



## Australian Government

### Civil Aviation Safety Authority

#### ***Civil Aviation Order 95.55 (Exemption from the provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2015*** **as amended**

made under regulation 11.160 of the *Civil Aviation Safety Regulations 1998*, subregulations 5 (1) and 5 (1A) of the *Civil Aviation Regulations 1988* and subsection 33 (3) of the *Acts Interpretation Act 1901*.

This compilation was prepared on 24 August 2015 taking into account amendments up to *Civil Aviation Order 95.55 Amendment Instrument 2015 (No. 1)*.

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#### **1A Name of instrument**

- 1A.1 This instrument is the *Civil Aviation Order 95.55 (Exemption from the provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2015*.
- 1A.2 This instrument may be cited as *Civil Aviation Order 95.55*.
- 1A.3 A reference in an instrument to section 95.55 of the Civil Aviation Orders is taken to be a reference to this instrument.

#### **1B Duration**

This instrument commences on the day after registration and expires at the end of January 2018, as if it had been repealed by another instrument.

#### **1C Repeal**

- 1C.1 *Civil Aviation Order 95.55 Instrument 2011* is repealed.
- 1C.2 To avoid doubt, *Civil Aviation Amendment Order (No. R82) 2004*, also known by its FRLI reference F2005B00925, including section 95.55 of the Civil Aviation Orders as set out in Schedule 1 of that instrument, as amended, is repealed.

#### **1 Application**

- 1.1 This Order applies to a single-place or 2-place aeroplane that:
  - (a) is not a weight shift controlled aeroplane or a powered parachute; and
  - (b) has a single engine and a single propeller; and
  - (c) has a  $V_{so}$  stall speed of not greater than 45 knots, as determined by design standards or certification requirements; and
  - (d) is registered with the RAA; and
  - (e) is mentioned in paragraph 1.2.

- 1.2 For subparagraph 1.1 (e), an aeroplane must be 1 of the following:
- (a) an aeroplane to which Order 101.28 applies that complies with the design standards specified in that Order, with a maximum take-off weight not exceeding:
    - (i) in the case of an aeroplane not equipped to land on water — 600 kg;  
or
    - (ii) in the case of an aeroplane equipped to land on water — 650 kg;
  - (b) an aeroplane described in paragraph 1.1 of Order 101.55;
  - (c) an aeroplane described in paragraph 1.2 of Order 101.55 that meets the design standards in that Order;
  - (d) an old section 95.25 aeroplane that has not been modified other than with the approval of 1 of the following:
    - (i) an authorised person for subregulation 35 (1) of CAR 1988;
    - (ii) CASA under regulation 21.435 of CASR 1998;
    - (iii) an authorised person or approved design organisation under regulation 21.437 of CASR 1998;
    - (iv) the RAA in accordance with a process for the approval of modifications set out in the RAA Technical Manual;
  - (e) an aeroplane, 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, that has a maximum take-off weight not exceeding:
    - (i) in the case of an aeroplane not equipped to land on water — 600 kg;  
or
    - (ii) in the case of an aeroplane equipped to land on water — 650 kg;
  - (f) an aeroplane:
    - (i) of a type for which a type certificate, a certificate of type approval or an equivalent document has been issued by CASA, another national airworthiness authority (*NAA*) or a competent issuing authority; and
    - (ii) that has been manufactured for sale by the holder of a certificate, or an equivalent document, permitting the manufacture of aeroplanes of that type and issued by CASA or another NAA or a competent issuing authority; and
    - (iii) that has a maximum take-off weight not exceeding:
      - (A) in the case of an aeroplane not equipped to land on water — 600 kg; or
      - (B) in the case of an aeroplane equipped to land on water — 650 kg; and
    - (iv) that has a payload that is equal to, or exceeds, the minimum useful load for that aeroplane determined in accordance with paragraph 1.3;
  - (g) a light sport aircraft:
    - (i) manufactured by a qualified manufacturer as defined by regulation 21.172 of CASR 1998; and
    - (ii) for which there is a current special certificate of airworthiness;

- (h) a light sport aircraft:
    - (i) to which paragraph 21.191 (j) or (k) of CASR 1998 applies; and
    - (ii) for which there is a current experimental certificate;
  - (i) before the end of August 2017, an aeroplane for which there is a current experimental certificate for a purpose mentioned in paragraph 21.191 (a) or (b) of CASR 1998.
- 1.3 For the purposes of sub-subparagraph 1.2 (f) (iv), the minimum useful load for an aeroplane is:
- (a) if the aeroplane's engine power is rated in kilowatts — the amount in kilograms worked out in accordance with the formula:  
 $(80 \times S) + 0.3P$ ; or
  - (b) if the aeroplane's engine power is rated in brake horse power — the amount in pounds worked out in accordance with the formula:  
 $(175 \times S) + 0.5P$
- where:
- S is the number of seats in the aeroplane; and
- P is the aeroplane's rated engine power.

## 2 Definitions

In this Order:

**Act** means the *Civil Aviation Act 1988*.

**aerial application operation** has the same meaning as in regulation 137.010 of CASR 1998.

**CAR 1988** means the *Civil Aviation Regulations 1988*.

**CASR 1998** means the *Civil Aviation Safety Regulations 1998*.

**closely-settled area**, in relation to an aeroplane, means an area in which, because of:

- (a) man-made obstructions such as buildings and vehicles; and
- (b) the characteristics of the aeroplane;

the aeroplane could not be landed without endangering the safety of persons unconnected with the aeroplane or damaging property in the area.

**competent issuing authority** means any authority or body in a Contracting State that:

- (a) has been authorised by the NAA of that State to issue design approvals or manufacturing approvals, whichever is applicable, for the aeroplane; and
- (b) CASA, if it was not the authorising NAA, has accepted in writing as competent to issue design approvals or manufacturing approvals for the aeroplane.

**ELT** means emergency locator transmitter.

**flight instructor certificate** means a flight instructor certificate issued by the RAA in accordance with the RAA Operations Manual.

**old section 95.25 aeroplane** means an aeroplane to which section 95.25 of the Orders, as in force immediately before 28 February 1990, applies.

**Order** means Civil Aviation Order.

**pilot certificate** means a pilot certificate issued by the RAA in accordance with the RAA Operations Manual.

**public road** means a street, road, lane, thoroughfare or place open to, or used by, the public for passage of vehicles.

**RAA** means Recreational Aviation Australia Incorporated.

**RAA Operations Manual** means a manual acceptable to CASA that is issued by the RAA and contains the procedures and instructions necessary to ensure the safe operation of aeroplanes registered with the RAA.

**RAA Technical Manual** means a manual acceptable to CASA that is issued by the RAA and contains:

- (a) airworthiness, design and maintenance standards; and
  - (b) aeronautical practices, test procedures and processes;
- in respect of aeroplanes registered with the RAA.

**suitable landing area** means an area in which an aeroplane, to which this Order applies, can be landed without endangering the safety, or damaging the property, of persons unconnected with the aeroplane.

**stall speed  $V_{so}$**  is the stalling speed, or minimum steady flight speed, at which the aeroplane is controllable with:

- (a) wing flaps in the landing position; and
- (b) landing gear extended; and
- (c) engine idling with the throttle closed; and
- (d) centre of gravity in the most forward position; and
- (e) maximum take-off weight.

*Note* Definitions of some expressions used in this Order can be found in regulation 2 of CAR 1988 or the Dictionary for CASR 1998 (as provided for by subregulation 5 (2) of CAR 1988). Expressions defined in regulation 2 of CAR 1988 include (for example) **agricultural operations** and **certificate of approval**.

### **3 Exemptions under regulation 11.160**

- 3.1 If the conditions set out in this Order are complied with, in relation to an aeroplane to which this Order applies, the aeroplane is exempt from compliance with the following provisions of CAR 1988:
  - (a) Parts 4A, 4B, 4C and 4D;
  - (b) regulation 37;
  - (c) subregulations 83 (1) and (2) in respect of VHF equipment;
  - (d) regulations 133, 139 and 157;
  - (e) regulations 207 and 208;
  - (f) regulation 230;
  - (g) subregulation 242 (2);
  - (h) regulation 252;
  - (i) regulation 258.
- 3.2 Except in the case of a flight that is to take place wholly within a radius of 50 miles from its departure point, a 2-place aeroplane to which this Order applies may be flown only if it carries:
  - (a) an approved ELT, or an approved portable ELT, as defined in regulation 252A of CAR 1988; or

- (b) a personal locator beacon that has been approved by CASA for use with such an aeroplane.

*Note* Regulation 252A of CAR 1988 does not apply to single-seat aircraft (see subregulation 252A (7) of CAR 1988).

#### **4 Conditions on special certificate of airworthiness or experimental certificate**

The exemptions given by subsection 3, to an aeroplane to which subparagraph 1.2 (g) or (h) applies, are subject to the following conditions:

- (a) the special certificate of airworthiness, or experimental certificate, issued for the aeroplane expires at the earliest of:
  - (i) the end of the validity period, if any, mentioned in the certificate; or
  - (ii) suspension of the certificate; or
  - (iii) cancellation of the certificate; or
  - (iv) a modification being made to the aeroplane that was not authorised by the manufacturer; or
  - (v) the aeroplane no longer complying with LSA standards as defined by regulation 21.172 of CASR 1998;
- (b) the holder must, on request by CASA or an authorised person, make the special certificate of airworthiness, or experimental certificate, available for inspection by CASA or the authorised person;
- (c) the aeroplane must continue to be registered in Australia;
- (d) CASA or an authorised person may suspend or cancel the special certificate of airworthiness, or experimental certificate, if CASA or the authorised person considers it necessary to do so in the interest of aviation safety;
- (e) if the special certificate of airworthiness, or experimental certificate, expires or is cancelled or suspended, the holder must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

*Note* Regulation 262APA of CAR 1988 applies to special light sport aircraft. The conditions in this subsection form an additional operating limitation under subregulation 262APA (4) of CAR 1988.

#### **5 Licence not required**

- 5.1 For section 20AB of the Act, a person is authorised to perform a duty essential to the operation of an aeroplane to which this Order applies, without holding a flight crew licence if he or she complies with the conditions set out in subsections 6 and 7.
- 5.2 In spite of paragraph 5.1, a person who makes an airborne radio transmission on an aeronautical HF frequency must be authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR 1998.

#### **6 General conditions**

- 6.1 The exemptions given by subsection 3, in relation to an aeroplane to which this Order applies, are subject to the following general conditions:
  - (a) the aeroplane must not be used for any purpose other than:
    - (i) private operations, including glider towing but not aerial application operations; or

- (ii) if the aeroplane has been wholly built and assembled by a commercial manufacturer — flying training to enable a person to obtain a pilot certificate;
  - (b) the aeroplane must not be operated by a person as pilot in command unless the person holds a valid pilot certificate and, subject to the other conditions set out in this Order, operates the aeroplane in accordance with the privileges and limitations of that certificate;
  - (c) subject to paragraph 6.2, if the aeroplane is being used for flying training, the person conducting the training must hold a valid flight instructor certificate;
  - (d) subject to the other conditions set out in this Order, the aeroplane must be operated in accordance with the requirements of the RAA Operations Manual;
  - (e) the aeroplane must be maintained in accordance with the maintenance standards set out in the RAA Technical Manual;
  - (f) in the case of an aeroplane to which this Order applies by virtue of subparagraph 1.2 (b), (c) or (f) — the aeroplane must not have been modified other than with the approval of 1 of the following:
    - (i) an authorised person for subregulation 35 (1) of CAR 1988;
    - (ii) CASA under regulation 21.435 of CASR 1998;
    - (iii) an authorised person or approved design organisation under regulation 21.437 of CASR 1998;
    - (iv) the RAA in accordance with a process for the approval of modifications set out in the RAA Technical Manual.
  - (g) in the case of an aeroplane to which this Order applies by virtue of subparagraph 1.2 (a), (e) or (h) — the aeroplane must:
    - (i) before its initial flight, have been inspected by a person authorised by CASA for that purpose; and
    - (ii) if any condition or limitation has been imposed under paragraph 6.3 — be operated subject to that condition or limitation.
- 6.2 In spite of sub-subparagraph 6.1 (a) (ii), if a person has wholly built or assembled an aeroplane to which this Order applies, or a group of persons has wholly built or assembled such an aeroplane, then that person, or each of those persons, may use the aeroplane for their personal flying training.
- 6.3 A person who inspects an aeroplane under subparagraph 6.1 (g) may impose any conditions or operational limitations in respect of the operation of the aeroplane that he or she considers necessary in the interests of the safety of other airspace users and persons on the ground or water.

## **7 Flight conditions**

- 7.1 Subject to paragraphs 7.2 and 9.5, the exemptions given by subsection 3 in relation to an aeroplane, to which this Order applies, are further subject to the following flight conditions:
- (a) the aeroplane may be flown 5 000 feet above mean sea level or higher only in accordance with paragraph 8.4;
  - (b) the aeroplane must not be flown at a height of less than 500 feet above ground level unless 1 of the conditions set out in paragraph 8.1 is complied with;

- (c) subject to paragraph 7.2, the aeroplane must not be flown over a body of water at a horizontal distance from a suitable landing area of more than:
  - (i) the distance (not greater than 25 nautical miles) that the aeroplane can glide in case of engine failure; or
  - (ii) 25 nautical miles — if each occupant is wearing a life jacket and the aircraft carries a serviceable radiocommunication system and the equipment referred to in subparagraph 3.2 (a) or (b);
- (d) the aeroplane must only be flown in:
  - (i) Class G airspace; or
  - (ii) Class E airspace in V.M.C.; or
  - (iii) in accordance with paragraph 7.3 — in Class A, B, C or D airspace;

*Note* Classes of airspace are defined in the *Australian Airspace Policy Statement*.

- (e) the aeroplane must not be flown inside an area designated as an area where the operation of an aeroplane, to which this Order applies, would constitute a hazard to other aircraft;
- (f) the aeroplane must only be flown in V.M.C.;
- (g) the aeroplane must only be flown during daylight hours;
- (h) in the case of an aeroplane to which this Order applies by virtue of subparagraph 1.2 (b), (c), (f) or (g) — the aeroplane must not be flown over a closely-settled area at a height:
  - (i) from which it cannot glide clear of the closely-settled area to a suitable landing area; and
  - (ii) that is lower than 1 000 feet above ground level;
- (i) in the case of an aeroplane to which this Order applies by virtue of subparagraph 1.2 (a), (e) or (h) — the aeroplane must not be flown over a closely-settled area except as authorised under paragraph 7.5;
- (j) the aeroplane must not be flown in acrobatic flight;
- (k) in the case of an aeroplane to which this Order applies by virtue of subparagraph 1.2 (a), (e) or (h) and that is registered with the RAA after 1 October 1998 — the aeroplane must not be flown outside an area defined for the purposes of this subparagraph by CASA, or a person authorised by CASA for that purpose, or carry any person other than the pilot, unless CASA or the authorised person is satisfied that the aeroplane:
  - (i) is controllable throughout its normal range of speeds and throughout all the manoeuvres to be executed; and
  - (ii) has no hazardous operating characteristics or design features;
- (l) the radiotelephone equipment (if any) fitted to an aeroplane must not be used by a person unless the person:
  - (i) for transmissions on VHF frequencies only — holds a valid certificate, issued by the RAA in accordance with the RAA Operations Manual, relating to the operation of radiotelephone equipment; or
  - (ii) for all transmissions, but subject to paragraph 5.2 — is authorised to transmit using an aeronautical radio under Part 61 or Part 64 of CASR 1998.

- 7.2 In spite of the limit of 25 nautical miles mentioned in subparagraph 7.1 (c), an aeroplane to which that limit would otherwise apply may be flown between Tasmania and mainland Australia, in either direction, by a longer route if taking advantage of safer weather conditions.
- 7.3 An aeroplane, to which this Order applies, may be flown in Class A, B, C or D airspace only if all of the following conditions are complied with:
- (a) the aeroplane is:
    - (i) certificated to the design standards specified in Civil Aviation Order 101.55; or
    - (ii) meets the criteria specified in paragraph 21.024 (1) (a) or 21.026 (1) (a) or regulation 21.186 of CASR 1998; or
    - (iii) approved under regulation 262AP of CAR 1988 in relation to flights over closely-settled areas;
  - (b) the aeroplane is fitted with an engine of a kind to which paragraph 6.1 of Civil Aviation Order 101.55 applies, or that CASA has approved as being suitable for use in an aircraft, to which this Order applies, and is not subject to any conditions that would prevent the flight;
  - (c) the aeroplane is fitted with a radio capable of two-way communication with air traffic control;
  - (d) the aeroplane is flown by the holder of a pilot licence with an aeroplane category rating:
    - (i) issued under Part 61 of CASR 1998; and
    - (ii) that allows the holder to fly inside the controlled airspace;
  - (e) the pilot has a valid flight review for the class rating in accordance with Part 61 of CASR 1998;
  - (f) the controlled airspace in which the aeroplane is operating requires a transponder to be fitted — the aeroplane is fitted with a transponder suitable for use in the airspace.

*Note* Operations in Class A airspace in V.F.R. are only possible in accordance with a permission issued by CASA under regulation 99AA of CAR 1988.

- 7.4 An aeroplane to which this Order applies may be used to tow another aircraft only if:
- (a) the pilot in command is authorised to do so by his or her relevant administering organisation in accordance with a procedure approved by CASA; and
  - (b) both aircraft are operated in accordance with limitations in their flight manuals, or equivalent instructions or directions, whether in the form of a placard or some other document; and
  - (c) the towing aeroplane is:
    - (i) certified as suitable for that purpose; or
    - (ii) is mentioned in a Civil Aviation Advisory Publication for this Order or regulation 149 of CAR 1988; or
    - (iii) is accepted by CASA in writing as suitable for that purpose.



- 7.5 CASA, or an authorised person for subregulation 262AP (5) of CAR 1988, may authorise an aeroplane referred to in subparagraph 7.1 (i) to be operated over a closely-settled area subject to the conditions and limitations that CASA or the authorised person considers necessary in the interests of the safety of other airspace users or of persons on the ground or water.

*Note* Operations in Class A airspace under the V.F.R. require permission from CASA under regulation 99AA of CAR 1988.

## **8 Provisions relating to flight height limitations**

- 8.1 An aeroplane, to which this Order applies, may be flown at a height of less than 500 feet above ground level if:
- (a) the aeroplane is flying in the course of actually taking off or landing; or
  - (b) the aeroplane is flying over land that is owned by, or under the control of, the pilot; or
  - (c) the owner or occupier (including the Crown) of the land, or an agent or employee of the owner or occupier, has given permission for the flight to take place at such a height; or
  - (d) the pilot of the aeroplane is engaged in flight training, being low-flying flight training:
    - (i) over a flight training area approved in writing by the operator conducting the training as suitable for low-flying activity; and
    - (ii) the low-flying activity is conducted with the written permission of a person referred to in subparagraph (c).
- 8.2 Except when taking off or landing, an aeroplane, to which this Order applies, that is flown at a height lower than 500 feet above ground level must be at a distance of at least 100 metres horizontally from:
- (a) a public road; or
  - (b) a person, other than a person associated with the operation of the aeroplane; or
  - (c) a dwelling, except with the permission of the occupier.
- 8.3 When taking off, or landing, an aeroplane to which this Order applies that is flown at a height of less than 500 feet above ground level must, during the take-off or landing, maintain a horizontal distance from a place or person referred to in subparagraph 8.2 (a), (b) or (c) that may be less than 100 metres but is:
- (a) enough to avoid endangering any person or causing damage to any property; and
  - (b) as far as possible from such a place or person, having regard to carrying out a safe take-off or landing.
- 8.4 An aeroplane, to which this Order applies, may only be flown at a height of 5 000 feet above mean sea level or higher if it is equipped with serviceable radiotelephone equipment and the pilot is qualified to use it.
- 8.5 An aeroplane, to which this Order applies, may only be flown at a height of 10 000 feet above mean sea level or higher in accordance with an approval issued under paragraph 9.3.

**9 Approval of flights not complying with flight conditions**

- 9.1 A person who wants to fly an aeroplane, to which this Order applies, otherwise than in accordance with the flight conditions set out in paragraph 7.1, may apply to CASA for approval of the flight.
- 9.2 The application must:
  - (a) be in writing; and
  - (b) include details of the proposed flight; and
  - (c) be made at least 28 days before the proposed flight.
- 9.3 CASA may, in writing, approve the application.
- 9.4 The approval:
  - (a) must specify which of the flight conditions set out in paragraph 7.1 do not apply to the use, by the applicant, of the aeroplane in the proposed flight; and
  - (b) may specify conditions to be complied with in relation to the proposed flight.
- 9.5 If the proposed flight takes place in accordance with the approval (including any conditions specified in the approval in accordance with subparagraph 9.4 (b)), the use by the applicant of the aeroplane in the flight is not subject to the flight conditions specified in the approval in accordance with subparagraph 9.4 (a).

**Notes to Civil Aviation Order 95.55 (Exemption from the provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2015**

**Note 1**

The Civil Aviation Order (in force under the *Civil Aviation Safety Regulations 1998*, subregulations 5 (1) and 5 (1A) of the *Civil Aviation Regulations 1988* and subsection 33 (3) of the *Acts Interpretation Act 1901*) as shown in this compilation comprises *Civil Aviation Order 95.55 (Exemption from the provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2015* amended as indicated in the Tables below.

**Table of Orders**

Year and number	Date of registration on FRLI	Date of commencement	Application, saving or transitional provisions
CAO 95.55 Instrument 2015	27 February 2015 (F2015L00228)	28 February 2015 (s. 1B)	
CAO 95.55 2015 (No. 1)	17 August 2015 (F2015L01276)	18 August 2015 (s. 2)	

**Table of Amendments**

ad. = added or inserted   am. = amended   rep. = repealed   rs. = repealed and substituted

Provision affected	How affected
subs. 6	am. F2015L01276
subs. 7	am. F2015L01276