



# **Civil Aviation Safety Amendment (Cape Town Convention) Regulation 2014**

## **Select Legislative Instrument No. 204, 2014**

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I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulation.

Dated 11 December 2014

Peter Cosgrove  
Governor-General

By His Excellency's Command

Warren Truss  
Minister for Infrastructure and Regional Development

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*OPC60683 - B*



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## Contents

1	Name .....	1
2	Commencement .....	1
3	Authority .....	1
4	Schedules.....	1
<b>Schedule 1—Amendments</b>		<b>2</b>
	<i>Civil Aviation Safety Regulations 1998</i>	2

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<i>No. 204, 2014</i>	<i>Civil Aviation Safety Amendment (Cape Town Convention)</i>	<i>i</i>
	<i>Regulation 2014</i>	
<i>OPC60683 - B</i>		



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## **1 Name**

This is the *Civil Aviation Safety Amendment (Cape Town Convention) Regulation 2014*.

## **2 Commencement**

This instrument commences immediately after the commencement of the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*.

## **3 Authority**

This instrument is made under the *Civil Aviation Act 1988*.

## **4 Schedules**

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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No. 204, 2014

*Civil Aviation Safety Amendment (Cape Town Convention)  
Regulation 2014*

1

OPC60683 - B

## Schedule 1—Amendments

### *Civil Aviation Safety Regulations 1998*

#### **1 At the end of subregulation 11.130(1)**

Add:

Note: In relation to the cancellation of the registration of an aircraft, see also regulation 47.131B.

#### **2 Regulation 47.010**

Insert:

*CDCL* has the same meaning as in the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*.

*IDERA* has the same meaning as in the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*.

#### **3 Subregulation 47.060(2) (note)**

Omit “subregulation 47.130(2)”, substitute “regulation 47.130”.

#### **4 Subparagraph 47.065(g)(iii)**

Omit “country;”, substitute “country.”.

#### **5 Paragraph 47.065(h)**

Repeal the paragraph.

#### **6 Regulation 47.065 (note 1)**

Omit “Note 1”, substitute “Note”.

#### **7 Regulation 47.065 (note 2)**

Repeal the note.

#### **8 After subregulation 47.080(1)**

Insert:

(1A) However, if:

(a) the aircraft has been registered before (the *old registration*);  
and

- 
- (b) the old registration was cancelled; and
  - (c) the aircraft was subject to an IDERA at the time of the cancellation;

CASA must not register the aircraft unless subregulation (1B) or (1C) applies to the aircraft.

(1B) This subregulation applies to the aircraft if:

(a) the old registration was cancelled at the request of:

- (i) the authorised party under the IDERA; or
- (ii) if the aircraft was subject to a CDCL at the time of the cancellation—the certified designee under the CDCL; or

(b) CASA is satisfied, on the basis of written evidence provided by the person who has applied for the registration of the aircraft, that the authorised party under the IDERA, or the certified designee under the CDCL, as the case may be, has consented to CASA registering the aircraft.

(1C) This subregulation applies to the aircraft if CASA is satisfied, after reasonable enquiries, that:

(a) for an aircraft that was subject to a CDCL at the time of the cancellation of the old registration—the certified designee under the CDCL and the authorised party under the IDERA have both ceased to exist; or

(b) for an aircraft that was not subject to a CDCL at the time of the cancellation of the old registration—the authorised party under the IDERA has ceased to exist.

### **9 Subregulation 47.080(2)**

Omit “CASA”, substitute “If CASA registers an aircraft, CASA”.

### **10 Paragraph 47.080(2)(g)**

Omit “registered;”, substitute “registered.”.

### **11 Paragraph 47.080(2)(h)**

Repeal the paragraph.

### **12 Subregulation 47.085(1) (note 2)**

Omit “subregulation 47.130(2)”, substitute “regulation 47.130”.

### **13 Regulation 47.095**

Repeal the regulation, substitute:

#### **47.095 Period of registration**

The registration of an aircraft has effect unless, in accordance with these Regulations, it lapses, is suspended or is cancelled.

### **14 Subregulation 47.100(3) (note)**

Repeal the note, substitute:

Note: If the registration holder of an aircraft is not an eligible person, and no eligible person is appointed as the registered operator, CASA must suspend the aircraft's registration: see regulation 47.131A.

### **15 After subregulation 47.100(4)**

Insert:

- (4A) Subject to this regulation, the appointment of a registered operator of an aircraft may be cancelled by:
- (a) the registration holder of the aircraft; or
  - (b) the registered operator.

### **16 Subregulation 47.100(5)**

Omit "14 days of", substitute "14 days after".

### **17 Subregulation 47.100(5) (penalty)**

Repeal the penalty.

### **18 Subregulation 47.100(5A)**

Repeal the subregulation, substitute:

(5AA) If a person cancels the appointment of the person as an aircraft's registered operator as referred to in paragraph (4A)(b), the person must, within 14 days after the cancellation, give CASA a notice in an approved form, including the aircraft's registration mark, manufacturer, model and serial number.

(5A) A person commits an offence of strict liability if the person fails to comply with a requirement under subregulation (5) or (5AA).

Penalty: 10 penalty units.



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**19 Subregulation 47.100(5B)**

Omit “by the registration holder”, substitute “in accordance with subregulation (5)”.

**20 Subregulation 47.100(5B)**

Omit “7 days”, substitute “5 business days”.

**21 Subregulations 47.100(7) and (7A)**

Repeal the subregulations, substitute:

- (7) A notice of the cancellation of the appointment of a registered operator given under subregulation (5) or (5AA) must include the date of the cancellation.

Note: If the appointment of the registered operator is cancelled and another registered operator is not appointed, the registration holder becomes the aircraft’s registered operator. However, if the registration holder is not an eligible person, CASA must suspend the aircraft’s registration: see regulation 47.131A.

**22 At the end of regulation 47.110**

Add:

- (8) Subregulation (7) has effect subject to subregulation (9).
- (9) CASA must not take any action under subregulation (7) in relation to an aircraft unless CASA is satisfied, on the basis of written evidence provided by the former owner, that:
- (a) in the case of an aircraft that is subject to an IDERA, and is not subject to a CDCL—the authorised party under the IDERA has consented to the action being taken; or
  - (b) in the case of an aircraft that is subject to a CDCL—the certified designee under the CDCL has consented to the action being taken.

**23 Subregulation 47.130(1)**

Repeal the subregulation.

**24 Subregulation 47.130(2)**

Omit “(2)”.

**25 Regulation 47.131 (heading)**

Repeal the heading, substitute:

**47.131 Suspension and cancellation of registration following a transfer of ownership**

**26 Regulation 47.132**

Repeal the regulation, substitute:

**47.131A Suspension and cancellation of registration if registered operator is not an eligible person**

- (1) If CASA becomes aware that the registered operator of an aircraft is not an eligible person, CASA must, by written notice given to the registration holder of the aircraft, suspend the aircraft's registration.

Note: Subregulation (1) will not apply if the registration holder of the aircraft is an eligible person: see subregulation 47.100(1).

- (2) The suspension:
- (a) takes effect on the day the notice is given to the registration holder; and
  - (b) ends at the earlier of the following times:
    - (i) when the Australian Civil Aircraft Register is amended, in accordance with subregulation 47.100(8), to show the name and address of a new registered operator;
    - (ii) when CASA cancels the registration.
- (3) If the registration holder does not, within 3 months after the day the aircraft's registration was suspended under this regulation, give a notice under subregulation 47.100(5) appointing an eligible person as the aircraft's registered operator, CASA must, by written notice given to the registration holder, cancel the registration.
- (4) The cancellation takes effect on the day the notice is given to the registration holder.

**47.131B Cancellation of registration at holder's request—limitations**

CASA must not cancel, under Subpart 11.D, the registration of an aircraft if:

- 
- (a) in the case of an aircraft that is subject to an IDERA, and is not subject to a CDCL—the person who requests the cancellation is not the authorised party under the IDERA; or
  - (b) in the case of an aircraft that is subject to a CDCL—the person who requests the cancellation is not the certified designee under the CDCL.

#### **47.132 Cancellation of registration on other grounds**

- (1) CASA must, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if CASA becomes aware that the aircraft:
  - (a) is registered under the law of another country; or
  - (b) is no longer to be used as an aircraft; or
  - (c) has been stolen or destroyed.
- (2) CASA may, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if the registration holder does not comply with a request under subregulation 47.040(1).
- (3) CASA must, by written notice given to the registration holder of an aircraft, cancel the registration of the aircraft if CASA is required, under the *International Interests in Mobile Equipment (Cape Town Convention) Rules 2014*, to de-register the aircraft.
- (4) A cancellation under this regulation takes effect on the day the notice is given to the registration holder.

#### **27 Subregulation 47.165(3)**

Repeal the subregulation, substitute:

- (3) If CASA approves the application, CASA must:
  - (a) as soon as practicable, notify the applicant, in writing, of the approval; and
  - (b) on the date specified in the application in accordance with subparagraph (2)(b)(iv), amend the Australian Civil Aircraft Register to show the reserved mark as the registration mark assigned to the aircraft; and
  - (c) as soon as practicable after making the amendment, give the applicant a certificate of registration showing the reserved mark.

- (4) The change of registration mark takes effect on the day the Australian Civil Aircraft Register is amended.

**28 Subregulation 201.004(2) (table 201.004, after item 2)**

Insert:

- 2A under Subpart 11.D refusing, because of regulation 47.131B, to cancel the registration of an aircraft

**29 Subregulation 201.004(2) (table 201.004, after item 12)**

Insert:

- 12A under regulation 47.110 refusing, because of subregulation 47.110(9), to amend the Australian Civil Aircraft Register and give a certificate of registration

**30 Before regulation 202.220**

Insert:

**Division 202.BF.1—Transitional provisions relating to the commencement of Part 47**

**31 Regulation 202.220 (heading)**

Repeal the heading, substitute:

**202.220 Definitions for Division 202.BF.1**

**32 Regulation 202.220**

Omit “this Subpart”, substitute “this Division”.

**33 At the end of Subpart 202.BF**

Add:

**Division 202.BF.2—Amendments made by the Civil Aviation Safety Amendment (Cape Town Convention) Regulation 2014**

**202.226 Definitions for Division 202.BF.2**

In this Division:

***amending regulation*** means the *Civil Aviation Safety Amendment (Cape Town Convention) Regulation 2014*.

***commencement*** means the commencement of the amending regulation.

**202.227 Application of regulation 47.131A**

Regulation 47.131A applies if:

- (a) CASA became aware, before commencement, that a registered operator of an aircraft was not an eligible person, but CASA has not, as at commencement, issued a notice cancelling the registration of the aircraft; or
- (b) CASA becomes aware, after commencement, that a registered operator of an aircraft is not an eligible person (whether the aircraft is registered before or after commencement).

**202.228 Application of regulation 47.165**

The amendment of regulation 47.165 made by the amending regulation applies in relation to applications under that regulation approved after commencement (whether the application is made before or after commencement).