type design, the operating limitations, the type certificate data sheet, the applicable airworthiness standards with which the certificate records compliance, and any other conditions or limitations prescribed for the aircraft, aircraft engine or propeller under these regulations.

Source FARs section 21.41 modified.

Location of manufacturing facilities

21.43. Despite regulation 21.13A, CASA is not required to consider an application for a type certificate for an aircraft, aircraft engine or propeller (except an application under regulation 21.29) if the manufacturing facilities for the aircraft, aircraft engine or propeller are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering applicable airworthiness requirements.

Source FARs section 21.43 modified.

Transferability

21.47. (1) A type certificate may be transferred or made available to third persons by licensing agreements.

(2) A transferor or licensor must, within 30 days after the transfer of a certificate or execution or termination of a licensing agreement, notify CASA in writing.

Penalty: 5 penalty units.

(3) The notification must state the name and address of the transferee or licensee, the date of the transaction, and in the case of a licensing agreement, the extent of authority granted the licensee.

Penalty: 5 penalty units.

Source FARs section 21.47 modified.

Availability

21.49. The holder of a type certificate must make the certificate, and the type design of the aircraft, aircraft engine or propeller described or identified in the certificate, available for examination by CASA upon the request of CASA.

Penalty: 5 penalty units.

Source FARs section 21.49 modified.

Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections

21.50. (1) The holder of a type certificate for an aircraft for which an aircraft Maintenance Manual containing an "Airworthiness Limitations" section has been approved as part of the type design and who obtains approval of changes to any replacement time, inspection interval, or related procedure in that section of the manual must make particulars of the changes available upon request to any operator of the same type of aircraft.

(2) The holder of a design approval, including either the type certificate or supplemental type certificate for an aircraft, aircraft engine, or propeller must furnish at least one set of complete Instructions for Continued Airworthiness, prepared in accordance with the applicable airworthiness standards mentioned in Parts 22, 23, 25, 27, 26, 29, 31, 32, 33 and 35, or as specified in the applicable airworthiness criteria for special classes of aircraft mentioned in subregulation 21.17 (2), as applicable, to the owner of each type of aircraft, aircraft engine, or propeller upon its delivery, or upon issue of the first standard certificate of airworthiness for the affected aircraft, whichever occurs later, and thereafter, on request by a person required by these regulations to comply with any of the terms of the instructions, give them to the person. In addition, changes to the Instructions for Continued Airworthiness shall be made available to any person who requests the changes and who is required by these regulations to comply with any of those instructions.

Penalty: 5 penalty units.

Source FARs section 21.50 modified.

Type certificates and type acceptance certificates—duration and suspension or cancellation

21.51. (1) Subject to regulation 21.19, a type certificate or type acceptance certificate remains in force until it is cancelled.

(2) Despite subregulation (1), a type certificate or type acceptance certificate is not in force during any period of suspension.

(3) CASA may suspend or cancel a type certificate if there are reasonable grounds for believing that the type certificate no longer provides a reliable guide that the aircraft can reasonably be expected to be safe for its intended use when operated under any conditions limiting its intended use.

(4) CASA may suspend or cancel a type acceptance certificate if:

- (a) there are reasonable grounds for believing that not doing so would constitute a significant threat to aviation safety; and

- (b) CASA has consulted the operator of the aircraft, the manufacturer of the aircraft and the NAA that issued the foreign type certificate about the safety issues involved; and
 - (c) CASA has considered the views of the operator, the manufacturer and the NAA before deciding whether to suspend or cancel the type acceptance certificate.
- (5) If CASA suspends or cancels a type certificate it must:
- (a) notify the certificate holder in writing of the suspension or cancellation; and
 - (b) publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the *Gazette*.
- (6) If CASA suspends or cancels a type acceptance certificate CASA must publish a notice of the suspension or cancellation, in accordance with subregulation (8), in the *Gazette*.
- (7) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.
- (8) A notice of suspension or cancellation under paragraph (5) (b) or subregulation (6) must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) when the suspension or cancellation takes effect; and
 - (c) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.51 modified.

Note 1 The power of CASA to refuse to suspend or cancel a type acceptance certificate under subregulation (4) must be exercised by the Director personally: see subregulation 201.2 (2).

Note 2 See also regulations 21.2C and 21.2E in relation to suspension and cancellation of type acceptance certificates.

Statement of conformity

21.53. (1) Each applicant must submit to CASA a statement of conformity in a manner and form acceptable to CASA for each aircraft engine and propeller presented to CASA for type certification. This statement of conformity must include a statement that the aircraft engine or propeller conforms to the type design therefor.

(2) Each applicant must submit to CASA a statement of conformity for each aircraft or part thereof presented to CASA for tests. This statement of conformity must include a statement to the effect that the applicant has complied with subregulation 21.33 (1).

Source FARs section 21.53 modified.

Subpart C—Provisional type certificates

Note A provisional type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

Applicability

21.71. This Subpart prescribes:

- (a) requirements for the issue of provisional type certificates, approvals of amendments to provisional type certificates, and approvals of provisional amendments to type certificates; and
- (b) rules governing the holders of those certificates.

Source FARs section 21.71 modified.

Eligibility

21.73. (1) A manufacturer of aircraft manufactured in Australian territory is eligible to apply for a Class I or Class II provisional type certificate for the aircraft, for approval of an amendment to a Class I or Class II provisional type certificate held by the manufacturer, and for approval of a provisional amendment to a type certificate held by the manufacturer.

(2) Any manufacturer of aircraft manufactured in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import is eligible to apply for a Class II provisional type certificate, for approval of amendments to Class II provisional type certificates held by the manufacturer, and for approval of provisional amendments to type certificates held by the manufacturer.

(3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated aircraft engines manufactured by the manufacturer in Australian territory is eligible to apply for a Class I provisional type certificate for the aircraft, and for approval of amendments to Class I provisional type certificates held by the manufacturer, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, primary, intermediate, restricted or transport category.

Source FARs section 21.73 modified.

Application

21.75. Applications for provisional type certificates, for approval of amendments thereto, and for approval of provisional amendments to type certificates must be submitted in writing to CASA, and must be accompanied by the pertinent information specified in this Subpart.

Source FARs section 21.75 modified.

Issue of provisional type certificate

21.76. CASA must issue a provisional type certificate, or an approval of amendments to a provisional type certificate, or an approval of provisional amendments to a type certificate, to an applicant for the certificate or approval if the applicant:

- (a) is eligible, under regulation 21.73, to apply for the certificate or approval; and
- (b) applies for the certificate or approval in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate or approval; and
- (d) otherwise complies with this Part.

Duration

21.77. (1) Unless sooner superseded or cancelled, provisional type certificates and amendments thereto are effective for the periods specified in this regulation.

(2) A Class I provisional type certificate is effective for 24 months after the date of issue.

(3) A Class II provisional type certificate is effective for 12 months after the date of issue.

(4) An amendment to a Class I or Class II provisional type certificate is effective for the duration of the amended certificate.

(5) A provisional amendment to a type certificate is effective for 6 months after its approval or until the amendment of the type certificate is approved, whichever is first.

Source FARs section 21.77 modified.

Suspension and cancellation

21.78 (1) CASA may suspend or cancel a provisional type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.

(2) A notice must set out:

- (a) the grounds for the suspension or cancellation; and
- (b) in the case of a suspension—when the suspension stops having effect.

(3) Despite regulation 21.77, a provisional type certificate is not effective while it is suspended but the suspension period counts as part of a period mentioned in subregulation 21.77 (2) or (3).

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of provisional type certificates.

Transferability

21.79. Provisional type certificates are not transferable.

Source FARs section 21.79.

Requirements for issue and amendment of Class I provisional type certificates

21.81. (1) An applicant for a type certificate or a supplemental type certificate is entitled to the issue of a Class I provisional type certificate, or an approval of an amendment of a Class I provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the relevant aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:

- (a) established by the applicant under subregulation (4); and
- (b) in regulation 262AE of CAR 1988.

(2) The applicant must certify that:

- (a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate or supplemental type certificate applied for; and
- (b) the aircraft substantially meets the applicable flight characteristic requirements for the type certificate or supplemental type certificate applied for; and
- (c) the aircraft can be operated safely under the appropriate operating limitations specified in subregulation (1).

(3) The applicant must submit a report to CASA showing that the aircraft had been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate or supplemental type certificate applied for, and to establish that the aircraft can be operated safely in accordance with the limitations contained in these regulations.

(4) The applicant must establish all limitations required for the issue of the type certificate or supplemental type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.

(5) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(6) The applicant must show CASA that a prototype aircraft has been flown for at least 50 hours under an experimental certificate or under the auspices of the Defence Force, or an armed force of Canada, the United Kingdom or the United States of America. However, in the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Source FARs section 21.81 modified.

Requirements for issue and amendment of Class II provisional type certificates

21.83. (1) An applicant who manufactures an aircraft within Australian territory, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:

- (a) set out in the provisional aircraft flight manual (if any) required by subregulation (7); and
- (b) in regulation 262AE of CAR 1988.

(2) An applicant who manufactures an aircraft in a country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for a type certificate for the aircraft in the transport category, is entitled to the issue of a Class II provisional type certificate, or an approval of an amendment to a Class II provisional type certificate, if the NAA of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements of subregulation (5) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated in accordance with the limitations:

- (a) in the provisional aircraft flight manual (if any) required by subregulation (7); and
- (b) in regulation 262AE of CAR 1988.

(3) The applicant must hold a type certificate for at least one other aircraft in the same transport category as the subject aircraft.

(4) The flight test program to be carried out for the purposes of the type certificate or the flight test program conducted by the authorities of the country in which the aircraft was manufactured, with respect to the issue of a type certificate for that aircraft, must be in progress.

(5) The applicant or, in the case of a foreign manufactured aircraft, the NAA of the country in which the aircraft was manufactured, must certify that:

- (a) the aircraft has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate applied for; and
- (b) the aircraft substantially complies with the applicable flight characteristic requirements for the type certificate applied for; and
- (c) the aircraft can be operated safely under the appropriate operating limitations in these regulations.

(6) The applicant must submit a report to CASA showing that the aircraft has been flown in all manoeuvres necessary to show compliance with the flight requirements for the issue of the type certificate and to establish that the aircraft can be operated safely in accordance with the limitations in these regulations.

(7) The applicant must prepare a provisional aircraft flight manual containing all limitations required for the issue of the type certificate applied for, including limitations on weights, speeds, flight manoeuvres, loading, and operation of controls and equipment unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.

(8) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(9) The applicant must show CASA that a prototype aircraft has been flown for at least 100 hours. In the case of an approval of an amendment to a provisional type certificate, CASA may reduce the number of required flight hours.

Source FARs section 21.83 modified.

Provisional amendments to type certificates

21.85. (1) An applicant who manufactures an aircraft within Australian territory, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the applicant shows compliance with this regulation and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these regulations.

(2) An applicant who manufactures an aircraft in a foreign country with which Australia has an agreement for the acceptance of those aircraft for export and import, and who applies for an amendment to the type certificate for the aircraft, is entitled to a provisional amendment to the type certificate if the NAA of the country in which the aircraft was manufactured certifies that the applicant has shown compliance with this regulation and that the aircraft meets the requirements mentioned in subregulation (4) and CASA is satisfied that the aircraft can reasonably be expected to be safe for its intended use when operated under the appropriate limitations contained in these regulations.

(3) The flight test program approved by CASA, or conducted under the agreement by the authorities of the country in which the aircraft was manufactured, with respect to the amendment of the type certificate, must be in progress.

(4) The applicant or, in the case of foreign manufactured aircraft, the NAA of the country in which the aircraft was manufactured, must certify that:

- (a) the modification involved in the amendment to the type certificate has been designed and constructed in accordance with the airworthiness requirements applicable to the issue of the type certificate for the aircraft; and

- (b) the aircraft incorporating the modification substantially complies with the applicable flight characteristic requirements for the type certificate; and
- (c) the aircraft can be operated safely under the appropriate operating limitations in these regulations.

(5) The applicant must submit a report to CASA showing that the aircraft incorporating the modifications involved has been flown in all manoeuvres necessary to show compliance with the flight requirements applicable to those modifications and to establish that the aircraft can be operated safely in accordance with the limitations mentioned in regulation 262AE of CAR 1988.

(6) The applicant must establish and publish, in a provisional aircraft flight manual or other document and on appropriate placards, all limitations required for the issue of the type certificate applied for, including weight, speed, flight manoeuvres, loading, and operation of controls and equipment, unless, for each limitation not established, appropriate operating restrictions are established for the aircraft.

(7) The applicant must establish an inspection and maintenance program for the continued airworthiness of the aircraft.

(8) The applicant must operate a prototype aircraft, modified in accordance with the corresponding amendment to the type certificate, for the number of hours found necessary by CASA in the particular case.

Source FARs section 21.85 modified.

Subpart D—Changes to type certificates**Applicability**

21.91. This Subpart deals with the approval of changes to type certificates.

Source FARs section 21.91 modified.

Classification of changes in type design

21.93. Changes in type design are classified as minor or major. A *minor change* is one that has no appreciable effect on the weight, balance, structural strength, reliability, operational characteristics, or other characteristics affecting the airworthiness of an aircraft, aircraft engine or propeller. All other changes are *major changes*.

Source FARs section 21.93 modified.

Approval of minor changes in type design

21.95. Minor changes in a type design may be approved by CASA or an authorised person under a method acceptable to CASA before any substantiating or descriptive data is submitted to CASA for inclusion in the type design.

Source FARs section 21.95 modified.

Eligibility for approval of major changes in type design

21.97. (1) The holder of a type certificate for an aircraft, aircraft engine or propeller is eligible to apply to CASA or an authorised person for approval of a major change in the type design of the aircraft, aircraft engine or propeller.

- (2) An applicant is entitled to the approval if the applicant:
 - (a) submits with the application substantiating data and necessary descriptive data for inclusion in the type design; and
 - (b) complies with regulation 21.101.

(3) Approval of a major change in the type design of an aircraft engine is limited to the specific engine configuration upon which the change is made unless the applicant identifies in the necessary descriptive data for inclusion in the type design the other configurations of the same engine type for which approval is requested and shows that the change is compatible with the other configurations.

Source FARs section 21.97 modified.

Issue of approval of major change in type design

21.98. (1) CASA, or an authorised person, must approve a major change in the type design of an aircraft, aircraft engine or propeller if the applicant for the approval:

- (a) is eligible, under subregulation 21.97 (1), to apply for the approval; and
- (b) applies for the approval in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the approval; and
- (d) otherwise complies with this Part.

(2) If an approval is issued, CASA must give the applicant notice of the approval.

(3) An approval takes effect when the notice is given to the applicant.

Required design changes

21.99. (1) If an airworthiness directive is issued for an aircraft, aircraft engine or propeller, the holder of the type certificate for the aircraft, aircraft engine or propeller must:

- (a) if CASA considers that design changes are necessary to correct the unsafe condition of the aircraft, aircraft engine or propeller—on CASA's request, submit appropriate design changes for approval; and
- (b) on approval of the design changes, and on request by an operator of an affected aircraft, aircraft engine or propeller previously certificated under the type certificate, give the descriptive data covering the changes to the operator.

Penalty: 50 penalty units.

(2) In a case where there are no current unsafe conditions, but CASA or the holder of the type certificate is satisfied through service experience that changes in type design will contribute to the safety of the aircraft, aircraft engine or propeller, the holder of the type certificate may submit appropriate design changes for approval. Upon approval of the changes, and on request by an operator of the same type of aircraft, aircraft engine or propeller, the manufacturer must give information on the design changes to the operator.

Penalty: 5 penalty units.

Source FARs section 21.99 modified.

Designation of applicable regulations

21.101. (1) An applicant for approval of a change in the type design described or identified in a type certificate must comply with either:

- (a) the regulations mentioned in the type certificate; or
- (b) the applicable regulations in effect on the date of the application, plus any other amendments that CASA is satisfied are directly related.

(2) If CASA is satisfied that a proposed change consists of a new design or a substantially complete redesign of a component,

equipment installation, or system installation, and that the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller do not provide adequate standards with respect to the proposed change, the applicant must comply with:

- (a) the applicable provisions of these regulations, in effect on the date of the application for the change, that CASA is satisfied are necessary to provide a level of safety equivalent to that established by the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller; and
- (b) any special conditions, and amendments to those special conditions, prescribed by CASA to provide a level of safety equal to that established by the regulations mentioned in the type certificate for the aircraft, aircraft engine or propeller.

(3) Unless otherwise required by subregulation 21.19 (1), an applicant for a change to a type certificate for a transport category aeroplane involving the replacement of reciprocating engines with the same number of turbopropeller powerplants must comply with the provisions of Part 25 of the FARs for the aeroplane as type certificated with reciprocating engines, and with the following:

- (a) the certification performance requirements prescribed in sections 25.101 to 25.125 (inclusive) and 25.149, 25.1533, 25.1583, and 25.1587 of Part 25 of the FARs;
- (b) the powerplant requirements of Part 25 of the FARs that apply to turbopropeller engine-powered aeroplanes;
- (c) the requirements of Part 25 of the FARs for the standardisation of cockpit controls and instruments, unless CASA is satisfied that compliance with a particular detailed requirement would be impractical and would not contribute materially to standardisation;
- (d) any other requirement of Part 25 of the FARs that applies to turbopropeller engine-powered aeroplanes that CASA is satisfied relates to the changes in engines and that is necessary to ensure a level of safety equal to that of the aeroplane certificated with reciprocating engines.

(4) For each new limitation established with respect to weight, speed, or altitude that is significantly altered from those approved for the aeroplane with reciprocating engines, the applicant

must show compliance with the requirements of Part 25 of the FARs applicable to the limitations being changed.

Source FARs section 21.101 modified.

Subpart E—Supplemental type certificates

Note A supplemental type certificate issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

Applicability

21.111. This Subpart prescribes requirements for the issue of supplemental type certificates.

Source FARs section 21.111 modified.

Eligibility for supplemental type certificate

21.113. (1) Any person is eligible to apply to CASA for a supplemental type certificate for the approval of the design of a major change to a type certificated aircraft, aircraft engine or propeller, if the change is not great enough to require an application for a new type certificate under regulation 21.19.

(2) The holder of the type certificate for the aircraft, aircraft engine or propeller may apply for amendment of the type certificate instead of applying for a supplemental type certificate.

(3) An application must be made in a form and manner acceptable to CASA.

Source FARs section 21.113 modified.

Issue of supplemental type certificate

21.113A. CASA must issue a supplemental type certificate to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.113, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

Foreign supplemental type certificates

21.114. A certificate (however described) for an aircraft, aircraft engine or propeller that is issued by or for the NAA of a recognised country and is equivalent to a supplemental type certificate that could have been issued by CASA (a *foreign supplemental type certificate*) is taken to have been issued by CASA for these regulations.

Applicable requirements

21.115. (1) Each applicant for a supplemental type certificate must show that the altered aircraft, aircraft engine or propeller meets the applicable airworthiness requirements mentioned in subregulation 21.101 (1) and (2).

(2) Regulations 21.33 (Inspections and tests) and 21.53 (Statement of conformity) apply in relation to the application, with respect to each change in the type design, as if it were an application for a type certificate under Subpart B of this Part.

Source FARs section 21.115 modified.

Entitlement to supplemental type certificates

21.117. (1) An applicant is entitled to a supplemental type certificate if the applicant meets the requirements of regulations 21.113 and 21.115.

- (2) A supplemental type certificate is taken to consist of:
 - (a) the type certificate previously issued for the aircraft, aircraft engine or propeller; and
 - (b) each change in the type design of the aircraft, aircraft engine or propeller described or identified in the supplemental type certificate.

Source FARs section 21.117 modified.

Duration, suspension and cancellation of supplemental type certificates

21.118. (1) A supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled or the type certificate previously issued for the aircraft, aircraft engine or propeller is cancelled, whichever happens first.

(2) Despite subregulation (1), a supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller.

(3) CASA may suspend or cancel a supplemental type certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.

(4) If CASA suspends or cancels a supplemental type certificate it must publish a notice of the suspension or cancellation in the *Gazette*.

(5) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.

- (6) A notice under subregulation (3) or (4) must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) when the suspension or cancellation takes effect; and
 - (c) in the case of a suspension—when the suspension stops having effect.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of supplemental type certificates.

Duration, suspension and cancellation of foreign supplemental type certificates

21.119. (1) A foreign supplemental type certificate for an aircraft, aircraft engine or propeller remains in force until it is cancelled by CASA or the NAA of the relevant recognised country.

(2) Despite subregulation (1), a foreign supplemental type certificate for an aircraft, aircraft engine or propeller is not in force during any period of suspension or any period of suspension of the type certificate previously issued for the aircraft, aircraft engine or propeller.

(3) CASA may suspend or cancel a foreign supplemental type certificate if CASA considers that it is necessary to do so in the interests of aviation safety.

(4) If CASA suspends or cancels a foreign supplemental type certificate it must publish a notice of the suspension or cancellation in the *Gazette*.

(5) A suspension or cancellation takes effect on the day after the notice is published in the *Gazette*.

- (6) A notice must set out:
 - (a) the grounds for the suspension or cancellation; and
 - (b) when the suspension or cancellation takes effect; and
 - (c) in the case of a suspension—when the suspension stops having effect.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of foreign supplemental type certificates.

Subpart F—Production under type certificate only

Applicability

21.121. (1) This Subpart prescribes rules for the production of an aircraft, aircraft engine or propeller under a type certificate only.

(2) For this Subpart, a person manufactures an aircraft, aircraft engine or propeller under a type certificate only if the person is the holder, or licensee, of a type certificate, but not a production certificate, for the aircraft, aircraft engine or propeller.

Source FARs section 21.121 modified.

Note Subpart G deals with production certificates.

Production under type certificate

21.123. (1) Each manufacturer of an aircraft, aircraft engine or propeller being manufactured under a type certificate only must:

- (a) make each aircraft, aircraft engine or propeller available for inspection by CASA; and
- (b) maintain at the place of manufacture the technical data and drawings necessary for CASA to determine whether the aircraft, aircraft engine or propeller and its parts conform to the type design; and
- (c) establish and maintain an approved production inspection system that:
 - (i) meets the requirements of subregulation 21.125 (2); and
 - (ii) ensures that each aircraft, aircraft engine or propeller manufactured under the type certificate more than 6 months after it was issued conforms to the type design and is in a condition for safe operation; and
- (d) upon the establishment of the approved production inspection system—submit to CASA a manual that describes the system and the means for meeting the requirements of subregulation 21.125 (2).

Penalty: 25 penalty units.

(2) Each manufacturer may apply to CASA for an extension of the period of 6 months mentioned in subparagraph (1) (c) (ii).

(3) CASA may extend the period in a particular case if unusual or extenuating circumstances prevent the manufacturer from establishing an approved production inspection system within 6 months after the issue of the type certificate.

Source FARs section 21.123 modified.

Production inspection system: Materials Review Board

21.125. (1) Each manufacturer required to establish a production inspection system under paragraph 21.123 (1) (c) must:

- (a) establish a Materials Review Board (to include representatives from the manufacturer's inspection and engineering departments) and materials review procedures; and
- (b) maintain complete records of Materials Review Board action for at least two years after the action was taken.

Penalty: 50 penalty units.

(2) The production inspection system must provide for the following:

- (a) ensuring that incoming materials, and bought or subcontracted parts, used in the finished aircraft, aircraft engine or propeller comply with the specifications in the type design data, or are suitable equivalents;
- (b) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined;
- (c) suitable storage and adequate protection of materials subject to damage and deterioration;
- (d) carrying out processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller in accordance with acceptable industry or Australian specifications;
- (e) inspecting parts and components during production for conformity with the type design data at points in the process where accurate determinations can be made;

- (f) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;
- (g) ensuring that design changes, including material substitutions, are controlled before being incorporated in a finished aircraft, aircraft engine or propeller;
- (h) segregating, identifying, marking and disposing of rejected materials and parts in a manner that precludes installation in the finished aircraft, aircraft engine or propeller;
- (i) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in a finished aircraft, aircraft engine or propeller;
- (j) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary;
- (k) maintaining inspection records, identified with the finished aircraft, aircraft engine or propeller where practicable, and retaining them for at least 2 years.

Source FARs section 21.125 modified.

Tests: aircraft

21.127. (1) Each person manufacturing aircraft under a type certificate only must establish an approved production flight test procedure and flight check-off form, and in accordance with that form, flight test each aircraft produced.

Penalty: 25 penalty units.

(2) Each production flight test procedure must include the following:

- (a) an operational check of the trim, controllability, or other flight characteristics to establish that the production aircraft has the same range and degree of control as the prototype aircraft;

- (b) an operational check of each part or system operated by the crew while in flight to establish that, during flight, instrument readings are within normal range;
- (c) a determination that all instruments are properly marked, and that all placards and required flight manuals are installed after flight test;
- (d) a check of the operational characteristics of the aircraft on the ground;
- (e) a check on any other items peculiar to the aircraft being tested that can best be done during the ground or flight operation of the aircraft.

Source FARs section 21.127 modified.

Tests: aircraft engines

21.128. (1) Each person manufacturing aircraft engines (except rocket engines) under a type certificate only must subject each engine to an acceptable test run that includes the following:

- (a) break-in runs that include a determination of fuel and oil consumption and a determination of power characteristics at rated maximum continuous power or thrust and, if applicable, at rated take-off power or thrust;
- (b) at least five hours of operation at rated maximum continuous power or thrust, including, for engines having a rated take-off power or thrust higher than rated maximum continuous power or thrust, 30 minutes at rated take-off power or thrust.

(2) The test runs required by subregulation (1) may be made with the engine appropriately mounted and using current types of power and thrust measuring equipment.

(3) A person manufacturing rocket engines under a type certificate only must establish a sampling technique for testing the engines.

Penalty: 25 penalty units.

Source FARs section 21.128 modified.

Tests: variable pitch propellers

21.129. Each person manufacturing variable pitch propellers under a type certificate only must give each propeller an acceptable functional test to determine if it operates properly throughout the normal range of operation.

Penalty: 25 penalty units.

Source FARs section 21.129 modified.

Statement of conformity

21.130. (1) Each holder or licensee of a type certificate for a type of aircraft, aircraft engine or propeller must give CASA a statement of conformity, in a form acceptable to CASA, for each aircraft, aircraft engine or propeller manufactured under the type certificate only:

- (a) when the holder or licensee applies for the original issue of an aircraft certificate of airworthiness or an aircraft engine or propeller airworthiness tag/release note for the aircraft, aircraft engine or propeller; or
- (b) if the holder or licensee transfers the ownership of the aircraft, aircraft engine or propeller without applying for an airworthiness tag/release note for it—when the ownership of the aircraft, aircraft engine or propeller is transferred.

(2) The statement of conformity must be signed by a person who holds a responsible position in the manufacturing organisation and has been authorised by the manufacturer to sign the statement, and must include:

- (a) for each aircraft, aircraft engine or propeller, a statement that it conforms to its type certificate and is in a condition for safe operation; and
- (b) for each aircraft, a statement that the aircraft has been flight checked; and
- (c) for each aircraft engine or variable pitch propeller, a statement that the engine or propeller has been subjected by the manufacturer to a final operational check.

(3) However, in the case of an aircraft, aircraft engine or propeller manufactured for the Defence Force, or for an armed force of Canada, the United Kingdom or the United States of America, a statement of conformity is not required if the aircraft, aircraft engine or propeller has been accepted by the relevant force.

Source FARs section 21.130 modified.

Records to be kept by manufacturer

21.130A. (1) A person who manufactures an aircraft, aircraft engine or propeller under a type certificate only must keep, at the place of manufacture, the following current records for the aircraft, aircraft engine or propeller:

- (a) a technical data file that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report and any amendments to that report;
- (b) the information required to prepare the statement of conformity mentioned in regulation 21.130;
- (c) a complete inspection record, the serial number, and data covering the processes and tests to which materials and parts are subjected;
- (d) a record of service difficulties reported to the manufacturer.

(2) The records mentioned in paragraphs (1) (a) and (b) must be kept for the period in which aircraft, aircraft engines or propellers are manufactured by the person under the type certificate.

(3) The records mentioned in paragraphs (1) (c) and (d) must be kept for 2 years after the aircraft, aircraft engine or propeller to which the records relate was manufactured.

(4) On CASA's request, the records must be made available for examination by CASA.

(5) If the manufacturer stops manufacturing aircraft, aircraft engines or propellers under the type certificate (except if the manufacturer continues manufacturing under a production certificate), the manufacturer must send the records to CASA as soon as practicable after manufacturing stops.

Penalty: 50 penalty units.

Source FARs section 21.293 modified.

Subpart G—Production certificates**Applicability**

21.131. This Subpart prescribes requirements for the issue of production certificates and rules governing production of aircraft, aircraft engines and propellers by the holders of those certificates.

Source FARs section 21.131 modified.

Eligibility

21.133. (1) A person is eligible to apply for a production certificate for an aircraft, aircraft engine or propeller if the person holds:

- (a) a current type certificate for the aircraft, aircraft engine or propeller; or
- (b) the right, under a licensing agreement, to the benefits of the type certificate for the aircraft, aircraft engine or propeller; or
- (c) a supplemental type certificate for the aircraft, aircraft engine or propeller.

(2) An application for a production certificate must be in a form and manner acceptable to CASA.

Source FARs section 21.133 modified.

Issue of production certificate

21.134. (1) CASA must issue a production certificate to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.133, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

(2) CASA may issue the production certificate subject to any conditions that CASA considers necessary in the interests of aviation safety.

(3) Any conditions must be in writing and set out in, or attached to, the production certificate.

(4) A person must not contravene a condition set out in the production certificate.

Penalty for subregulation (4): 50 penalty units.

Requirements for entitlement

21.135. (1) An applicant is entitled to a production certificate if CASA is satisfied that the applicant has complied with regulations 21.139 and 21.143 in relation to the aircraft, aircraft engine or propeller to be manufactured under the certificate.

(2) CASA may inspect the applicant's organisation and manufacturing facilities to determine whether the applicant has complied with regulations 21.139 and 21.143.

Source FARs section 21.135 modified.

Location of manufacturing facilities

21.137. Despite subregulation 21.134 (1), CASA is not required to issue a production certificate if the manufacturing facilities concerned are located outside Australian territory, unless there is no undue burden on CASA in administering the applicable requirements of these regulations.

Source FARs section 21.137 modified.

Quality system

21.139. The applicant must show that the applicant has established and can maintain a quality system so that each aircraft, aircraft engine or propeller to be manufactured under the production certificate will conform to the type design for the aircraft, aircraft engine or propeller.

Source FARs section 21.139 modified.

Quality system data requirements: prime manufacturer

21.143. (1) Each applicant must submit to CASA, for approval, a manual describing the inspection and test procedures necessary to ensure that each aircraft, aircraft engine or propeller manufactured under the production certificate conforms to the type design and is in a condition for safe operation, including as applicable:

- (a) a statement describing assigned responsibilities and delegated authority of the quality system organisation, together with a chart indicating the functional relationship of the quality system organisation to management and to other organisational components, and indicating the chain of authority and responsibility within the quality system organisation; and
- (b) a description of inspection procedures for raw materials, purchased items, and parts and assemblies produced by manufacturers' suppliers including methods used to ensure acceptable quality of parts and assemblies that cannot be completely inspected for conformity and quality when delivered to the production certificate holder's plant; and
- (c) a description of the production inspection system for individual parts and complete assemblies, a description of the methods used for the identification of any special manufacturing processes involved, the means used to control the processes, the final test procedure for the complete aircraft, aircraft engine or propeller, and, in the case of aircraft, a copy of the manufacturer's production flight test procedures and check-off list; and
- (d) an outline of the materials review system, including the procedure for recording decisions of the Material Review Board and for disposing of rejected parts; and

- (e) an outline of a system for informing company inspectors of current changes in engineering drawings, specifications, and quality system procedures; and
- (f) a list or chart showing the location and type of inspection stations.

(2) The holder of a production certificate must, on the request of CASA, make available to CASA information regarding all delegation of authority to suppliers to make major inspections of parts or assemblies for which the holder is responsible.

Penalty for subregulation (2): 25 penalty units.

Source FARs section 21.143 modified.

Production inspection system

21.144. The production inspection system mentioned in paragraph 21.143 (1) (c) must provide for the following:

- (a) properly identifying incoming materials, and bought or subcontracted parts, if their physical or chemical properties cannot be readily and accurately determined;
- (b) suitable storage and adequate protection of materials subject to damage and deterioration;
- (c) carrying out processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller in accordance with acceptable industry or Australian specifications;
- (d) inspecting parts and components during production for conformity with the type design data at points in the process where accurate determinations can be made;
- (e) ensuring that current design drawings are readily available to manufacturing and inspection personnel, and used when necessary;
- (f) ensuring that design changes, including material substitutions, are controlled before being incorporated in a finished aircraft, aircraft engine or propeller;
- (g) segregating and identifying rejected materials and parts in a manner that precludes installation in the finished aircraft, aircraft engine or propeller;

- (h) a system for processing through the Materials Review Board any materials and parts that are withheld because of departures from design data or specifications, and that are to be considered for installation in a finished aircraft, aircraft engine or propeller;
- (i) a system for identifying and reinspecting materials and parts determined by the Materials Review Board to be serviceable if rework or repair is necessary;
- (j) maintaining inspection records, identified with the finished aircraft, aircraft engine or propeller where practicable, and retaining them for at least 2 years.

Source FARs section 21.125 modified.

Materials Review Board

21.145. The holder of a production certificate must:

- (a) establish a Materials Review Board (to include representatives from the manufacturer's inspection and engineering departments) and materials review procedures; and
- (b) maintain complete records of Materials Review Board action for at least 2 years after the action was taken.

Penalty: 50 penalty units.

Source FARs section 21.125 modified.

Changes in quality system

21.147. (1) After the issue of a production certificate, each change to the quality system is subject to review by CASA.

(2) The holder of a production certificate must immediately notify CASA, in writing, of any change to the quality system that may affect the inspection, conformity, or airworthiness of an aircraft, aircraft engine or propeller being manufactured under the certificate.

Penalty for subregulation (2): 50 penalty units.

Source FARs section 21.147 modified.

Multiple products

21.149. CASA may authorise more than one type certificated aircraft, aircraft engine or propeller to be manufactured under the terms of one production certificate, if the aircraft, aircraft engines or propellers to be manufactured under the certificate have similar production characteristics.

Source FARs section 21.149 modified.

Production limitation record

21.151. A production certificate must include, or have attached to it, a production limitation record listing the type certificate of every aircraft, aircraft engine or propeller authorised to be manufactured under the production certificate.

Source FARs section 21.151, modified.

Amendment of production certificate

21.153. (1) The holder of a production certificate may apply to CASA to amend it to add a type certificate or model, or both.

(2) CASA may amend the certificate if the applicant complies with the applicable requirements of regulations 21.139, 21.143 and 21.147.

(3) An application must be in a form and manner acceptable to CASA.

Source FARs section 21.153 modified.

Transferability

21.155. A production certificate is not transferable.

Source FARs section 21.155.

Inspections and tests

21.157. The holder of a production certificate must allow CASA to make any inspections and tests necessary to determine compliance with the applicable requirements of these regulations.

Penalty: 50 penalty units.

Source FARs section 21.157 modified.

Duration

21.159. (1) A production certificate ceases to be in force:

- (a) if the location of the manufacturing facility is changed;
or
- (b) if it is cancelled; or
- (c) if a termination date is specified in the certificate—at midnight on that date.

(2) A production certificate is not in force during any period of suspension.

(3) CASA may suspend or cancel a production certificate by written notice given to its holder if CASA considers that it is necessary to do so in the interests of aviation safety.

(4) A notice must set out:

- (a) the grounds for the suspension or cancellation; and
- (b) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.159 modified.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of production certificates.

Display

21.161. The holder of a production certificate must take reasonable steps to ensure that it is displayed prominently in the main office of the manufacturing facility in which the aircraft, aircraft engine or propeller to which the certificate relates is manufactured.

Penalty: 5 penalty units.

Source FARs section 21.161 modified.

Privileges

21.163. (1) Notwithstanding regulation 30 of CAR 1988, the holder of a production certificate for a primary category aircraft who is eligible for a special certificate of airworthiness in the primary category under subregulation 21.184 (1), and the holder of a production certificate for a normal, utility, or acrobatic category aircraft of a type design that is eligible for a special certificate of airworthiness in the primary category under subregulation 21.184 (3), may:

- (a) conduct training for persons in the performance of a special inspection and preventive maintenance program approved as a part of the aircraft's type design under subregulation 21.24 (2), provided the training is given by the holder of an aircraft maintenance engineer licence in the category airframes or engines issued under regulation 31 of CAR 1988; and
- (b) issue a certificate of competency, specifying the aircraft make and model to which it applies, to persons successfully completing the approved training program.

(2) Notwithstanding regulation 30 of CAR 1988, the holder of a production certificate for an intermediate category aircraft who is eligible for a special certificate of airworthiness in the intermediate category under subregulation 21.184A (1), may:

- (a) conduct training for persons in the performance of a special inspection and preventive maintenance program approved as a part of the aircraft's type design under subregulation 21.26 (2), provided the training is given by the holder of a maintenance engineer licence in the

category airframes or engines issued under regulation 31 of CAR 1988; and

- (b) issue a certificate of competency, specifying the aircraft make and model to which it applies, to persons successfully completing the approved training program.

Source FARs section 21.163 modified.

Responsibility of holder

21.165. The holder of a production certificate must:

- (a) maintain the quality system in conformity with the manual submitted for approval under regulation 21.143 for the production certificate; and
- (b) ensure that each part and each completed aircraft, aircraft engine or propeller, including primary category aircraft assembled under a production certificate by another person from a kit provided by the holder of the production certificate, submitted for airworthiness certification or approval conforms to the approved design and is in a condition for safe operation.

Penalty: 50 penalty units.

Source FARs section 21.165 modified.

Records to be kept by holder of production certificate

21.166. (1) A person who manufactures an aircraft, aircraft engine or propeller under a production certificate must keep, at the place of manufacture, the following current records for the aircraft, aircraft engine or propeller:

- (a) a technical data file that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report and any amendments to that report;
- (b) the data (including any amendments) required to be submitted with the original application for the production certificate;
- (c) a record of any rebuilding and alteration performed by the manufacturer;

- (d) a complete inspection record, the serial number, and data covering the processes and tests to which materials and parts are subjected;
- (e) a record of service difficulties reported to the holder.

(2) The records mentioned in paragraphs (1) (a), (b) and (c) must be kept for the period in which aircraft, aircraft engines or propellers are manufactured by the person under the production certificate.

(3) The records mentioned in paragraphs (1) (d) and (e) must be kept for 2 years after the aircraft, aircraft engine or propeller to which the records relate was manufactured.

(4) On CASA's request, the records must be made available for examination by CASA.

(5) If the manufacturer stops manufacturing aircraft, aircraft engines or propellers under the production certificate (except if the manufacturer continues manufacturing at another place of manufacture under another production certificate), the manufacturer must send the records to CASA as soon as practicable after manufacturing stops.

Penalty: 50 penalty units.

Source FARs section 21.293 modified.

Subpart H—Certificates of airworthiness and special flight permits

Note A certificate of airworthiness issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

Applicability

21.171. This Subpart prescribes requirements for the issue of certificates of airworthiness and special flight permits.

Source FARs section 21.171 modified.

Note Under Part 200 (Exemptions), certain Australian aircraft are authorised to fly without a certificate of airworthiness.

Eligibility

21.173. (1) The holder of the certificate of registration for an Australian aircraft is eligible to apply to CASA or an authorised person for a certificate of airworthiness for the aircraft.

(2) An application must be made in a form and manner acceptable to CASA or the authorised person.

Source FARs section 21.173 modified.

Certificates of airworthiness: classification

21.175. In these regulations:
special certificate of airworthiness means:

- (a) a certificate of airworthiness issued for an aircraft type certificated in the primary, intermediate or restricted category, or an aircraft in the limited category, or an amateur-built aircraft accepted under an ABAA; or
- (b) a provisional certificate of airworthiness; or
- (c) an experimental certificate.

standard certificate of airworthiness means a certificate of airworthiness issued for:

- (a) an aircraft type certificated in the normal, utility, acrobatic, commuter, or transport category; or
- (b) a manned free balloon; or
- (c) an aircraft in a special class of aircraft.

Source FARs section 21.175 modified.

Issue of certificates of airworthiness

21.176. (1) CASA or an authorised person must issue a certificate of airworthiness (except an experimental certificate) to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.173, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

(2) CASA or an authorised person may issue a certificate of airworthiness (except an experimental certificate) for an aircraft subject to any conditions that CASA or the authorised person considers necessary in the interests of aviation safety.

(3) A condition imposed under subregulation (2) may include operational limitations.

(4) Any conditions imposed under this regulation, and any conditions imposed under regulation 21.16 or 21.29B that limit the use of the aircraft, must be in writing, and set out in, or attached to, the certificate of airworthiness.

(5) A person must not contravene a condition of a certificate of airworthiness.

Penalty for subregulation (5): 50 penalty units.

Transferability

21.179. Subject to regulation 21.219, a certificate of airworthiness is transferred with the aircraft.

Source FARs section 21.179 modified.

Note Regulation 21.219 relates to the transferability of provisional certificates of airworthiness.

Duration of certificates of airworthiness (except provisional certificates of airworthiness and experimental certificates)

21.181. (1) In this regulation:
certificate of airworthiness does not include a provisional certificate of airworthiness or an experimental certificate.

(2) Subject to subregulation (4), a certificate of airworthiness continues in force:

- (a) if a period is specified in the certificate—until the end of the period or until it is cancelled, whichever occurs first; or
- (b) in any other case—until it is cancelled.

(3) The holder of a certificate of airworthiness must, on request by CASA or an authorised person, make it available for inspection by CASA or the authorised person.

Penalty: 5 penalty units.

(4) A certificate of airworthiness for an aircraft stops being in force if:

- (a) the aircraft ceases to be registered in Australia; or
- (b) any type certificate or type acceptance certificate for the type of aircraft concerned stops being in force.

(5) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an aircraft that is being used in regular public transport operations, by written notice given to its holder, if:

- (a) any maintenance is not carried out in accordance with Part IVA of CAR 1988; or

- (b) the aircraft type ceases to be supported by the type certificate holder, the NAA of the country in which the aircraft's original type certificate was issued or the NAA of a Contracting State, with respect to:
 - (i) collecting and investigating information on defects; or
 - (ii) reporting defects to the NAA of the country of original type certification; or
 - (iii) keeping type records; or
 - (iv) producing and maintaining manuals; or
 - (v) issuing instructions for continuing airworthiness; or
 - (c) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety.
- (6) CASA or an authorised person may suspend or cancel a certificate of airworthiness for an Australian aircraft not covered by subregulation (5), by written notice given to its holder, if:
- (a) any maintenance is not carried out in accordance with Part IVA of CAR 1988; or
 - (b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of aviation safety.
- (7) A notice under subregulation (5) or (6) must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.
- (8) Despite anything else in this regulation, a certificate of airworthiness is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued.

(9) The holder of a certificate of airworthiness that stops being in force under subregulation (4), expires, or is suspended or cancelled, must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

Penalty for subregulation (9): 5 penalty units.

Source FARs section 21.181 modified.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of certificates of airworthiness.

Standard certificates of airworthiness

New aircraft manufactured under a production certificate

21.183. (1) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person determines that the aircraft does not conform to the type design or is not in a condition for safe operation.

New aircraft manufactured under type certificate only

(2) An applicant for a standard certificate of airworthiness for a new aircraft manufactured under a type certificate only is entitled to the certificate upon presentation, by the holder or licensee of the type certificate, of the statement of conformity required by regulation 21.130, if CASA or an authorised person finds after inspection that the aircraft:

- (a) conforms to the type design and is in a condition for safe operation; and
- (b) was manufactured by the holder of the type certificate for the aircraft or the licensee of that type certificate.

Imported aircraft

(3) An applicant for a standard certificate of airworthiness for an aircraft for which a type certificate was issued under regulation 21.29, or a type acceptance certificate was issued under regulation 21.29A, is entitled to the certificate if CASA or an authorised person is satisfied that the aircraft conforms to the type design and is in a condition for safe operation.

Other aircraft

(4) An applicant for a standard certificate of airworthiness for aircraft not covered by subregulation (1), (2) or (3) is entitled to the certificate if:

- (a) the aircraft conforms to a type design approved under a type certificate or a supplemental type certificate and to any applicable airworthiness directives; and
- (b) the aircraft (except an experimentally certificated aircraft that previously had been issued a different certificate of airworthiness under this regulation) has been inspected for the issue of a maintenance release; and
- (c) CASA or an authorised person is satisfied that the aircraft conforms to the type design and is in a condition for safe operation.

Inspection

(5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1), (3) or (4) to determine whether:

- (a) it conforms to the type design; and
- (b) it is in a condition for safe operation.

Passenger emergency exit requirements

(6) Notwithstanding all other provisions of this regulation, each applicant for issue of a standard certificate of airworthiness for a transport category aeroplane manufactured after 16 October 1987 must show that the aeroplane meets the requirements of section 25.807 (c) (7) of the FARs as in force on 24 July 1989. For the purposes of this paragraph, the date of manufacture of an aeroplane is the date the inspection acceptance records reflect that the aeroplane is complete and conforms to the type design.

Source FARs section 21.183 modified.

Special certificates of airworthiness for primary category aircraft*New primary category aircraft manufactured under a production certificate*

21.184. (1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the primary category that meets the criteria of paragraph 21.24 (1) (a), manufactured under a production certificate, including aircraft assembled by another person from a kit provided by the holder of the production certificate and under the supervision and quality control of that holder, is entitled to the certificate if CASA or an authorised person is satisfied the aircraft conforms to the type design and is in a condition for safe operation.

Imported aircraft

(2) An applicant for a special certificate of airworthiness for an aircraft in the primary category for which a type certificate was issued under regulation 21.29, or a type acceptance certificate was issued under regulation 21.29A, is entitled to the certificate if CASA or an authorised person finds, after inspection, that the aircraft conforms to the type design and is in a condition for safe operation.

Aircraft having a current standard certificate of airworthiness

(3) An applicant for a special certificate of airworthiness for an aircraft in the primary category having a current standard certificate of airworthiness may obtain the certificate in exchange for its standard certificate of airworthiness through the supplemental type certification process if it meets the criteria of paragraph 21.24 (1) (a), has been maintained in accordance with Part IVA of CAR 1988 and has a current maintenance release.

Other aircraft

(4) An applicant for a special certificate of airworthiness for an aircraft in the primary category that meets the criteria of paragraph 21.24 (1) (a), and is not covered by subregulation (1), (2), or (3), is entitled to the certificate if CASA or an authorised person is satisfied that:

- (a) the aircraft:
 - (i) conforms to an approved primary, normal, utility, acrobatic or manned free balloon type design; or
 - (ii) complies with section 101.55 of the Civil Aviation Orders; and
- (b) the aircraft complies with all applicable airworthiness directives; and
- (c) the aircraft has been inspected for the issue of a maintenance release; and
- (d) the aircraft is in a condition for safe operation.

Inspection

(5) CASA or an authorised person may inspect an aircraft mentioned in subregulation (3) or (4) to determine whether:

- (a) it conforms to the type design; and
- (b) it is in a condition for safe operation.

Multiple-category certification

(6) A multiple-category certificate of airworthiness in the primary category and any other category must not be issued; a primary category aircraft may hold only one certificate of airworthiness.

Source FARs section 21.184 modified.

Special certificates of airworthiness for intermediate category aircraft*New intermediate category aircraft manufactured under a production certificate*

21.184A. (1) An applicant for the original issue of a special certificate of airworthiness for a new aircraft in the intermediate category that meets the criteria of paragraph 21.26 (1) (a) and was manufactured under a production certificate, is entitled to the certificate if CASA or an authorised person is satisfied the aircraft conforms to the type design and is in a condition for safe operation.

Other aircraft

(2) An applicant for a special certificate of airworthiness for an aircraft in the intermediate category that meets the criteria of paragraph 21.26 (1) (a) and is not covered by subregulation (1) is entitled to the certificate if CASA or an authorised person is satisfied that:

- (a) the aircraft:
 - (i) conforms to an approved intermediate, normal, utility, or acrobatic type design; or
 - (ii) complies with section 101.55 of the Civil Aviation Orders; and
- (b) the aircraft complies with all applicable airworthiness directives; and
- (c) the aircraft has been inspected for the issue of a maintenance release; and
- (d) the aircraft is in a condition for safe operation.

Inspection

(3) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1) or (2) to determine whether:

- (a) it conforms to the type design; and
- (b) it is in a condition for safe operation.

Multiple-category certification

(4) A multiple-category certificate of airworthiness in the intermediate category and any other category must not be issued; an intermediate category aircraft may hold only one certificate of airworthiness.

Source FARs section 21.184 modified.

Certificates of airworthiness for restricted category aircraft

Aircraft manufactured under a production certificate or type certificate only

21.185. (1) An applicant for the original issue of a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was not previously type certificated in any other category, is entitled to the certificate if the applicant complies with the appropriate provisions of regulation 21.183.

Other aircraft

(2) An applicant for a special certificate of airworthiness for an aircraft type certificated in the restricted category, that was a surplus aircraft of the Defence Force, or of an armed force of Canada, the United Kingdom or the United States of America, or was previously certificated in another category, is entitled to the certificate if CASA or an authorised person is satisfied, after inspection, that the aircraft is in a good state of preservation and repair and is in a condition for safe operation.

Imported aircraft

(3) An applicant for the original issue of a restricted category certificate of airworthiness for an imported aircraft type certificated only in the restricted category under regulation 21.29 or 21.29A is entitled to a certificate of airworthiness if CASA or an authorised person is satisfied that the aircraft conforms to the type design and is in a condition for safe operation.

Inspection

(4) CASA or an authorised person may inspect an aircraft mentioned in subregulation (1) or (3) to determine whether:

- (a) it conforms to the type design; and
- (b) it is in a condition for safe operation.

Source FARs section 21.185 modified.

Multiple-category airworthiness certification

21.187. (1) An applicant for a certificate of airworthiness for an aircraft in the restricted category, and in one or more other categories (except the primary or intermediate category), is entitled to the certificate, if the aircraft:

- (a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and
- (b) can be converted from one category to another by removing or adding equipment by simple mechanical means.

(2) The operator of an aircraft certificated in the restricted category and in one or more other categories must have the aircraft inspected to determine airworthiness each time the aircraft is converted from the restricted category to another category for the carriage of passengers.

Penalty: 50 penalty units.

(3) The inspection must be carried out by:

- (a) CASA or an authorised person; or
- (b) a person who, under regulation 42ZE or 42ZN of CAR 1988, can certify that the maintenance carried out on the aircraft for the purposes of its conversion was completed.

(4) CASA or an authorised person may inspect the aircraft, and may require the applicant to make any tests reasonably necessary, to determine whether the aircraft:

- (a) complies with the requirements for a particular category, when the aircraft is in the configuration for that category; and
- (b) can be converted from one category to another by removing or adding equipment by simple mechanical means.

Source FARs section 21.187 modified.

Special certificate of airworthiness for limited category aircraft

21.189. (1) An applicant is entitled to a special certificate of airworthiness for an aircraft in the limited category for one or more special purpose operations mentioned in subregulation (3) if:

- (a) either:
 - (i) CASA or an authorised person is satisfied that the aircraft meets the airworthiness requirements for the issue of a standard certificate of airworthiness (except any requirements that are inappropriate for the special purpose for which the aircraft is to be used); or
 - (ii) the aircraft is of a type that has been manufactured in accordance with the requirements of, and accepted for use by, an armed force, and for which the applicant can demonstrate to CASA or an authorised person a satisfactory history of operation; and
- (b) as far as can be reasonably determined, CASA or an authorised person is satisfied that the aircraft is in a good state of preservation and repair and is in a condition for safe operation; and
- (c) as far as can be reasonably determined, CASA or an authorised person is satisfied that the aircraft can reasonably be expected to be safe when it is operated under the conditions limiting its intended use; and
- (d) the applicant meets the requirements of subregulation (2).

(2) The applicant must give CASA or an authorised person the following:

- (a) a statement, in a form and manner acceptable to CASA or the authorised person, setting out the purpose or purposes for which the aircraft is to be used;
- (b) data (for example photographs) to identify the aircraft;
- (c) any other information reasonably needed by CASA or the authorised person to enable it to impose any conditions necessary in the interests of the safety of other airspace users and persons on the ground or water.

(3) The special purpose operations are the following:

- (a) operating historic or ex-military aircraft in adventure style operations;
- (b) aerobatic flights;
- (c) acrobatic training;
- (d) exhibition flights;
- (e) mock combat;
- (f) operating replica aircraft;
- (g) operating aircraft to carry people for parachute jumping;
- (h) any other operation in which the only use of the aircraft is to carry people taking part in a recreational activity that is intrinsically hazardous.

(4) CASA or an authorised person may:

- (a) inspect the aircraft to determine whether it is in a good state of preservation and repair and is in a condition for safe operation; and
- (b) require the applicant to carry out a flight check to enable CASA or the authorised person to make the determination.

Source FARs section 21.189 modified.

**Special certificates of airworthiness—amateur-built category
aircraft accepted under an ABAA**

21.190. (1) An applicant is entitled to a special certificate of airworthiness for an aircraft in the amateur-built aircraft category if:

- (a) CASA or an authorised person has given an ABAA for the aircraft; and
- (b) the aircraft complies with subsections 3 and 4 of section 101.28 of the Civil Aviation Orders; and
- (c) approval for the manufacture of the aircraft was given by CASA or an authorised person and the aircraft was manufactured in accordance with the approval; and
- (d) the aircraft has been inspected by CASA or the authorised person and conforms with the data on the basis of which the ABAA was given.

(2) After the commencement of this regulation, CASA or an authorised person must not give an ABAA for an aircraft, except an aircraft with:

- (a) a maximum take-off weight not greater than 1500 kilograms; and
- (b) not more than 4 seats; and
- (c) if the aircraft is an aeroplane that is fitted with one or more type certificated engines:
 - (i) a stalling speed V_{s0} at maximum weight not exceeding 61 knots; or
 - (ii) if accurate data about the stalling speed is not available—a maximum wing loading not exceeding:
 - (A) 65 kg/m² with a flap area of less than 6 percent gross wing area; or
 - (B) 80 kg/m² with a flap area of at least 6 percent gross wing area; and
- (d) if the aircraft is an aeroplane that is fitted with one or more non-type certificated engines:
 - (i) a stalling speed V_{s0} at maximum weight not exceeding 55 knots; or

- (ii) if accurate data about the stalling speed is not available—a maximum wing loading not exceeding:

- (A) 55 kg/m² with a flap area of less than 6 percent gross wing area; or
- (B) 65 kg/m² with a flap area of at least 6 percent gross wing area.

(3) CASA or an authorised person must not give an ABAA for an aircraft if the ABAA is applied for after 30 September 2000.

Experimental certificates

21.191. An experimental certificate may be issued for one or more of the following purposes:

- (a) research and development: for example testing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft;
- (b) showing compliance with regulations: for example conducting flight tests and other operations to show compliance with the airworthiness regulations including flights to show compliance for issue of type and supplemental type certificates, flights to substantiate major design changes, and flights to show compliance with the function and reliability requirements of the regulations;
- (c) training the applicant's flight crew;
- (d) exhibition: for example exhibiting the aircraft's flight capabilities, performance, or unusual characteristics at air shows, motion picture, television, and similar productions, and the maintenance of exhibition flight proficiency, including (for persons exhibiting aircraft) flying to and from such air shows and productions;
- (e) air racing: for example participating in air races, including (for participants) practising for air races and flying to and from racing events;

- (f) market surveys: for example use of aircraft for purposes of conducting market surveys, sales demonstrations, and customer crew training only as provided in regulation 21.195;
- (g) operating an amateur-built aircraft: that is an aircraft the major portion of which has been fabricated and assembled by a person who undertook the construction project solely for the person's own education or recreation;
- (h) operating a kit-built aircraft: that is an aircraft in the primary category that meets the criteria of paragraph 21.24 (1) (a) and that was assembled by a person from a kit manufactured by the holder of a production certificate for that kit, without the supervision and quality control of the production certificate holder under subregulation 21.184 (1);
- (i) private operations of prototype aircraft previously certificated under paragraph 21.191 (a), (b) or (d).

Source FARs section 21.191 modified.

Experimental certificates: eligibility

21.192. The holder of the certificate of registration for an Australian aircraft is eligible to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191.

Experimental certificates: general

21.193. An applicant for an experimental certificate is entitled to the certificate if the applicant gives CASA or an authorised person the following:

- (a) a statement, in a form and manner acceptable to CASA or the authorised person, setting forth the purpose for which the aircraft is to be used;
- (b) enough data (such as photographs) to identify the aircraft;

- (c) upon inspection of the aircraft, any information reasonably needed by CASA or the authorised person to enable it to impose any conditions or operational limitations necessary in the interests of the safety of other airspace users and persons on the ground or water;
- (d) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191 (a) (research and development) or paragraph 21.191 (b) (showing compliance with the regulations):
 - (i) a description of the experimental purposes for which the certificate is sought; and
 - (ii) a statement setting out the estimated time or number of flights required for the purpose; and
 - (iii) a description of the areas over which the experiment will be conducted; and
 - (iv) except for aircraft converted from a previously certificated type without appreciable change in the external configuration—three-view drawings or three-view dimensioned photographs of the aircraft.

Source FARs section 21.193 modified.

Experimental certificates: aircraft to be used for market surveys, sales demonstrations, and customer crew training

21.195. (1) A manufacturer of aircraft manufactured within Australian territory is eligible to apply for an experimental certificate for an aircraft that is to be used for a purpose mentioned in paragraph 21.191 (f).

(2) A manufacturer of aircraft engines who has altered a type certificated aircraft by installing different engines, manufactured by the manufacturer within Australian territory, is eligible to apply for an experimental certificate for a purpose mentioned in paragraph 21.191 (f) if the basic aircraft, before alteration, was type certificated in the normal, acrobatic, commuter, primary, intermediate or transport category.

(3) A person who has altered the design of a type certificated aircraft is eligible to apply for an experimental certificate for the altered aircraft to be used for a purpose mentioned in paragraph 21.191 (f) if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, primary, intermediate or transport category.

(4) An applicant for an experimental certificate for a purpose mentioned in paragraph 21.191 (f) is entitled to the certificate if, in addition to meeting the requirements of regulation 21.193:

- (a) the applicant has established an inspection and maintenance program for the continued airworthiness of the aircraft; and
- (b) the aircraft has been flown for at least 50 hours, or for at least 5 hours if it is a type certificated aircraft which has been modified.

Source FARs section 21.195 modified.

Issue of experimental certificates

21.195A. (1) CASA or an authorised person must issue an experimental certificate to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.192, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

(2) CASA or an authorised person may issue an experimental certificate for an aircraft subject to any conditions that CASA or the authorised person considers necessary in the interests of the safety of other airspace users and persons on the ground or water.

(3) A condition imposed under subregulation (2) may include operational limitations.

(4) Any conditions imposed under this regulation must be in writing and set out in, or attached to, the experimental certificate.

(5) A person must not contravene a condition of an experimental certificate.

Penalty for subregulation (5): 50 penalty units.

Duration of experimental certificates

21.195B. (1) Subject to subregulation (4), an experimental certificate issued for the purpose of research and development, showing compliance with regulations, crew training or market surveys, continues in force:

- (a) if a period of less than one year is specified in the certificate—until the end of the period, or until it is cancelled, whichever occurs first; or
- (b) in any other case—until the end of the period of one year after the date on which it was issued, or until it is cancelled, whichever occurs first.

(2) Subject to subregulation (4), an experimental certificate issued for the purpose of exhibition, air racing, operating amateur-built or kit-built aircraft or private operations of prototype aircraft previously certificated under paragraph 21.191 (a), (b) or (d), continues in force:

- (a) if a period is specified in the certificate—until the end of the period, or until it is cancelled, whichever occurs first; or
- (b) in any other case—until it is cancelled.

(3) The holder of an experimental certificate must, on the request of CASA or an authorised person, make it available for inspection by CASA.

Penalty: 5 penalty units.

(4) An experimental certificate for an aircraft stops being in force if the aircraft ceases to be registered in Australia.

(5) CASA or an authorised person may suspend or cancel an experimental certificate for an aircraft, by written notice given to its holder, if:

- (a) any maintenance is not carried out in accordance with regulation 42CB of CAR 1988; or
- (b) CASA or the authorised person otherwise considers that it is necessary to do so in the interests of the safety of other airspace users and persons on the ground or water.

(6) A notice under subregulation (5) must set out:

- (a) the grounds for the suspension or cancellation; and
- (b) in the case of a suspension—when the suspension stops having effect.

(7) Despite anything else in this regulation, an experimental certificate is not in force during any period of suspension, but, if the certificate was issued for a specified period, the period of suspension counts as part of the period for which the certificate was issued.

(8) The holder of an experimental certificate that stops being in force under subregulation (4), expires, or is suspended or cancelled, must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

Penalty for subregulation (8): 5 penalty units.

Source FARs section 21.181 modified.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of experimental certificates.

Special flight permits: eligibility

21.196. Any person is eligible to apply for a special flight permit.

Special flight permits

21.197. (1) CASA or an authorised person may issue a special flight permit for one or more of the following purposes for an aircraft that may not currently meet the applicable airworthiness requirements, but can reasonably be expected to be capable of safe flight for the intended purpose:

- (a) flying the aircraft to a base where repairs, alterations, or maintenance are to be performed, or to a point of storage;
- (b) delivering or exporting the aircraft;
- (c) production flight testing new production aircraft;
- (d) evacuating the aircraft from areas of impending danger;
- (e) conducting customer demonstration flights in new production aircraft that have satisfactorily completed production flight tests;
- (f) assisting in searching for, bringing aid to or rescuing persons in danger on a particular occasion;
- (g) assisting in dealing with a state of emergency.

(2) A special flight permit may authorise the operation of an aircraft at a weight in excess of its maximum certificated take-off weight for flight beyond the normal range over water, or over land areas where adequate landing facilities or appropriate fuel is not available. The excess weight that may be authorised under this paragraph is limited to the additional fuel, fuel-carrying facilities, and navigation equipment necessary for the flight.

(3) For subsection 20AA (1) of the Act, an aircraft with a special flight permit is not required to be registered.

(4) For subsection 20AA (3) of the Act, an aircraft with a special flight permit is not required to have a certificate of airworthiness.

(5) For subsection 20AA (4) of the Act, an aircraft with a special flight permit is not required to have a maintenance release.

(6) When CASA or an authorised person issues a special flight permit, it may direct that, while the permit is in force, all or any of paragraphs 133 (1) (a), (c) and (d), and regulation 139, of CAR 1988 do not apply to the aircraft.

Source FARs section 21.197 modified.

Applications for special flight permits

21.199. (1) An applicant for a special flight permit must submit a statement in a form and manner acceptable to CASA or an authorised person, indicating the following:

- (a) the purpose or purposes of the flight;
- (b) the proposed itinerary;
- (c) the crew required to operate the aircraft and its equipment, for example, pilot, co-pilot, navigator;
- (d) the ways, if any, in which the aircraft does not comply with the applicable airworthiness requirements;
- (e) any restriction the applicant considers necessary for safe operation of the aircraft;
- (f) any other information that CASA or the authorised person reasonably needs to be able to prescribe operating limitations or other conditions in the interests of aviation safety.

(2) CASA or an authorised person may make, or require the applicant to make, appropriate inspections or tests necessary to determine whether the aircraft can reasonably be expected to be capable of safe flight for the intended purpose or purposes.

Source FARs section 21.199 modified.

Issue of special flight permits

21.200. (1) CASA or an authorised person must issue a special flight permit to an applicant for the permit if the applicant:

- (a) is eligible, under regulation 21.196, to apply for the permit; and
- (b) applies for the permit in accordance with this Subpart; and
- (c) otherwise complies with this Part.

(2) CASA or an authorised person may issue a special flight permit for an aircraft subject to any conditions that CASA or the authorised person considers necessary in the interests of aviation safety.

(3) A condition imposed under subregulation (2) may include operational limitations.

(4) Any conditions imposed under this regulation, and any conditions imposed under regulation 21.16 or 21.29B that limit the use of the aircraft, must be in writing and set out in, or attached to, the special flight permit.

(5) A person must not contravene a condition of a special flight permit.

Penalty for subregulation (5): 50 penalty units.

Duration of special flight permits

21.201. (1) A special flight permit continues in force:

- (a) if a period is specified in the permit—until the end of the period, or until it is cancelled, whichever occurs first; or
- (b) in any other case—until it is cancelled.

(2) The holder of a special flight permit must, on the request of CASA or an authorised person, make it available for inspection by CASA or an authorised person.

Penalty: 5 penalty units.

(3) CASA or an authorised person may suspend or cancel a special flight permit, by written notice given to its holder, if CASA or the authorised person considers that it is necessary to do so in the interests of aviation safety.

- (4) A notice under subregulation (3) must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.

(5) Despite anything else in this regulation, a special flight permit is not in force during any period of suspension, but, if the permit was issued for a specified period, the period of suspension counts as part of the period for which the permit was issued.

Source FARs section 21.181 modified.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of special flight permits.

Subpart I—Provisional certificates of airworthiness

Note A provisional certificate of airworthiness issued under this Part for an aircraft, aircraft engine or propeller does not certify that it complies with the Air Navigation (Aircraft Noise) Regulations, the Air Navigation (Aircraft Engine Emissions) Regulations or any other applicable Commonwealth legislation. Compliance with those regulations or other applicable Commonwealth legislation may be required before the aircraft, aircraft engine or propeller may be legally operated.

Applicability

21.211. This Subpart prescribes requirements for the issue of provisional certificates of airworthiness.

Source FARs section 21.211 modified.

Eligibility

21.213. (1) A manufacturer is eligible to apply for a Class I or Class II provisional certificate of airworthiness for aircraft manufactured by the manufacturer in Australian territory.

(2) The holder of an AOC issued for regular public transport operations is eligible to apply for a Class II provisional certificate of airworthiness for transport category aircraft if:

- (a) the aircraft has a current Class II provisional type certificate or a current amendment of a Class II provisional type certificate; or
- (b) the aircraft has a current provisional amendment to a type certificate that was preceded by a corresponding Class II provisional type certificate.

(3) An aircraft engine manufacturer who has altered a type certificated aircraft by installing different type certificated engines, manufactured by the aircraft engine manufacturer in Australian territory, is eligible to apply for a Class I provisional certificate of airworthiness for that aircraft, if the basic aircraft, before alteration, was type certificated in the normal, utility, acrobatic, commuter, primary, intermediate or transport category.

Source FARs section 21.213 modified.

Application

21.215. Application for a provisional certificate of airworthiness may be submitted to CASA. The application must be accompanied by the pertinent information specified in these regulations.

Source FARs section 21.215 modified.

Issue of provisional certificates of airworthiness

21.216. CASA must issue a provisional certificate of airworthiness to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.213, to apply for the certificate; and
- (b) applies for the certificate in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the certificate; and
- (d) otherwise complies with this Part.

Duration

21.217. (1) Unless sooner cancelled, provisional certificates of airworthiness are effective for the duration of the corresponding provisional type certificate, amendment to a provisional type certificate, or provisional amendment to the type certificate.

(2) Despite subregulation (1), a provisional certificate of airworthiness is not in force during any period of suspension.

(3) CASA may suspend or cancel a provisional certificate of airworthiness, by written notice given to its holder, if CASA considers that it is necessary to do so in the interests of aviation safety.

- (4) A notice must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.217 modified.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of provisional certificates of airworthiness.

Transferability

21.219. (1) Class I provisional certificates of airworthiness are not transferable.

(2) Class II provisional certificates of airworthiness may be transferred to an AOC holder eligible to apply for a certificate under subregulation 21.213 (2).

Source FARs section 21.219 modified.

Class I provisional certificates of airworthiness

21.221. (1) Except as provided in regulation 21.225, an applicant who holds a Class I provisional type certificate for an aircraft is entitled to a Class I provisional certificate of airworthiness for the aircraft if:

- (a) the applicant meets the eligibility requirements of regulation 21.213; and
- (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations mentioned in subregulation 21.81 (4) of these regulations and regulation 262AE of CAR 1988.

(2) The manufacturer must hold a provisional type certificate for the aircraft.

(3) The manufacturer must submit a statement that the aircraft conforms to the type design corresponding to the provisional type certificate and has been found by the manufacturer to be in safe operating condition under all applicable limitations.

(4) The aircraft must be flown at least five hours by the manufacturer.

(5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations mentioned in subregulation 21.81 (4) of these regulations and regulation 262AE of CAR 1988.

Source FARs section 21.221 modified.

Class II provisional certificates of airworthiness

21.223. (1) Except as provided in regulation 21.225, an applicant who holds a Class II provisional type certificate for an aircraft is entitled to a Class II provisional certificate of airworthiness for the aircraft if:

- (a) the applicant meets the eligibility requirements of regulation 21.213; and
- (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft that would make the aircraft unsafe when operated in accordance with the limitations mentioned in subregulation 21.83 (7) of these regulations and regulation 262AE of CAR 1988.

(2) The applicant must show that a Class II provisional type certificate for the aircraft has been issued to the manufacturer.

(3) The applicant must submit a statement by the manufacturer that the aircraft has been manufactured under a quality system adequate to ensure that the aircraft conforms to the type design corresponding with the provisional type certificate.

(4) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations.

(5) The aircraft must be flown at least five hours by the manufacturer.

(6) The aircraft must be supplied with a provisional aircraft flight manual containing the limitations mentioned in subregulation 21.83 (7) of these regulations and regulation 262AE of CAR 1988.

Source FARs section 21.223 modified.

Provisional certificates of airworthiness corresponding with provisional amendments to type certificates

21.225. (1) An applicant is entitled to a Class I or a Class II provisional certificate of airworthiness for an aircraft for which a provisional amendment to the type certificate has been issued, if:

- (a) the applicant meets the eligibility requirements of regulation 21.213; and
- (b) CASA is satisfied that the requirements of this regulation are satisfied and that there is no feature, characteristic, or condition of the aircraft, as modified in accordance with the provisionally amended type certificate, that would make the aircraft unsafe when operated in accordance with the applicable limitations mentioned in subregulation 21.85 (6) of these regulations and regulation 262AE of CAR 1988.

(2) The applicant must show that the modification was made under a quality system adequate to ensure that the modification conforms to the provisionally amended type certificate.

(3) The applicant must submit a statement that the applicant has found the aircraft to be in a safe operating condition under the applicable limitations.

(4) The aircraft must be flown at least five hours by the manufacturer.

(5) The aircraft must be supplied with a provisional aircraft flight manual or other document and appropriate placards containing the limitations mentioned in subregulation 21.85 (6) of these regulations and regulation 262AE of CAR 1988.

Source FARs section 21.225 modified.

Subpart J—Delegation option authorisation procedures**Applicability**

- 21.231. (1)** This Subpart prescribes requirements for:
- (a) obtaining and using a delegation option authorisation for type, production, and airworthiness certification (as applicable) of the following:
 - (i) small aeroplanes and small gliders;
 - (ii) normal category rotorcraft;
 - (iii) turbojet engines of not more than 4.45 kN thrust;
 - (iv) turbopropeller and reciprocating engines with a power rating of not more than 373 kW;
 - (v) propellers manufactured for use on engines covered by subparagraph (iv); and
 - (b) issuing airworthiness tags/release notes for engines, propellers, and parts of products covered by paragraph (a).
- (2)** In subregulation (1):

small aeroplane means an aeroplane with a maximum take-off weight of not more than 5,700 kilograms.

small glider means a glider with a maximum design weight of not more than 750 kilograms.

Source FARs section 21.231 modified.

Application

21.235. (1) The manufacturer of an aircraft, aircraft engine or propeller may apply to CASA for a delegation option authorisation in relation to the aircraft, aircraft engine or propeller.

(2) The application must be in a form and manner acceptable to CASA.

(3) The application must include the names, signatures, and qualifications of the persons (*nominated persons*) for whom authorisation to sign certificates of airworthiness, repair and alteration certificates, and inspection certificates is requested.

Source FARs section 21.235, modified.

Eligibility

21.239. CASA may issue a delegation option authorisation for an aircraft, aircraft engine or propeller to an applicant if the applicant:

- (a) holds a current type certificate for another aircraft, aircraft engine or propeller that is type certificated by reference to the same Part of these regulations as the aircraft, aircraft engines or propellers for which the authorisation is sought; and
- (b) holds a current production certificate for aircraft, aircraft engines or propellers for which the authorisation is sought; and
- (c) employs, or has available working under an arrangement, a staff of engineering, flight test, production and inspection personnel who can determine compliance with the applicable airworthiness requirements of these regulations; and
- (d) meets any other requirements of this Subpart.

Source FARs section 21.239, modified.

Duration

21.243. (1) A delegation option authorisation continues in force until it is cancelled.

(2) CASA may suspend or cancel a delegation option authorisation, by written notice given to its holder, if:

- (a) the holder of the authorisation does not continue to meet the requirements of this Part; or
- (b) any change (including a change of personnel) occurs that could affect the ability of the holder to meet those requirements.

(3) Despite subregulation (1), a delegation option authorisation is not in force during any period of suspension.

- (4) A notice under subregulation (2) must set out:
- (a) the grounds for the suspension or cancellation; and
 - (b) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.243 modified.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of delegation option authorisations.

Maintenance of eligibility

21.245. If the holder of a delegation option authorisation ceases to meet the requirements for issue of the authorisation, the holder must notify CASA within 2 working days why the holder no longer meets the requirements.

Penalty: 50 penalty units.

Source FARs section 21.245, modified.

Transferability

21.247. A delegation option authorisation is not transferable.

Source FARs section 21.247.

Inspections

21.249. (1) Upon request, each holder of, or applicant for, a delegation option authorisation must let CASA inspect the holder's or applicant's organisation, facilities, product, and records to determine whether the holder or applicant is suitable to hold a delegation option authorisation.

(2) If the holder of a delegation option authorisation does not comply with a request for inspection, the authorisation is suspended until the request is complied with.

(3) If an applicant for a delegation option authorisation does not comply with a request for inspection, CASA is not required to issue the authorisation.

Source FARs section 21.249 modified.

Use of delegation option authorisation

21.251. (1) A delegation option authorisation authorises a nominated person for the authorisation to do any, or all, of the following in relation to an aircraft, aircraft engine or propeller to which the authorisation applies:

- (a) certify that the type design meets the applicable requirements, and do anything else for the purpose of obtaining a type certificate under regulation 21.253;
- (b) if the holder of the authorisation also holds the type certificate for the aircraft, aircraft engine or propeller—approve changes in the type design of the aircraft, aircraft engine or propeller;
- (c) certify that a new model or type of aircraft, aircraft engine or propeller meets the production certification requirements, and do anything else for the purposes of regulation 21.267;
- (d) if the authorisation relates to an aircraft for which the holder of the authorisation has applied for a type certificate or amended type certificate under regulation 21.253—issue experimental certificates to permit the operation of the aircraft for the purpose of research and development, crew training, market surveys, or showing compliance with the applicable airworthiness requirements;
- (e) if the authorisation relates to an aircraft for which the holder of the authorisation also holds a type certificate and holds, or is in the process of obtaining, a production certificate—issue certificates of airworthiness for the aircraft;
- (f) if the authorisation relates to aircraft engines or propellers for which the holder of the authorisation also holds a type certificate and holds, or is in the process of obtaining, a production certificate—issue airworthiness tags/release notes for the aircraft engines or propellers;

- (g) issue airworthiness tags/release notes for parts of aircraft, aircraft engines or propellers covered by the authorisation.

(2) Delegation option authorisation procedures may be applied to one or more types of aircraft, aircraft engine or propeller selected by the manufacturer, who must notify CASA of each model, and of the first serial number of each model manufactured under the delegation option authorisation procedures. Other types or models may remain under the standard procedures.

(3) Delegation option authorisations are subject to any additional limitations determined by CASA in the interests of aviation safety after inspection of the applicant's facilities or review of the staff qualifications.

Source FARs section 21.251 modified.

Type certificates: application

21.253. To obtain, under the delegation option authorisation, a type certificate for a new aircraft, aircraft engine or propeller, or an amended type certificate, the holder of the authorisation must submit to CASA:

- (a) an application for the type certificate or amended type certificate; and
- (b) a statement listing the airworthiness requirements of these regulations (by number and effective date) that the manufacturer considers applicable; and
- (c) after determining that the type design meets the applicable requirements, a statement certifying that this determination has been made; and
- (d) after placing the required technical data and type inspection report in the technical data file required by subparagraph 21.293 (1) (a) (i), a statement certifying that this has been done; and
- (e) a proposed type certificate data sheet; and

- (f) an aircraft flight manual (if required) or a summary of required operating limitations and other information necessary for safe operation of the aircraft, aircraft engine or propeller.

Source FARs section 21.253 modified.

Type certificates: issue

21.257. (1) An applicant is entitled to a type certificate for an aircraft, aircraft engine or propeller manufactured under a delegation option authorisation if the aircraft, aircraft engine or propeller meets the applicable airworthiness requirements or any airworthiness provisions not met are compensated for by factors that provide an equivalent level of safety.

(2) CASA may inspect an aircraft, aircraft engine or propeller to determine whether it meets the applicable airworthiness requirements.

Source FARs section 21.257 modified.

Equivalent safety provisions

21.261. (1) A manufacturer manufacturing an aircraft, aircraft engine or propeller under a delegation option authorisation must notify CASA if the manufacturer does not comply with an applicable airworthiness requirement but is compensating for the non-compliance by factors that provide an equivalent level of safety.

Penalty: 50 penalty units.

(2) CASA must notify the manufacturer, in writing, if CASA is satisfied that the compensating factors provide an equivalent level of safety.

(3) If CASA is not satisfied that the compensating factors provide an equivalent level of safety, CASA must give the manufacturer a direction, in writing, setting out what the manufacturer must do to provide an equivalent level of safety.

(4) The manufacturer must comply with a direction given under subregulation (3).

Penalty for subregulation (4): 50 penalty units.

Source FARs section 21.261 modified.

Production certificates

21.267. To have a new model or new type certificate listed on a production certificate, the manufacturer must submit to CASA:

- (a) an application for an amendment to the production certificate; and
- (b) after determining that the production certification requirements of Subpart G, with respect to the new model or type, are met, a statement certifying that this determination has been made; and
- (c) a statement identifying the type certificate number under which the aircraft, aircraft engine or propeller is being manufactured; and
- (d) after placing the manufacturing and quality system data required by regulation 21.143 with the data required by subparagraph 21.293 (1) (a) (ii), a statement certifying that this has been done.

Source FARs section 21.261 modified.

Export airworthiness approvals

21.269. A delegation option authorisation for an aircraft, aircraft engine or propeller authorises a nominated person for the authorisation to issue an export airworthiness approval for the aircraft, aircraft engine or propeller.

Source FARs section 21.269 modified.

Airworthiness tag/release note—criteria for issue

21.271. (1) A nominated person for a delegation option authorisation may issue an airworthiness tag/release note mentioned in paragraph 21.251 (1) (f) or (g) for an aircraft engine, or propeller, or part if the aircraft engine, propeller or part, after inspection and operations tests:

- (a) conforms to a type design for which the manufacturer who holds the delegation option authorisation also holds the type certificate; and
- (b) is in a condition for safe operation.

(2) When a new model has been included on the production limitation record mentioned in regulation 21.151, the production certification number must be stamped on the aircraft engine or propeller identification data plate instead of issuing an airworthiness tag/release note.

Penalty: 50 penalty units.

Source FARs section 21.271 modified.

Certificates of airworthiness

21.273. A nominated person for a delegation option authorisation may issue a certificate of airworthiness mentioned in paragraph 21.251 (1) (e) for an aircraft if the aircraft:

- (a) conforms to a type design for which the holder of a delegation authorisation option holds a certificate of type approval; and
- (b) is in a condition for safe operation.

Source FARs section 21.273 modified.

Experimental certificates

21.275. (1) A nominated person for a delegation option authorisation must, before issuing an experimental certificate for an aircraft under this Subpart, obtain from CASA any limitations and conditions that CASA considers necessary in the interests of the safety of other airspace users and persons on the ground or water.

(2) For experimental certificates issued under this Subpart for aircraft for which the manufacturer holds the type certificate and which have undergone changes to the type design requiring flight test, the manufacturer may prescribe any operating limitations that the manufacturer considers necessary in the interests of the safety of other airspace users and persons on the ground or water.

Source FARs section 21.275 modified.

Data review and service experience

21.277. (1) If CASA is satisfied that an aircraft, aircraft engine or propeller for which a type certificate was issued under this Subpart does not meet the applicable airworthiness requirements, or that an unsafe feature or characteristic caused by a defect in design or manufacture exists, the manufacturer, upon notification by CASA, must investigate the matter and report to CASA the results of the investigation and the action, if any, taken or proposed.

(2) If corrective action by the user of the aircraft, aircraft engine or propeller is necessary for safety because of any non-compliance or defect specified in subregulation (1), the manufacturer must submit the information necessary for the issue of an airworthiness directive under regulation 37A of CAR 1988.

Penalty: 50 penalty units.

Source FARs section 21.277, modified.

Major repairs, rebuilding and alteration

21.289. A delegation option authorisation for an aircraft, aircraft engine or propeller authorises a nominated person for the authorisation:

- (a) to approve a major repair or major alteration of the aircraft, aircraft engine or propeller; and
- (b) to certify that the repair or alteration meets the applicable airworthiness requirements.

Source FARs section 21.289, modified.

Records to be kept by a manufacturer under a delegation option authorisation

21.293. (1) A person who manufactures an aircraft, aircraft engine or propeller type certificated under a delegation option authorisation must keep, at the place of manufacture, the following current records for the aircraft, aircraft engine or propeller:

- (a) a technical data file that includes the type design drawings, specifications, reports on tests prescribed by this Part, and the original type inspection report and any amendments to that report;
- (b) the data (including any amendments) required to be submitted with the original application for the delegation option authorisation;
- (c) a record of any rebuilding and alteration performed by the person;
- (d) a complete inspection record, the serial number, and data covering the processes and tests to which materials and parts are subjected;
- (e) a record of service difficulties reported to the person.

(2) The records mentioned in paragraphs (a), (b) and (c) must be kept for the period in which aircraft, aircraft engines or propellers are manufactured by the person under the delegation option authorisation.

(3) The records mentioned in paragraphs (d) and (e) must be kept for 2 years after the aircraft, aircraft engine or propeller to which the records relate was manufactured.

(4) On CASA's request, the records must be made available for examination by CASA.

(5) If the person stops manufacturing aircraft, aircraft engines or propellers under the delegation option authorisation, the person must send the records to CASA as soon as practicable after manufacturing stops.

Penalty: 50 penalty units.

Source FARs section 21.293, modified.

Subpart K—Approval of materials, parts, processes and appliances**Applicability**

21.301. This Subpart prescribes requirements for the approval of certain materials, parts, processes, and appliances.

Source FARs section 21.301 modified.

Replacement and modification parts

21.303. (1) Except as provided in subregulation (2), a person must not produce a modification or replacement part for sale for installation on a type certificated aircraft, aircraft engine or propeller unless it is produced pursuant to an Australian Parts Manufacturer Approval (APMA) issued under this Subpart.

Penalty: 50 penalty units.

- (2)** This regulation does not apply to the following:
- (a) parts manufactured in the course of maintenance by a maintenance organisation having approval to manufacture the parts;
 - (b) parts produced under a type certificate or production certificate;
 - (c) parts manufactured by the owner or operator of an aircraft, aircraft engine or propeller manufactured by the owner or operator, for maintaining or altering the aircraft, aircraft engine or propeller;
 - (d) parts produced under an ATSO authorisation, or under a technical standard order (TSO) authorisation, or a parts manufacturer approval (PMA), issued under Part 21 of the FARs or an equivalent document issued by the NAA of a recognised country;
 - (e) standard parts (such as bolts and nuts) conforming to established industry or Australian specifications.

(2A) Any person is eligible to apply for an APMA.

(3) An application for an APMA may be made to CASA and must include the following:

- (a) the identity of the aircraft, aircraft engine or propeller on which the part is to be installed;
- (b) the name and address of the manufacturing facilities at which the part is to be manufactured;
- (c) the design of the part, which consists of:
 - (i) drawings and specifications necessary to show the configuration of the part; and
 - (ii) information on dimensions, materials, and processes necessary to define the structural strength of the part;
- (d) test reports and computations necessary to show that the design of the part meets the airworthiness requirements of these regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed, unless the applicant shows that the design of the part is identical to the design of a part that is covered under a type certificate. If the design of the part was obtained by a licensing agreement, evidence of that agreement must be furnished.

(4) An applicant is entitled to an APMA for a replacement or modification part if:

- (a) following examination of the designs, CASA is satisfied that the design meets the airworthiness requirements of these regulations applicable to the aircraft, aircraft engine or propeller on which the part is to be installed; and
- (b) the applicant submits a statement certifying that the applicant has established the fabrication inspection system required by subregulation (11).

(5) An applicant for an APMA must allow CASA to make any inspection or test necessary to determine compliance with the applicable regulations.

(6) CASA is not required to consider an application unless the applicant has complied with paragraphs (8) (b), (c) and (d).

(7) The applicant must ensure that no change is made to a part between the time compliance with paragraphs (8) (b), (c) and (d) is shown for that part and the time the part is presented to CASA for inspection or test.

(8) An applicant for an APMA must make all inspections and tests necessary to determine the following:

- (a) compliance with the applicable airworthiness requirements;
- (b) that materials conform to the specifications in the design;
- (c) that the part conforms to the drawings in the design;
- (d) that the fabrication processes, construction, and assembly conform to those specified in the design.

(9) CASA must issue an APMA to an applicant for the APMA if the applicant:

- (a) is eligible, under this regulation, to apply for the APMA; and
- (b) applies for the APMA in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the APMA; and
- (d) otherwise complies with this Part.

(10) CASA is not required to issue an APMA if the manufacturing facilities for the part are located outside Australian territory, unless the location of the manufacturing facilities places no undue burden on CASA in administering the applicable airworthiness requirements.

(11) The holder of an APMA must establish and maintain a fabrication inspection system that ensures that each completed part conforms to its design data and is safe for installation on applicable type certificated aircraft, aircraft engines or propellers. The system must include procedures to ensure that:

- (a) incoming materials used in the finished part are as specified in the design data; and
- (b) incoming materials are properly identified if their physical and chemical properties cannot otherwise be readily and accurately determined; and

- (c) materials subject to damage and deterioration are suitably stored and adequately protected; and
- (d) processes affecting the quality and safety of the finished aircraft, aircraft engine or propeller are accomplished in accordance with acceptable specifications; and
- (e) parts in process are inspected for conformity with the design data at points in production where accurate determination can be made. Statistical quality control procedures may be employed where it is shown that a satisfactory level of quality will be maintained for the particular part involved; and
- (f) current design drawings are readily available to manufacturing and inspection personnel, and used when necessary; and
- (g) major changes to the basic design are adequately controlled and approved before being incorporated in the finished part; and
- (h) rejected materials and components are segregated and identified in such a manner as to preclude their use in the finished part; and
- (i) inspection records are maintained, identified with the completed part, where practicable, and retained in the holder's file for a period of at least 2 years after the part has been completed.

(12) An APMA is not transferable and continues in force until cancelled.

(13) The holder of an APMA must notify CASA in writing within 10 days from the date the manufacturing facility at which the parts are manufactured is relocated or expanded to include additional facilities at other locations.

(14) The holder of an APMA must determine whether each completed part conforms to the design data and is safe for installation on type certificated aircraft, aircraft engines or propellers.

(15) CASA may suspend or cancel an APMA, by written notice given to its holder, if the holder does not comply, or ceases to comply, with this Subpart.

(16) Despite subregulation (12), an APMA is not in force during any period of suspension.

(17) A notice under subregulation (15) must set out:

- (a) the grounds for the suspension or cancellation; and
- (b) in the case of a suspension—when the suspension stops having effect.

Source FARs section 21.303 modified.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of APMAs.

Approval of materials, parts, processes and appliances

21.305. Whenever a material, part, process, or appliance is required to be approved under these regulations, it may be approved:

- (a) under an APMA; or
- (b) under an ATSO authorisation or letter of ATSO design approval; or
- (c) in conjunction with type certification procedures for an aircraft, aircraft engine or propeller; or
- (d) under Subpart N; or
- (e) in any other manner approved by CASA.

Source FARs section 21.305 modified.

Approval of materials, parts, processes and appliances not covered by regulation 21.305

21.305A. (1) A person may apply to CASA or an authorised person for approval of any material, part, process or appliance that is not covered by regulation 21.305.

(2) CASA or an authorised person must, following any inspection that may be necessary, give the approval to the applicant if CASA or the authorised person is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

Use of standard parts and materials

21.306. (1) Standard parts (such as bolts and nuts) and materials conforming to established industry or Australian specifications may be used, where required by the type design, in the manufacture of an aircraft, aircraft engine, propeller, material, part or appliance if:

- (a) the part or material to be used was supplied with a document that:
 - (i) was issued under the law of a Contracting State; and
 - (ii) contains a statement that identifies the part or material and that includes (if applicable) the specification of the part or material; and
- (b) the part or material has zero time in service.

(2) For the purposes of determining whether any material or part complies with established industry or Australian specifications, CASA may:

- (a) require the person who is using, or proposing to use, the material or part to give CASA any technical data relevant to the material or part; or
- (b) inspect any material or part to determine whether it complies with the specifications.

*Subpart L—Export airworthiness approvals***Applicability**

21.321. (1) This Subpart prescribes:

- (a) requirements for the issue of export airworthiness approvals; and
- (b) rules governing the holders of those approvals.

(2) For these regulations:

- (a) a ***Class I product*** is a complete aircraft, aircraft engine, or propeller, that:
 - (i) has been type certificated in accordance with these regulations and for which civil specifications or type certificate data sheets have been issued; or
 - (ii) is identical to a type certificated product specified in subparagraph (i) in all respects except as is otherwise acceptable to the NAA of the importing state; and
- (b) a ***Class II product*** is a major component of a Class I product (for example, wings, fuselages, empennage assemblies, landing gears, power transmissions and control surfaces), the failure of which would jeopardise the safety of a Class I product; or any part, material, or appliance, approved and manufactured under an ATSO in the “C” series; and
- (c) a ***Class III product*** is any part or component which is not a Class I or Class II product and includes standard parts (for example, those designated as AN, NAS or SAE); and
- (d) the word ***overhauled*** when used to describe a product means that the product has not been operated or placed in service, except for functional testing, since having been overhauled, inspected and approved for return to service in accordance with these regulations.

Source FARs section 21.321, modified.

Eligibility

21.323. Any person may obtain an export airworthiness approval for a Class I, Class II or Class III product.

Source FARs section 21.323, modified.

Issue of export airworthiness approvals

21.324. CASA, or an authorised person, must issue an export airworthiness approval for a Class I, Class II or Class III product to an applicant for the approval if the applicant:

- (a) is eligible, under regulation 21.323, to obtain the approval; and
- (b) applies for the approval in accordance with this Subpart; and
- (c) is entitled, under this Subpart, to the approval; and
- (d) otherwise complies with this Part.

Export airworthiness approvals

Kinds of approvals

21.325. (1) Export airworthiness approval of Class I products is issued:

- (a) for an aircraft—in the form of an export certificate of airworthiness; or
- (b) for an aircraft engine or propeller—in the form of an airworthiness tag/release note.

(2) An export certificate of airworthiness does not authorise the operation of aircraft.

(3) Export airworthiness approval of Class II and III products is issued in the form of an airworthiness tag/release note.

Products which may be approved

(4) Export airworthiness approvals may be issued for the following:

- (a) new aircraft that are assembled and that have been flight-tested, and other Class I products located in Australian territory, except that export airworthiness approval may be issued for any of the following without assembly or flight-test:
 - (i) a small aeroplane type certificated by reference to Part 23 and manufactured under a production certificate;
 - (ii) a glider, powered sailplane or manned free balloon for which a type certificate of the kind mentioned in regulation 21.21 or 21.24 is issued under this Part and that is manufactured under a production certificate;
 - (iii) a normal category rotorcraft type certificated by reference to Part 27 and manufactured under a production certificate;
- (b) used aircraft possessing a valid certificate of airworthiness, or other used Class I or Class II products that have been maintained in accordance with the applicable provisions of CAR 1988 or CAR 1998;
- (c) Class II and III products that are manufactured and located in Australian territory.

(5) Despite regulation 21.324, CASA is not required to issue an export airworthiness approval for used aircraft or used Class I products mentioned in paragraph (4) (b) that are located outside Australian territory, unless there is no undue burden on CASA in administering this regulation.

Export airworthiness approval exceptions

(6) If CASA or an authorised person issues an export airworthiness approval on the basis of a written statement by the importing state as provided for in paragraph 21.327 (4) (d), CASA or the authorised person must list on the export airworthiness approval, as exceptions, the requirements that are not met and the differences in configuration, if any, between the product to be exported and the related type certificated product.

Penalty for subregulation (6): 50 penalty units.

Source FARs section 21.325, modified.

Application

21.327. (1) Except as provided in subregulation (2), an application for export airworthiness approval for a Class I, Class II or Class III product must be made to CASA or an authorised person in a form and manner acceptable to CASA.

(2) A manufacturer holding a production certificate may apply orally to CASA or an authorised person for export airworthiness approval of a Class II product approved under the manufacturer's production certificate.

(3) A separate application must be made for:

- (a) each aircraft; and
- (b) each engine or propeller, except that one application may be made for more than one engine or propeller, if all are of the same type and model and are to be exported to the same purchaser and country; and
- (c) each type of Class II product, except that one application may be made for more than one type of Class II product when:
 - (i) they are separated in the application and the type and model of the related Class I product is identified; and
 - (ii) they are to be exported to the same purchaser and country.

(4) Each application must be accompanied by a written statement from the importing country that will validate the export airworthiness approval if the product being exported is:

- (a) an aircraft manufactured outside Australian territory and being exported to a country with which Australia has a reciprocal agreement concerning the validation of export certificates; or
- (b) an unassembled aircraft which has not been flight-tested; or
- (c) a product that does not meet the special requirement of the importing country; or
- (d) a product that does not meet a requirement specified in regulation 21.329, 21.331, or 21.333, as applicable, for the issue of an export airworthiness approval.

(5) The written statement must list any requirements mentioned in paragraph (4) (d) that are not met.

(6) Each application for export airworthiness approval of a Class I product must include the following, as applicable:

- (a) a statement of conformity mentioned in subregulation 21.130 (2) for each new product that has not been manufactured under a production certificate;
- (b) a weight and balance report in accordance with subregulations (7), (8), (9) and (10), as applicable, with a loading schedule when applicable, for each aircraft in accordance with section 100.7 of the Civil Aviation Orders;
- (c) a maintenance manual for each new product when such a manual is required under these regulations;
- (d) evidence of compliance with the applicable airworthiness directives, or a suitable notation if any airworthiness directives are not complied with;
- (e) when temporary installations are incorporated in an aircraft for the purpose of export delivery—a general description of the installations together with a statement that the installation will be removed and the aircraft restored to the approved configuration upon completion of the delivery flight;

- (f) historical records such as aircraft and engine log books, repair and alteration forms, for used aircraft and overhauled products;
- (g) for products intended for overseas shipment—a description of the methods used, if any, for the preservation and packaging of such products to protect them against corrosion and damage while in transit or storage. The description must also indicate the duration of the effectiveness of such methods;
- (h) the aircraft's flight manual required by the applicable airworthiness regulations for the particular aircraft;
- (i) a statement as to the date when title passed or is expected to pass to a foreign purchaser;
- (j) the data required by the special requirements of the importing country.

Weight and balance reports

(7) A weight and balance report for transport aircraft and commuter category aeroplanes must be based on an actual weighing of the aircraft within the period of 12 months preceding the application for the export airworthiness approval for the aircraft, but after any major repairs or alteration to the aircraft.

(8) Any changes in equipment that are made after the actual weighing of the aircraft (except changes classes as major changes) may be accounted for on a “computed” basis and the report revised accordingly.

(9) Manufacturers of new non-transport category aeroplanes, normal category rotorcraft or gliders may include computed weight and balance data in the report, instead of the results of an actual weighing of the aircraft, if fleet weight control procedures approved by CASA have been established for the aircraft. In this case, the following statement must be included in each report: “The weight and balance data shown in this report are computed on the basis of CASA’s approved procedures for establishing fleet weight averages.”.

(10) A weight and balance report must include an equipment list showing weights and moment arms of all required and optional

items of equipment that are included in the certificated empty weight.

Source FARs section 21.327, modified.

Issue of export airworthiness approvals for Class I products

21.329. (1) An applicant is entitled to an export airworthiness approval for a Class I product if the applicant shows, at the time the application is made, that the product meets the requirements of subregulations (2) to (6) (inclusive), as applicable, except as provided in subregulation (7).

(2) New and used aircraft must meet:

- (a) the airworthiness requirements for a standard certificate of airworthiness under regulation 21.183; or
- (b) the airworthiness certification requirements for a special certificate of airworthiness for an aircraft in the primary, intermediate or restricted category under regulation 21.184, 21.184A or 21.185 respectively.

(3) Used aircraft must have undergone an annual, or 100 hour, type inspection in accordance with Part IVA of CAR 1988. The inspection must have been performed and properly documented within 30 days before the date the application is made for an export certificate of airworthiness. In complying with this subregulation, consideration may be given to any inspections performed within the 30 days prior to the date the application is made for an export certificate of airworthiness on an aircraft maintained in accordance with a system of maintenance for the aircraft approved in accordance with Part IVA of CAR 1988.

(4) New engines and propellers must conform to the type design and must be in a condition for safe operation.

(5) Used engines and propellers which are not being exported as part of a certificated aircraft must have been overhauled.

(6) CASA must be satisfied that the special requirements of the importing country have been met.

(7) A product need not meet a requirement mentioned in subregulation (2), (3), (4), (5) or (6) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source FARs section 21.329, modified.

Issue of airworthiness approvals for Class II products

21.331. (1) An applicant is entitled to an export airworthiness approval for a Class II product if that applicant shows, and CASA is satisfied, that the product:

- (a) is new or has been overhauled and conforms to the approved design data; and
- (b) is in a condition for safe operation; and
- (c) is identified with at least the manufacturer's name, part number, model designation (if applicable), and serial number or equivalent; and
- (d) meets any special requirements of the importing country.

(2) However, a product need not meet a requirement mentioned in subregulation (1) if the product is acceptable to the importing country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source FARs section 21.331 modified.

Issue of export airworthiness approvals for Class III products

21.333. (1) An applicant is entitled to an export airworthiness approval for a Class III product if the applicant shows, and CASA is satisfied, that the product:

- (a) conforms to the approved design data applicable to the Class I or Class II product of which it is a part; and
- (b) is in a condition for safe operation; and
- (c) meets any special requirements of the importing country.

(2) However, a product need not meet a requirement mentioned in subregulation (1) if it is acceptable to the importing

country and the importing country indicates that acceptability in accordance with paragraph 21.327 (4) (d) and subregulation 21.327 (5).

Source FARs section 21.333 modified.

Performance of inspections and overhauls

21.337. Unless otherwise provided for in this Subpart, an export airworthiness approval for a Class I or Class II product is not valid unless the product is inspected by an approved maintenance organisation.

Source FARs section 21.337 modified.

Export airworthiness approval for aircraft

21.339. An applicant is entitled to an export certificate of airworthiness authorising the export of an aircraft to 2 or more foreign countries if:

- (a) the applicant gives CASA a statement to the effect that the aircraft is to be flown to each of these countries for the purpose of sale; and
- (b) a standard certificate of airworthiness or a special certificate of airworthiness is in force for the aircraft; and
- (c) the aircraft is inspected by CASA before leaving Australian territory and is found to comply with all the applicable requirements; and
- (d) a list of the foreign countries in which it is intended to conduct sales demonstrations, together with the expected dates and duration of such demonstration, is included in the application under regulation 21.327; and
- (e) for each country listed, the applicant:
 - (i) has met that country's special requirements, except those requiring documents, information, and materials to be furnished; and
 - (ii) has the documents, information, and materials necessary to meet the special requirements of that country; and

- (f) all other requirements for the issue of an export certificate of airworthiness for a Class I product are met.

Source FARs section 21.33 modified.

Subpart N—Approval of engines, propellers, materials, parts and appliances: imported

Approval of imported aircraft engines and propellers

21.500. (1) Each holder or licensee of an Australian type certificate for an aircraft engine or propeller manufactured in a recognised country, or in a foreign country with which Australia has an agreement for the acceptance of those products for export and import, must furnish with each such aircraft engine or propeller imported into Australian territory by the holder or licensee, a certificate of airworthiness for export issued by the country of manufacture certifying that the individual aircraft engine or propeller:

- (a) conforms to its type certificate; and
- (b) is in a condition for safe operation; and
- (c) has been subjected by the manufacturer to a final operational check.

(2) If these regulations require an imported aircraft engine or propeller to be type certificated, it is taken to be type certificated under these regulations if:

- (a) the aircraft engine or propeller:
 - (i) is manufactured in a recognised country, or in a foreign country with which Australia has an agreement for the acceptance of those products for import or export, or the aircraft engine or propeller forms a part of a type design for which a type certificate or a type acceptance certificate is in force under these regulations, or a certificate of type approval is in force under CAR 1988; and
 - (ii) conforms to a valid type certificate; and
 - (iii) is in a condition for safe operation; and
 - (iv) has been subjected by the manufacturer to a final operational check; and
- (b) an airworthiness approval (however described) validly issued in the foreign country, is in force, certifying with respect to the matters mentioned in paragraph (a).

(3) CASA may inspect an aircraft engine or propeller to which this regulation applies to determine whether it complies with this regulation.

Source FARs section 21.500 modified.

Approval of other imported aircraft engines and propellers

21.500A. (1) A person may apply to CASA for approval of an imported aircraft engine, or propeller, that is not covered by regulation 21.500.

(2) An applicant must, on request by CASA, give CASA any technical data relevant to the aircraft engine or propeller.

(3) CASA must, following any necessary inspection, give the approval if CASA is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

Approval of imported materials, parts and appliances

21.502. (1) If these regulations, or the Civil Aviation Orders, require an imported material, part or appliance to be approved, it is taken to be approved if:

- (a) the material, part or appliance:
 - (i) is manufactured in a recognised country, or in a foreign country with which Australia has an agreement for the acceptance of those materials, parts or appliances for export and import, or the material, part or appliance forms part of a type design for which a type certificate or a type acceptance certificate is in force under these regulations, or a certificate of type approval is in force under CAR 1988; and
 - (ii) conforms to an aeronautical specification appropriate to the proposed use; and
 - (iii) is in a condition for safe operation; and
- (b) an airworthiness approval (however described) validly issued in the foreign country, is in force, certifying with respect to the matters mentioned in paragraph (a).

(2) CASA may inspect any material part or appliance to determine whether it complies with this regulation.

Source FARs section 21.502 modified.

Approval of other imported materials, parts and appliances

21.502A. (1) A person may apply to CASA or an authorised person for approval of an imported material, part or appliance that is not covered by regulation 21.502.

(2) An applicant must, on request by CASA or the authorised person, give to CASA or the authorised person any technical data relevant to the material, part or appliance.

(3) CASA or the authorised person must, following any necessary inspection, give the approval if CASA is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

Subpart O—Australian Technical Standard Order Authorisations

Applicability

21.601. (1) This Subpart prescribes:

- (a) requirements for the issue of Australian Technical Standard Order (ATSO) authorisations; and
- (b) rules governing the holders of ATSO authorisations; and
- (c) requirements for the issue of a letter of ATSO design approval.

(2) For the purpose of these regulations:

- (a) an ***ATSO*** is a minimum performance standard for specified articles (for the purpose of this Subpart, ***articles*** means materials, parts, processes, or appliances) used on civil aircraft; and
- (b) an ***ATSO authorisation*** is a CASA design and production approval issued to the manufacturer of an article which has been found to meet a specific ATSO; and
- (c) a ***letter of ATSO design approval*** is a CASA design approval for a foreign-manufactured article which has been found to meet a specific ATSO in accordance with the procedures of regulation 21.617; and
- (d) an article manufactured under an ATSO authorisation or an appliance manufactured under a letter of ATSO design approval described in regulation 21.617 is an approved article or appliance for the purpose of meeting the provisions of these regulations that require the article to be approved; and
- (e) an ***article manufacturer*** is the person who controls the design and quality of the article produced (or to be produced, in the case of an application), including the parts of them and any processes or services related to them that are procured from an outside source.

(3) A minimum performance standard mentioned in paragraph (2) (a) is:

- (a) a performance standard set out in Part 103 or 108 of the Civil Aviation Orders; or
- (b) another performance standard that CASA considers provides an acceptable level of safety for the article to which the standard relates.

(4) Despite subregulation 21.605 (4), CASA is not required to issue an ATSO authorisation for an article if the manufacturing facilities for the article are located outside Australian territory, unless the location of the manufacturer's facilities places no undue burden on CASA in administering the applicable airworthiness requirements.

Source FARs section 21.601 modified.

ATSO marking and privileges

21.603. Except as provided in subregulation 21.617 (3), a person must not identify an article with an ATSO marking unless that person holds an ATSO authorisation and the article meets applicable ATSO performance standards.

Penalty: 50 penalty units.

Source FARs section 21.603 modified.

Application and issue

21.605. (1) An article manufacturer may apply to CASA for an ATSO authorisation for the article.

(2) An application must be accompanied by the following documents:

- (a) a statement of conformance certifying that the applicant has met the requirements of this Subpart and that the article concerned meets the applicable ATSO that is effective on the date of application for that article;
- (b) one copy of the technical data required in the applicable ATSO;

- (c) a description of the applicant's quality system in the detail specified in regulation 21.143. In complying with this regulation, the applicant may refer to current quality system data filed with CASA as part of a previous ATSO authorisation application.

(3) When a series of minor changes in accordance with regulation 21.611 is anticipated, the applicant must set forth in the application the basic model number of the article and the part number of the components with open brackets after it to denote that suffix change letters or numbers (or combinations of them) will be added from time to time.

(4) CASA must issue an ATSO authorisation (including all ATSO deviations approved under subregulation 21.609 (3)) if the applicant has, or will have, the ability to produce duplicate articles that comply with the ATSO or the ATSO as varied.

Source FARs section 21.605 modified.

General rules governing holders of ATSO authorisations

21.607. An article manufacturer to whom an ATSO authorisation for the article has been issued must ensure that:

- (a) the article is manufactured in accordance with this Part and the applicable ATSO (including any deviations approved under subregulation 21.609 (3)); and
- (b) all tests and inspections required under these regulations, or the applicable ATSO, are conducted, and a quality system is established and maintained that is adequate to ensure that the article meets the requirements of paragraph (a) and is in a condition for safe operation; and
- (c) the article is permanently and legibly marked with the following information:
 - (i) the name and address of the manufacturer;
 - (ii) the name, type, part number, or model designation of the article;

- (iii) the serial number or the date of manufacture of the article or both;
- (iv) the applicable ATSO number.

Penalty: 50 penalty units.

Source FARs section 21.607 modified.

Approval for deviation

21.609. (1) An article manufacturer who requests approval to deviate from any performance standard of an ATSO must show that the standards from which a deviation is requested are compensated for by factors or design features providing an equivalent level of safety.

(2) The request for approval to deviate, together with all pertinent data, must be submitted to CASA. If the article is manufactured in another country, the request for approval to deviate, together with all pertinent data, must be submitted to CASA through the NAA of that country.

(3) CASA may approve the deviation if the requirements of this subregulation are met.

Source FARs section 21.609 modified.

Design changes

Minor changes by the manufacturer holding an ATSO authorisation

21.611. (1) An article manufacturer manufacturing an article under an ATSO authorisation may make minor design changes (any change other than a major change) without further approval by CASA. In this case, the changed article keeps the original model number (part numbers may be used to identify minor changes).

(2) The manufacturer must forward to CASA any revised data that are necessary for compliance with subregulation 21.605 (3).

Penalty: 25 penalty units.

Major changes by manufacturer holding an ATSO authorisation

(3) Any design change by the manufacturer that is extensive enough to require a substantially complete investigation to determine compliance with an ATSO is a **major change**. Before making such a change, the manufacturer must assign a new type or model designation to the article and apply for an ATSO authorisation under regulation 21.605.

Changes by person other than manufacturer

(4) No design change by any person (other than the article manufacturer who submitted the statement of conformance for the article) is eligible for approval under this Part unless the person seeking the approval is an article manufacturer and applies under subregulation 21.605 (1) for a separate ATSO authorisation. Persons other than an article manufacturer may obtain approval for design changes under regulation 35 of CAR 1988.

Source FARs section 21.611 modified.

Record keeping requirements

Keeping the records

21.613. (1) An article manufacturer holding an ATSO authorisation must, for each article manufactured under that authorisation, keep the following records at its factory:

- (a) a complete and current technical data file for each type or model article, including design drawings and specifications;
- (b) complete and current inspection records showing that all inspections and tests required to ensure compliance with this part have been properly completed and documented.

Retention of records

(2) The manufacturer must retain the records described in paragraph (1) (a) until it no longer manufactures the article. At that time, copies of these records must be sent to CASA. The manufacturer must retain the records described in paragraph (1) (b) for a period of at least 2 years.

Penalty: 50 penalty units.

Source FARs section 21.613 modified.

CASA inspection

21.615. (1) Upon the request of CASA, an article manufacturer manufacturing an article under an ATSO authorisation must allow CASA to:

- (a) inspect any article manufactured under that authorisation; and
- (b) inspect the manufacturer's quality system; and
- (c) witness any tests; and
- (d) inspect the manufacturing facilities; and
- (e) inspect the technical data files on that article.

(2) If the manufacturer does not comply with a request under subregulation (1), the ATSO authorisation is suspended until the request is complied with.

Source FARs section 21.615 modified.

Issue of letters of ATSO design approval: import appliances

21.617. (1) A letter of ATSO design approval may be issued for an appliance that is manufactured in a foreign country with which Australia has an agreement for the acceptance of these appliances for export and import and that is to be imported into Australian territory, if:

- (a) the NAA of the country in which the appliance was manufactured certifies that the appliance has been examined, tested, and found to meet the applicable ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305 (b) or the applicable performance standards of the country in which the appliance was manufactured and any other performance standards CASA prescribes to provide a level of safety equivalent to that provided by the ATSO approved under an ATSO authorisation, or letter of ATSO design approval, under paragraph 21.305 (b); and
- (b) the article manufacturer has submitted to CASA one copy of the technical data required in the applicable performance standard through the NAA of the country in which the appliance was manufactured.

(2) The letter of ATSO design approval will be issued by CASA and must list any deviation granted to the manufacturer under regulation 21.609.

(3) After CASA has issued a letter of ATSO design approval and an airworthiness approval mentioned in paragraph 21.502 (1) (b) has been issued, the manufacturer is authorised to identify the appliance with the ATSO marking requirements described in subregulation 21.607 (d) and in the applicable ATSO. Each appliance must be accompanied by an airworthiness approval mentioned in paragraph 21.502 (1) (b).

Source FARs section 21.617 modified.

Non-compliance

21.619. CASA may suspend or cancel the ATSO authorisation or letter of ATSO design approval of any article manufacturer who identifies with an ATSO marking an article not meeting the performance standards of the applicable ATSO (including any deviations approved under subregulation 21.609 (3)).

Source FARs section 21.619 modified.

Note See also regulations 21.2C and 21.2E in relation to suspension and cancellation of ATSO authorisations or letters of ATSO design approval.

Transferability and duration

21.621. (1) An ATSO authorisation or letter of ATSO design approval is not transferable and continues in force until surrendered or cancelled.

(2) However, an ATSO authorisation or a letter of ATSO design approval is not in force during any period of suspension.

Source FARs section 21.621 modified.

PART 22—AIRWORTHINESS STANDARDS FOR SAILPLANES AND POWERED SAILPLANES

Airworthiness standards

22.1. (1) The airworthiness standards for a sailplane or powered sailplane are:

- (a) the airworthiness standards set out in JAR-22 (Sailplanes and Powered Sailplanes), as in force at the commencement of this regulation, with the changes provided under this Part; or
- (b) the airworthiness standards set out in Section E of the British Civil Airworthiness Requirements published by the Air Registration Board of the United Kingdom, as in force at the commencement of this regulation, with the changes provided under this Part; or
- (c) the airworthiness standards set out in the Airworthiness Requirements for Sailplanes and Powered Sailplanes issued by the Luftfahrt-Bundesamt of the Federal Republic of Germany, as in force at the commencement of this regulation, with the changes provided under this Part; or
- (d) the airworthiness standards set out in OSTIV Airworthiness Standards for Sailplanes published by the Organisation Scientifique et Technique Internationale du Vol a Voile, as in force at the commencement of this regulation, with the changes provided under this Part.

(2) A sailplane or powered sailplane that meets the airworthiness standards mentioned in paragraph (1) (a), (b), (c) or (d) is taken to meet the airworthiness standards for a sailplane or powered sailplane under these regulations.

Incidental provisions

22.2 For these regulations, the incidental provisions of an instrument mentioned in regulation 22.1 apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

Changes to JAR-22 (Sailplanes and Powered Sailplanes)

22.3. For this Part, a reference in JAR-22 (Sailplanes and Powered Sailplanes) to the Authority is a reference to CASA.

Changes to Section E of the British Civil Airworthiness Requirements

22.4. For this Part, a reference in Section E of the British Civil Airworthiness Requirements to the Board is a reference to CASA.

Changes to the Airworthiness Requirements for Sailplanes and Powered Sailplanes

22.5. For this Part, a reference in the Airworthiness Requirements for Sailplanes and Powered Sailplanes (mentioned in paragraph 22.1 (1) (c)) to the Luftfahrt-Bundesamt is a reference to CASA.

Approvals under JAR-22 (Sailplanes and Powered Sailplanes)

22.6. For the application of JAR-22 (Sailplanes and Powered Sailplanes) under this Part:

- (a) an approval (however described) mentioned in that JAR may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

Approvals under Section E of the British Civil Airworthiness Requirements

22.7. For the application of Section E of the British Civil Airworthiness Requirements under this Part:

- (a) an approval (however described) mentioned in that section may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

Approvals under the Airworthiness Requirements for Sailplanes and Powered Sailplanes

22.8. For the application of the Airworthiness Requirements for Sailplanes and Powered Sailplanes (mentioned in paragraph 22.1 (1) (c)) under this Part:

- (a) an approval (however described) mentioned in those requirements may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

Approvals under OSTIV Airworthiness Standards for Sailplanes

22.9. For the application of OSTIV Airworthiness Standards for Sailplanes under this Part:

- (a) an approval (however described) mentioned in those standards may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

**PART 23—AIRWORTHINESS STANDARDS FOR
AEROPLANES IN THE NORMAL, UTILITY, ACROBATIC
OR COMMUTER CATEGORY**

Airworthiness standards

23.1. (1) The airworthiness standards for an aeroplane in the normal category, utility category, acrobatic category or commuter category are:

- (a) the airworthiness standards set out in Part 23 of the FARs, as in force at the commencement of this regulation, with the changes provided under this Part; or
- (b) the airworthiness standards set out in JAR-VLA, as in force at the commencement of this regulation, with the changes provided under this Part; or
- (c) the airworthiness standards set out in JAR-23, as in force at the commencement of this regulation, with the changes provided under this Part.

(2) An aeroplane in the normal category, utility category, acrobatic category or commuter category that meets the airworthiness standards mentioned in paragraph (1) (a), (b) or (c) is taken to meet the airworthiness standards for an aeroplane in the normal category, utility category, acrobatic category or commuter category under these regulations.

Incidental provisions

23.2 For these regulations, the incidental provisions of an instrument mentioned in regulation 23.1 apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

Changes to Part 23 of the FARs

23.3. (1) For this Part, a reference in Part 23 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 23 of the FARs to the FAA or to the Administrator is a reference to CASA.

Changes to JAR-VLA

23.4. For this Part, a reference in JAR-VLA to the Authority is a reference to CASA.

Changes to JAR-23

23.5. For this Part, a reference in JAR-23 to the Authority is a reference to CASA.

Approvals under Part 23 of the FARs

23.6. For the application of Part 23 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 23 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA under these regulations; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Approvals under JAR-VLA

23.7. For the application of JAR-VLA under this Part:

- (a) an approval (however described) mentioned in that JAR may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

Approvals under JAR-23

23.8. For the application of JAR-23 under this Part:

- (a) an approval (however described) mentioned in that JAR may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

PART 25—AIRWORTHINESS STANDARDS FOR AEROPLANES IN THE TRANSPORT CATEGORY

Airworthiness standards

25.1. (1) The airworthiness standards for an aeroplane in the transport category are:

- (a) the airworthiness standards set out in Part 25 of the FARs, as in force at the commencement of this regulation, with the changes provided under this Part; or
- (b) the airworthiness standards set out in JAR-25, as in force at the commencement of this regulation, with the changes provided under this Part.

(2) An aeroplane in the transport category that meets the airworthiness standards mentioned in paragraph (1) (a) or (b) is taken to meet the airworthiness standards for an aeroplane in the transport category under these regulations.

Incidental provisions

25.2 For these regulations, the incidental provisions of an instrument mentioned in regulation 25.1 apply to the operation of the airworthiness standards in that instrument, with the changes provided under this Part.

Changes to Part 25 of the FARs

25.3. (1) For this Part, a reference in Part 25 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 25 of the FARs to the FAA or to the Administrator is a reference to CASA.

Changes to JAR-25

25.4. For this Part, a reference in JAR-25 to the Authority is a reference to CASA.

Approvals under Part 25 of the FARs

25.5. For the application of Part 25 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 25 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and
- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

Approvals under JAR-25

25.6. For the application of JAR-25 under this Part:

- (a) an approval (however described) mentioned in that JAR may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

**PART 26—AIRWORTHINESS STANDARDS FOR
AIRCRAFT IN THE PRIMARY CATEGORY OR
INTERMEDIATE CATEGORY**

Airworthiness standards

26.1. The airworthiness standards for an aircraft in the primary category or intermediate category are so much of the airworthiness standards set out in Parts 22, 23, 27, 32, 33 and 35 as apply to an aircraft of that type.

Incidental provisions

26.2 For these regulations, the incidental provisions of an instrument mentioned in Part 22, 23, 27, 32, 33 or 35 apply to the operation of the airworthiness standards in that instrument.

**PART 27—AIRWORTHINESS STANDARDS FOR
HELICOPTERS IN THE NORMAL CATEGORY****Airworthiness standards**

27.1. The airworthiness standards for helicopters in the normal category are the airworthiness standards set out in Part 27 of the FARs, as in force at the commencement of this regulation, with the changes provided under this Part.

Incidental provisions

27.2 For these regulations, the incidental provisions of Part 27 of the FARs, as in force at the commencement of this regulation, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part.

Changes to Part 27 of the FARs

27.3. (1) For this Part, a reference in Part 27 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 27 of the FARs to the FAA or to the Administrator is a reference to CASA.

Approvals under Part 27 of the FARs

27.4. For the application of Part 27 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 27 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

PART 29—AIRWORTHINESS STANDARDS FOR ROTORCRAFT IN THE TRANSPORT CATEGORY

Airworthiness standards

29.1. The airworthiness standards for a rotorcraft in the transport category are the airworthiness standards set out in Part 29 of the FARs, as in force at the commencement of this regulation, with the changes provided under this Part.

Incidental provisions

29.2 For these regulations, the incidental provisions of Part 29 of the FARs, as in force at the commencement of this regulation, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part.

Changes to Part 29 of the FARs

29.3. (1) For this Part, a reference in Part 29 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 29 of the FARs to the FAA or to the Administrator is a reference to CASA.

Approvals under Part 29 of the FARs

29.4. For the application of Part 29 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 29 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

**PART 31—AIRWORTHINESS STANDARDS FOR MANNED
FREE BALLOONS****Airworthiness standards**

31.1. The airworthiness standards for manned free balloons are the airworthiness certification requirements in section 101.54 of the Civil Aviation Orders, as in force from time to time.

Incidental provisions

31.2 For these regulations, the incidental provisions of section 101.54 of the Civil Aviation Orders, as in force from time to time, apply to the operation of the airworthiness certification requirements in that section.

PART 32—AIRWORTHINESS STANDARDS FOR ENGINES FOR VERY LIGHT AEROPLANES

Airworthiness standards

32.1. The airworthiness standards for an aircraft engine for use in very light aeroplanes are the airworthiness standards in Subpart H of JAR-22, as in force at the commencement of this regulation, with the changes provided under this Part.

Incidental provisions

32.2 For these regulations, the incidental provisions of Subpart H of JAR-22, as in force at the commencement of this regulation, apply to the operation of the airworthiness standards in that Subpart, with the changes provided under this Part.

Changes to Subpart H of JAR-22

32.3. For this Part, a reference in Subpart H of JAR-22 to the Authority is a reference to CASA.

Approvals under Subpart H of JAR-22

32.4. For the application of Subpart H of JAR-22 under this Part:

- (a) an approval (however described) mentioned in that Subpart may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety.

PART 33—AIRWORTHINESS STANDARDS FOR AIRCRAFT ENGINES

Airworthiness standards

33.1. The airworthiness standards for an aircraft engine are the airworthiness standards in Part 33 of the FARs, as in force at the commencement of this regulation, with the changes provided under this Part.

Incidental provisions

33.2 For these regulations, the incidental provisions of Part 33 of the FARs, as in force at the commencement of this regulation, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part.

Changes to Part 33 of the FARs

33.3. (1) For this Part, a reference in Part 33 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 33 of the FARs to the FAA or to the Administrator is a reference to CASA.

Approvals under Part 33 of the FARs

33.4. For the application of Part 33 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 33 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

PART 35—AIRWORTHINESS STANDARDS FOR AIRCRAFT PROPELLERS

Airworthiness standards

35.1. The airworthiness standards for an aircraft propeller are the airworthiness standards and other provisions in Part 35 of the FARs, as in force at the commencement of this regulation, with the changes provided under this Part.

Incidental provisions

35.2 For these regulations, the incidental provisions of Part 35 of the FARs, as in force at the commencement of this regulation, apply to the operation of the airworthiness standards in that Part, with the changes provided under this Part.

Changes to Part 35 of the FARs

35.3. (1) For this Part, a reference in Part 35 of the FARs to the United States is a reference to Australia or, when used in a geographical sense, to Australian territory.

(2) For this Part, a reference in Part 35 of the FARs to the FAA or to the Administrator is a reference to CASA.

Approvals under Part 35 of the FARs

35.4. For the application of Part 35 of the FARs under this Part:

- (a) an approval (however described) mentioned in Part 35 of the FARs may be given by CASA; and
- (b) CASA may suspend or cancel an approval under paragraph (a), if it is necessary in the interests of aviation safety; and

- (c) for these regulations, an approval (however described) given by or for the FAA or the Administrator under that Part is taken to have been given by CASA; and
- (d) for these regulations, CASA may suspend or cancel an approval given by or for the FAA or the Administrator under that Part as if it had been given by CASA, if it is necessary in the interests of aviation safety.

PART 200—EXEMPTIONS***Division 1—Exemption from regulations*****Hang gliders**

200.1. (1) A hang glider used:

- (a) solely in private operations and only for recreational purposes; or
- (b) for flying training for the issue of a pilot certificate;

is exempt from these regulations if the conditions in subsection 95.8 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In this regulation:

empty weight, for a hang glider, means the weight of the hang glider in its airborne configuration, including all fittings and equipment but excluding recovery or personnel parachutes.

hang glider means a glider, or a powered paraglider, with an empty weight not over 70 kilograms.

powered paraglider means an aircraft without rigid wings that:

- (a) is launched by its pilot's feet; and
- (b) is powered by a power unit worn on its pilot's back.

Privately built single-place ultralight aeroplanes

200.2. (1) This regulation applies to a privately built single-place aeroplane if it:

- (a) is registered with the AUF; and
- (b) has a take-off weight not over 300 kilograms; and
- (c) for an aeroplane that first became registered with the AUF on or after 1 March 1990:
 - (i) has a wing loading not over 30 kilograms per square metre at maximum all-up weight; and
 - (ii) if it is owned by a person who is not its builder—has been certificated by the AUF as meeting the requirements set out in the AUF Technical Manual.

(2) The aeroplane is exempt from these regulations if the conditions in section 95.10 of the Civil Aviation Orders, as in force from time to time, are complied with.

(3) In this regulation:

AUF means the Australian Ultralight Federation.

AUF Technical Manual means the manual prepared by the AUF and approved by CASA, as in force from time to time, that contains:

- (a) airworthiness, design and maintenance standards; and
- (b) aeronautical practices, test procedures and processes.

take-off weight, for an aeroplane, means the aeroplane's total weight when it starts to taxi before taking-off, including the weight of the pilot and of fuel, oil, recovery and personnel parachutes, flotation equipment, items of optional equipment, tools and baggage.

Single-place gyroplanes with empty weight not over 250 kilograms

200.3. (1) A single-place gyroplane with an empty weight not over 250 kilograms, and a maximum fuel capacity of 36 litres, that is used solely in private operations and only for recreational purposes is exempt from these regulations if the conditions in subsection 95.12 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In this regulation:

empty weight, for a gyroplane, means the weight of the gyroplane, including all items of fixed equipment, unusable fuel and undrainable oil but excluding all other items of disposable load.

gyroplane means a power-driven heavier-than-air aircraft supported in flight by the reaction of the air on 1 or more rotors that rotate freely on substantially vertical axes.

Two-place gyroplanes with empty weight not over 300 kilograms

200.4. (1) This regulation applies to a two-place gyroplane that:

- (a) has an empty weight not over 300 kilograms; and
- (b) is designed and manufactured in accordance with a standard acceptable to ASRA; and
- (c) is registered with ASRA.

(2) The gyroplane is exempt from these regulations if the conditions in section 95.12.1 of the Civil Aviation Orders, as in force from time to time, are complied with.

(3) In this regulation:

ASRA means the Australian Sport Rotorcraft Association.

empty weight, for a gyroplane, means the weight of the gyroplane, including unusable fuel and undrainable oil but not including recovery or personnel parachutes, flotation equipment and items of optional equipment.

gyroplane means a power-driven heavier-than-air aircraft supported in flight by the reaction of the air on 1 or more rotors that rotate freely on substantially vertical axes.

Tethered balloons, kites, parasails and gyrogliders

200.5. (1) A tethered balloon, kite, parasail or gyroglider is exempt from these regulations if the conditions in subsection 95.14 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In this regulation:

gyroglider means a non-power-driven heavier-than-air aircraft supported in flight by the reaction of the air on 1 or more rotors that rotate freely on substantially vertical axes.

kite means a glider normally tethered to the ground.

parasail means a parachute tethered to a point or vehicle on the ground or to a watercraft and deriving lift chiefly from aerodynamic reactions on flexible surfaces remaining fixed under given conditions of flight.

tethered balloon means an unmanned non-power-driven lighter-than-air aircraft tethered to the ground.

Unmanned free balloons

200.6. An unmanned free balloon that is used in operations originating within Australian airspace is exempt from these regulations if the conditions in subsection 95.15 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

F/A-18 aircraft

200.7. (1) An F/A-18 aircraft that is undergoing production or acceptance flight testing in Australia is exempt from these regulations if the conditions set out in subsection 95.19 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In this regulation:

acceptance flight testing, of an F/A-18 aircraft, means flying performed on behalf of the United States Navy or Australian Air Force to establish that the aircraft meets United States Navy and Australian Air Force requirements.

production flight testing, of an F/A-18 aircraft, means flying performed on behalf of the contractor to establish that the aircraft meets United States Navy requirements.

Defence Force aircraft operated by civilian flight crew

200.8. (1) This regulation applies to a Defence Force aircraft that is being flown and operated by persons, other than members of the Defence Force, who hold commercial or higher category licences, and that is engaged in:

- (a) flight testing; or
- (b) search and rescue; or
- (c) support of aircraft development and flight test programs; or
- (d) any other activity authorised by the Defence Force.

(2) The aircraft is exempt from these regulations if the conditions in subsection 95.20 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(3) In this regulation:

flight testing, of an aircraft, means flying performed on behalf of the contractor or Defence Force to establish that the aircraft meets all the requirements of the contractor or Defence Force after manufacture or major servicing and inspection.

Untethered model aircraft flown out of doors

200.9. (1) An untethered model aircraft that is being flown out of doors is exempt from these regulations if the conditions in subsection 95.21 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In this regulation:

model aircraft means an aircraft that is not designed for, or capable of, carrying a person and the flight of which is remotely controlled or uncontrolled.

S-70A-9 helicopters

200.10. (1) An S-70A-9 helicopter that is undergoing production and acceptance flight testing in Australia is exempt from these regulations if the conditions in subsection 95.27 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In this regulation:

acceptance flight testing, of a helicopter, means flying performed on behalf of United Technologies Corporation or the Australian Air Force to establish that the helicopter meets United Technologies Corporation and Australian Air Force requirements.

production test flying, of a helicopter, means flying performed on behalf of the contractor to establish that the helicopter meets United Technologies Corporation requirements.

S-70B-2 helicopters

200.11. (1) An S-70B-2 helicopter that is undergoing production and acceptance flight testing in Australia is exempt from these regulations if the conditions in subsection 95.28 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In this regulation:

acceptance test flying, of a helicopter, means flying performed on behalf of United Technologies Corporation or the Australian Navy to establish that the helicopter meets the United Technologies Corporation and Australian Navy requirements.

production test flying, of a helicopter, means flying performed on behalf of the contractor to establish that the helicopter meets United Technologies Corporation requirements.

Pilatus PC-9 aircraft

200.12. (1) A Pilatus PC-9 aircraft that is undergoing production and acceptance flight testing in Australia is exempt from these regulations if the conditions in subsection 95.29 (4) of the Civil Aviation Orders, as in force from time to time, are complied with.

(2) In this regulation:

acceptance test flying, of an aircraft, means flying performed on behalf of the Australian Air Force to establish that the aircraft meets Australian Air Force requirements.

production test flying, of an aircraft, means flying performed on behalf of Hawker de Havilland to establish that the aircraft meets Hawker de Havilland's requirements.

Weight-shift-controlled aeroplanes and powered parachutes

200.13. (1) This section applies to a single-place or 2-place aeroplane if:

- (a) the aeroplane is a weight-shift-controlled aeroplane or a powered parachute; and
- (b) the aeroplane was assembled by a commercial manufacturer, or was assembled from a kit supplied by a commercial manufacturer; and
- (c) at least 1 of the following conditions is satisfied:
 - (i) the manufacturer of the aeroplane or kit holds a certificate of approval for the manufacture of the aeroplane or kit;
 - (ii) the aeroplane or kit was manufactured in accordance with an approval given by CASA;

- (iii) if the aeroplane or kit was imported into Australia—a certificate that is acceptable to CASA, relating to the airworthiness of the aeroplane or the aeroplane assembled from the kit, has been issued by the NAA of the country from which the aeroplane or kit was exported; and
- (d) if the aeroplane is a weight-shift-controlled aeroplane:
 - (i) the aeroplane is registered with the AUF or HGFA; and
 - (ii) the aeroplane has a take-off weight of not over 450 kilograms; and
 - (iii) the aeroplane has a stall speed of not over 40 knots; and
- (e) if the aeroplane is a powered parachute:
 - (i) the aeroplane is registered with the AUF; and
 - (ii) the aeroplane has a take-off weight of not over 300 kilograms; and
 - (iii) the aeroplane has a stall speed of not over 10 knots; and
- (f) the aeroplane complies with:
 - (i) British Civil Aviation Requirements Section S (CAP 482)—Small Light Aeroplanes; or
 - (ii) any other design requirements that CASA has, in writing, declared to be acceptable.

(2) The aeroplane is exempt from these regulations if the conditions in section 95.32 of the Civil Aviation Orders, as in force from time to time, are complied with.

(3) In this regulation:

AUF means the Australian Ultralight Federation.

HGFA means the Hang Gliding Federation of Australia.

powered parachute means an aeroplane with a ram-air-parachute wing.

weight-shift-controlled aeroplane means an aeroplane for which flight control is attained primarily by weight-shift.

Aeroplanes to which section 95.55 of the Civil Aviation Orders applies

200.14 An aeroplane to which section 95.55 of the Civil Aviation Orders, as in force from time to time, applies is exempt from these regulations if the conditions in that section are complied with.

Division 2—Authorisation to fly

Authorised flight without certificate of airworthiness

200.20. For paragraph 20AA (3) (b) of the Act, an Australian aircraft that is exempt from these regulations is authorised to fly without a certificate of airworthiness.

PART 201—MISCELLANEOUS**Appointment of authorised persons**

201.1. (1) CASA may appoint a person, or the persons included in a class of persons, to be an authorised person for these regulations or a particular provision of these regulations.

(2) CASA may appoint a person only if CASA is satisfied that the person has the qualifications and experience to be an authorised person.

(3) CASA may appoint a class of persons only if CASA is satisfied that each person included in the class has the qualifications and experience to be an authorised person.

(4) An appointment may be made subject to conditions stated in the instrument of appointment.

Delegation of CASA's powers

201.2. (1) The Director may, in writing, delegate to a person CASA's powers and functions under these regulations.

(2) However, the following powers of CASA must be exercised by the Director personally:

- (a) the power to issue a type acceptance certificate subject to a condition under subregulation 21.29B (2);
- (b) the power to refuse to issue a type acceptance certificate under subregulation 21.29C (1);
- (c) the power to suspend or cancel a type acceptance certificate under subregulation 21.51 (4).

(3) A delegation may be made on conditions stated in the instrument of delegation.

(4) A delegate is subject to any written direction of the Director in the exercise of a power, or the performance of a function, delegated under subregulation (1).

Commonwealth and CASA not liable in certain cases

201.3. Neither the Commonwealth nor CASA is liable in negligence or otherwise for any loss or damage incurred by anyone because of, or arising out of, the design, construction, restoration, repair, maintenance or operation of a limited category aircraft or an experimental aircraft, or any act or omission of CASA done or made in good faith in relation to any of those things.

Review of decisions

201.4. An application may be made to the Administrative Appeals Tribunal for review of a decision:

- (a) refusing to issue, or cancelling, suspending or varying, an approval, authorisation, authority, certificate or permit issued under these regulations; or
- (b) imposing a condition on an approval, authorisation, authority, certificate or permit.

Note Section 27A of the *Administrative Appeals Tribunal Act 1975* requires a person who makes a reviewable decision to give a person whose interests are affected by the decision notice of the making of the decision and of the person's right to have the notice reviewed.

DICTIONARY

Regulation 1.4

Act means the *Civil Aviation Act 1988*.

airworthiness tag/release note means:

- (a) for a Class I product—a statement to the effect that the product meets the requirements applying to it under regulation 21.329; and
- (b) for a Class II product—a statement to the effect that the product meets the requirements applying to it under regulation 21.331; and
- (c) for a Class III product—a statement to the effect that the product meets the requirements applying to it under regulation 21.333.

amateur-built aircraft means an aircraft described in paragraph 21.191 (g).

Amateur Built Aircraft Acceptance, or ABAA, means a document given by CASA or an authorised person as a type approval for an amateur-built aircraft.

AOC see subsection 3 (1) of the Act.

appliance means any instrument, mechanism, equipment, part, apparatus, appurtenance, or accessory, including communication equipment, that is used or intended to be used in operating or controlling an aircraft in flight, is installed in or attached to the aircraft, and is not part of an airframe, engine or propeller.

Source FARs section 1.1.

approved means approved by CASA.

article manufacturer see paragraph 21.601 (2) (e).

ATSO means an Australian Technical Standard Order mentioned in paragraph 21.601 (2) (a).

ATSO authorisation see paragraph 21.601 (2) (b).

Australian Parts Manufacturer Approval or APMA means an Australian Parts Manufacturer Approval issued under subregulation 21.303 (9) or subregulation 21.305A (2).

authorised person, for a provision in which the expression occurs, means a person who is appointed under regulation 201.1 to be an authorised person for these regulations or the provision.

CAR 1988 means the *Civil Aviation Regulations 1988*.

CAR 1998 means the *Civil Aviation Regulations 1998*.

category, in relation to the type certification of aircraft, means a grouping of aircraft based upon intended use and operating limitations (for example, transport, normal, utility, acrobatic, limited, restricted and provisional).

Source FARs section 1.1 modified.

certificate of airworthiness means a standard certificate of airworthiness, or special certificate of airworthiness, issued under Subpart H.

certificate of registration means a certificate of registration issued under subregulation 13B (1) of CAR 1988.

Civil Air Regulations means the Civil Air Regulations issued by the Administrator of the Federal Aviation Agency of the United States of America, as in force immediately before the commencement of the FARs.

Class I product see paragraph 21.321 (2) (a).

Class I provisional certificate of airworthiness means a Class I provisional certificate of airworthiness issued under regulation 21.216.

Class I provisional type certificate means a Class I provisional type certificate issued under regulation 21.76.

Class II product see paragraph 21.321 (2) (b).

Class II provisional certificate of airworthiness means a Class II provisional certificate of airworthiness issued under regulation 21.216.

Class II provisional type certificate means a Class II provisional type certificate issued under regulation 21.76.

Class III product see paragraph 21.321 (2) (c).

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

delegation option authorisation means a delegation option authorisation issued under regulation 21.239.

experimental certificate means an experimental certificate issued under regulation 21.195A.

export airworthiness approval means:

- (a) for a Class I product—an export certificate of airworthiness or an airworthiness tag/release note; and
- (b) for a Class II or Class III product—an airworthiness tag/release note.

export certificate of airworthiness, for a Class I product, means a certificate to the effect that the product meets the requirements mentioned in regulation 21.329.

FARs means the Federal Aviation Regulations in Chapter 1 (Federal Aviation Administration, Department of Transportation) of Title 14 of the Code of Federal Regulations as published by the Office of the Federal Register National Archives and Records Administration of the United States of America.

foreign supplemental type certificate see regulation 21.114.

foreign type certificate see regulation 21.41.

free balloon means a balloon that is intended for flight without being permanently tethered.

intermediate category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.26.

JAR see regulation 1.5.

kit-built aircraft means an aircraft described in paragraph 21.191 (h).

letter of ATSO design approval see paragraph 21.601 (2) (c).

limited category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a special certificate of airworthiness mentioned in regulation 21.189.

major change, for a type design—see regulation 21.93.

Materials Review Board means:

- (a) for a manufacturer manufacturing an aircraft, aircraft engine or propeller under a type certificate only—the Materials Review Board established under paragraph 21.125 (1) (a); and
- (b) for a manufacturer manufacturing an aircraft, aircraft engine or propeller under a production certificate—the Materials Review Board established under regulation 21.145.

minor change, for a type design—see regulation 21.93.

model, for an aircraft, aircraft engine or propeller, means a particular version of a type of aircraft, aircraft engine or propeller that is distinguished from another version of the same type by a change of sufficient effect on the weight, balance, structural strength, operational characteristics as would require a separate entry on a type certificate, identifying and approving the particular version as distinct from the identification and approval of other versions.

NAA, for a country other than Australia, means the national airworthiness authority of the country.

nominated person, for a delegation option authorisation—see subregulation 21.235 (3).

overhauled see paragraph 21.321 (2) (d).

powered sailplane means an aircraft with one or more engines that has the characteristics of a sailplane when the engine or engines are inoperative.

primary category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.24.

production certificate means a production certificate issued under subregulation 21.134 (1).

provisional certificate of airworthiness means a Class I or Class II provisional certificate of airworthiness.

provisional type certificate means a Class I or Class II provisional type certificate.

recognised country see regulation 21.12.

regular public transport operations means operations for the commercial purpose mentioned in paragraph 206 (c) of CAR 1988.

restricted category, for an aircraft, means the category of aircraft that satisfy the requirements for issue of a type certificate mentioned in regulation 21.25.

sailplane means a heavier-than-air aircraft:

- (a) that is supported in flight by the dynamic reaction of the air against its fixed lifting surfaces; and
- (b) the free flight of which does not depend on an engine.

special certificate of airworthiness see regulation 21.175.

special class, for aircraft—see subregulation 21.17(2).

special condition means a special condition imposed under subregulation 21.16 (1).

special flight permit means a special flight permit issued under regulation 21.200.

standard certificate of airworthiness see regulation 21.175.

supplemental type certificate means a supplemental type certificate issued under regulation 21.113A.

these Regulations includes CAR 1988.

type, for an aircraft, aircraft engine or propeller, means a design and make of aircraft, aircraft engine or propeller and, where appropriate, refers to a group of essentially similar aircraft, aircraft engines or propellers which, although possibly existing in different models, stem from a common basic design.

type acceptance certificate means a type acceptance certificate issued under regulation 21.29A.

type certificate see regulation 21.41.

type certificated means issued with a type certificate or type acceptance certificate.

type certificate data sheet means a sheet attached to a type certificate for an aircraft, aircraft engine or propeller that sets out the limitations prescribed by the applicable airworthiness requirements for the aircraft, aircraft engine or propeller, and any other limitations and information necessary for type certification of the aircraft, aircraft engine or propeller.

type certification basis, for an aircraft, means the airworthiness standards and any special conditions or other conditions with which the aircraft must comply for the issue of a type certificate.

type design see regulation 21.31.

V_{so} means the stalling speed or the minimum steady flight speed in the landing configuration.

Source FARs section 1.2.

NOTE

1. Notified in the *Commonwealth of Australia Gazette* on 1998.

22 July