

CASA 129/95

EXPLANATORY STATEMENT

CIVIL AVIATION ACT 1988

CIVIL AVIATION REGULATIONS

PERMISSION UNDER SUBREGULATION 177 (3)

Subsection 98 (1) of the Civil Aviation Act 1988 (the Act) provides that the Governor-General may make regulations for the purposes of the Act and in the interests of the safety of air navigation.

Regulation 5A of the Civil Aviation Regulations (the Regulations) provides that a permission that has the effect of repealing, amending, or otherwise affecting the operation of, anything in a Civil Aviation Order is a disallowable instrument for the purposes of section 46A of the Acts Interpretation Act 1901.

Subregulation 177 (1A) of the Regulations provides that an aircraft must not be flown under the Instrument Flight Rules (the I.F.R.) unless it is equipped with suitable flight instruments as required by CASA. Appendix IV to section 20.7.1B of the Civil Aviation Orders sets out flight instruments required for flights under the I.F.R., including an outside air temperature indicator.

Under subregulation 177 (3) CASA may give permission for an aircraft not equipped with instruments as required under subregulation 177 (1A) to be flown under the I.F.R.. This permission under subregulation 177 (3) has been given to allow an ex-military aircraft, a BAC 167 Strikemaster, to be flown without an outside air temperature indicator.

Permission was given because the outside air temperature indicator was not fitted to this type of aircraft while it was in military service and the aircraft will normally operate only in clear visual conditions. It was therefore considered unnecessary to require the modifications to the aircraft necessary to instal the indicator.

The permission will only apply while the aircraft is flown on private operations.

The permission was given by a delegate of CASA appointed under regulation 7.