Australian Government

Civil Aviation Safety Authority

I, JOHN FRANCIS McCORMICK, Director of Aviation Safety, on behalf of CASA, make this instrument under subregulation 308 (1) of the *Civil Aviation Regulations 1988*.

[Signed John F. McCormick]
John F. McCormick
Director of Aviation Safety

6 April 2011

Civil Aviation Order 95.55 Instrument 2011

1 Name of instrument

This instrument is the *Civil Aviation Order 95.55 Instrument 2011*.

2 Commencement

This instrument commences on the day after it is registered.

3 New Civil Aviation Order 95.55

Civil Aviation Order 95.55 is repealed and a new Civil Aviation Order 95.55 is substituted as set out in Schedule 1.

Schedule 1 Civil Aviation Order 95.55

Exemption from provisions of the *Civil Aviation Regulations 1988* — certain ultralight aeroplanes

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;

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(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 except with the approval of a person who is an authorised person for subregulation 35 (1) of CAR 1988;

(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 of airworthiness.

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.

flight radiotelephone operator licence means a flight radiotelephone operator licence granted under Part 5 of CAR 1988.

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.

3 Exemptions under regulation 308

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, 4D, and 5;

(b) regulations 36A and 37;

(c) subregulations 83 (1), (2) and (3) in respect of VHF equipment;

(d) regulations 133, 139, 155 and 157;

(e) regulations 207 and 208;

(f) regulation 210 as far as advertising of flying training to qualify for a pilot standard specified in the RAA Operations Manual is concerned;

(g) regulation 230;

(h) subregulation 242 (2);

(i) regulation 252;

(j) 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 stops having effect 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, stops having effect 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 must hold a flight radiotelephone operator licence if he or she makes airborne radio transmissions on aeronautical HF frequencies.

Note A licence is not required to make airborne radio transmissions that are not on aeronautical HF frequencies.

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 without the approval of CASA or of an authorised person for the purposes of regulation 35 of CAR 1988;

(g) in the case of an aeroplane to which this Order applies by virtue of subparagraph 1.2 (a), (e) or (g) — 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 (g) 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 holds:

(i) for transmissions on VHF frequencies only — a valid certificate, issued by the RAA in accordance with the appropriate operations manual, relating to the operation of radiotelephone equipment; or

(ii) for all transmissions, but subject to paragraph 5.2 — a flight radiotelephone operator licence.

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 section 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