

PART 21**Certification and airworthiness requirements for aircraft and parts**

Note ***This Part is made up as follows:***

Subpart 21.A General

- 21.001 Applicability
- 21.001A Definition for Subpart
- 21.002A Requests for information
- 21.002B Applicants to be told about decisions
- 21.002C Suspension or cancellation of an instrument
- 21.002D Show cause notices
- 21.002E Cancellation of certain certificates
- 21.003 Reporting failures, malfunctions, and defects
- 21.005 Aeroplane or rotorcraft flight manual

Subpart 21.B Type certificates and type acceptance certificates

- 21.011 Applicability
- 21.012 Recognised foreign countries
- 21.013 Eligibility
- 21.013A Issue of type certificate
- 21.014 Recognition of foreign certification
- 21.015 Application for type certificate
- 21.016 Special standards and other conditions on type certificates
- 21.017 Designation of applicable airworthiness standards
- 21.019 Changes requiring a new type certificate
- 21.021 Type certificate: normal, utility, acrobatic, commuter, and transport category aircraft; manned free balloons; special classes of aircraft; aircraft engines; propellers
- 21.024 Type certificate: primary category aircraft
- 21.025 Issue of type certificate: restricted category aircraft
- 21.026 Type certificate: intermediate category aircraft
- 21.027 Type certificate: surplus aircraft of the Armed Forces
- 21.029 Type certificate for imported aircraft, aircraft engines or propellers not type certificated by NAA of recognised country
- 21.029A Type acceptance certificate for imported aircraft certificated by NAA of recognised country
- 21.029B Issue of type acceptance certificates subject to conditions
- 21.029C Refusal to issue type acceptance certificate

- 21.031 Type design — meaning
- 21.033 Inspection and tests
- 21.035 Flight tests
- 21.037 Flight test pilot
- 21.039 Flight test instrument calibration and correction report
- 21.041 Type certificate — meaning
- 21.043 Location of manufacturing facilities
- 21.047 Transferability
- 21.049 Availability
- 21.050 Instructions for continued airworthiness and manufacturer's maintenance manuals having airworthiness limitations sections
- 21.051 Type certificates and type acceptance certificates — duration and suspension or cancellation
- 21.053 Statement of conformity
- Subpart 21.C Provisional type certificates**
 - 21.071 Applicability
 - 21.073 Eligibility
 - 21.075 Application
 - 21.076 Issue of provisional type certificate
 - 21.077 Duration
 - 21.078 Suspension and cancellation
 - 21.079 Transferability
 - 21.081 Requirements for issue and amendment of Class I provisional type certificates
 - 21.083 Requirements for issue and amendment of Class II provisional type certificates
 - 21.085 Provisional amendments to type certificates
- Subpart 21.D Changes to type certificates**
 - 21.091 Applicability
 - 21.093 Classification of changes in type design
 - 21.095 Approval of minor changes in type design
 - 21.097 Eligibility for approval of major changes in type design
 - 21.098 Issue of approval of major change in type design
 - 21.099 Required design changes
 - 21.101 Designation of applicable regulations
- Subpart 21.E Supplemental type certificates**
 - 21.111 Applicability
 - 21.113 Eligibility for supplemental type certificate
 - 21.113A Issue of supplemental type certificate
 - 21.114 Foreign supplemental type certificates
 - 21.115 Applicable requirements
 - 21.117 Entitlement to supplemental type certificates
 - 21.118 Duration, suspension and cancellation of supplemental type certificates
 - 21.119 Duration, suspension and cancellation of foreign supplemental type certificates

- Subpart 21.F Production under type certificate only**
- 21.121 Applicability
 - 21.123 Production under type certificate
 - 21.125 Production inspection system: Materials Review Board
 - 21.127 Tests: aircraft
 - 21.128 Tests: aircraft engines
 - 21.129 Tests: variable pitch propellers
 - 21.130 Statement of conformity
 - 21.130A Records to be kept by manufacturer
- Subpart 21.G Production certificates**
- 21.131 Applicability
 - 21.132 Definitions for [Subpart 21.G](#)
 - 21.132A Product design
 - 21.133 Eligibility
 - 21.134 Issue of production certificate
 - 21.135 Requirements for entitlement
 - 21.137 Location of manufacturing facilities
 - 21.139 Quality system
 - 21.143 Quality system data requirements: prime manufacturer
 - 21.144 Production inspection system
 - 21.145 Materials Review Board
 - 21.147 Changes in quality system
 - 21.149 Multiple products
 - 21.151 Production limitation record
 - 21.153 Amendment of production certificate
 - 21.155 Transferability
 - 21.157 Inspections and tests
 - 21.159 Duration
 - 21.161 Display
 - 21.163 Privileges
 - 21.165 Responsibility of holder of production certificate
 - 21.166 Records to be kept by holder of production certificate
- Subpart 21.H Certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits**
- 21.171 Applicability
 - 21.172 Definitions for Subpart
 - 21.173 Eligibility
 - 21.175 Certificates of airworthiness: classification
 - 21.176 Issue of certain certificates of airworthiness
 - 21.179 Transferability
 - 21.181 Duration of certain certificates of airworthiness
 - 21.182 Aircraft manufacturer's data plate
 - 21.183 Standard certificates of airworthiness
 - 21.184 Special certificates of airworthiness for primary category aircraft
 - 21.184A Special certificates of airworthiness for intermediate category aircraft
 - 21.185 Certificates of airworthiness for restricted category aircraft
 - 21.186 Special certificates of airworthiness for light sport aircraft

- 21.187 Multiple-category airworthiness certification
- 21.189 Special certificate of airworthiness for limited category aircraft
- 21.190 Special certificates of airworthiness — amateur-built category aircraft accepted under an ABAA
- 21.191 Experimental certificates
- 21.192 Experimental certificates: eligibility
- 21.193 Experimental certificates: general
- 21.195 Experimental certificates: aircraft to be used for market surveys, sales demonstrations, and customer crew training
- 21.195A Issue of experimental certificates
- 21.195B Duration of experimental certificates
- 21.196 Special flight permits: eligibility
- 21.197 Special flight permits
- 21.199 Applications for special flight permits
- 21.200 Issue of special flight permits
- 21.201 Duration of special flight permits
- Subpart 21.I Provisional certificates of airworthiness**
 - 21.211 Applicability
 - 21.213 Eligibility
 - 21.215 Application
 - 21.216 Issue of provisional certificates of airworthiness
 - 21.217 Duration
 - 21.219 Transferability
 - 21.221 Class I provisional certificates of airworthiness
 - 21.223 Class II provisional certificates of airworthiness
 - 21.225 Provisional certificates of airworthiness corresponding with provisional amendments to type certificates
- Subpart 21.J Delegation option authorisation procedures**
 - 21.231 Applicability
 - 21.235 Application
 - 21.239 Eligibility
 - 21.243 Duration
 - 21.245 Maintenance of eligibility
 - 21.247 Transferability
 - 21.249 Inspections
 - 21.251 Use of delegation option authorisation
 - 21.253 Type certificates: application
 - 21.257 Type certificates: issue
 - 21.261 Equivalent safety provisions
 - 21.267 Production certificates
 - 21.269 Export airworthiness approvals
 - 21.271 Airworthiness release certificates — criteria for issue
 - 21.273 Certificates of airworthiness

- 21.275 Experimental certificates
- 21.277 Data review and service experience
- 21.289 Major repairs, rebuilding and alteration
- 21.293 Records to be kept by a manufacturer under a delegation option authorisation

Subpart 21.K Approval of materials, parts, processes and appliances

- 21.301 Applicability
- 21.303 Replacement and modification parts
- 21.304 Conditions of an APMA
- 21.304A Changes to an APMA
- 21.305 Approval of materials, parts, processes and appliances
- 21.305A Approval of materials, parts, processes and appliances not covered by regulation 21.305
- 21.306 Use of standard parts and materials

Subpart L Export airworthiness approvals

- 21.321 Applicability
- 21.323 Eligibility
- 21.324 Issue of export airworthiness approvals
- 21.325 Export airworthiness approvals
- 21.327 Application
- 21.329 Issue of export airworthiness approvals for Class I products
- 21.331 Issue of airworthiness approvals for Class II products
- 21.333 Issue of export airworthiness approvals for Class III products
- 21.337 Performance of inspections and overhauls
- 21.339 Export airworthiness approval for aircraft

Subpart 21.N Approval of engines, propellers, materials, parts and appliances: imported

- 21.500 Approval of imported aircraft engines and propellers
- 21.500A Approval of other imported aircraft engines and propellers
- 21.502 Approval of imported materials, parts and appliances
- 21.502A Approval of other imported materials, parts and appliances

Subpart 21.O Australian Technical Standard Order Authorisations

- 21.601 Applicability
- 21.603 ATSO marking and privileges
- 21.605 Application and issue
- 21.607 General rules governing holders of ATSO authorisations
- 21.609 Approval for deviation
- 21.611 Design changes
- 21.613 Record keeping requirements
- 21.615 CASA inspection
- 21.617 Issue of letters of ATSO design approval: import appliances
- 21.619 Non-compliance
- 21.621 Transferability and duration

Subpart 21.Q Identification of aircraft and aeronautical products**Division 21.Q.1 Preliminary**

- 21.805 Applicability of this Subpart
- 21.810 Meaning of *fireproof*

Division 21.Q.2 Aircraft, aircraft engines and aircraft propellers

- 21.815 Applicability of this Division
- 21.820 Manufacturer's data plate must be attached to aircraft
- 21.825 Manufacturer's data plate must be attached to basket of manned free balloon
- 21.830 Heater assembly of manned free balloon must carry identification mark
- 21.835 Manufacturer's data plate must be attached to aircraft engine
- 21.840 Aircraft propellers, blades and hubs must carry identification marks

Division 21.Q.3 Critical parts

- 21.845 Applicability of this Division
- 21.850 Identification of critical parts
- 21.855 Removal or alteration of identification on critical parts

Division 21.Q.4 Aircraft parts

- 21.860 Applicability of this Division
- 21.865 Identification of parts produced under an APMA
- 21.870 Identification of parts produced under an APMA if marking is impracticable
- 21.875 Identification of other aircraft parts
- 21.880 Identification of other aircraft parts – other than by marking

Subpart 21.A General

21.001 Applicability

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.

21.001A Definition for Subpart

In this Subpart:

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

21.001B *Omitted by SR 2002 No. 320.*

21.002 *Omitted by SR 2002 No. 268.*

21.002A Requests for information

- (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.

21.002B Applicants to be told about decisions

- (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.

Note Regulation 201.004 provides for review of certain decisions by the Administrative Appeals Tribunal.

21.002C Suspension or cancellation of an instrument

- (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 [21.002D](#) 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.

21.002D Show cause notices

- (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 [21.002C](#).
- (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.

21.002E Cancellation of certain certificates

- (2) If CASA cancels a type certificate, provisional type certificate, type acceptance certificate or supplemental type certificate under regulation 11.130, 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.

21.003 Reporting failures, malfunctions, and defects

- (1) 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 has resulted in any of the occurrences listed in subregulation (4):
 - (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 could result in any of the occurrences listed in subregulation (4).

Penalty: 25 penalty units.

- (3) *Omitted by SR 2002 No. 268.*
- (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) This subregulation applies 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 4B of CAR 1988; or
 - (iii) has already reported under the accident reporting provisions of the *Air Navigation Act 1920*; and
 - (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 [21.025](#) or [21.027](#) or issued under regulation [21.029](#), 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.

- (9) An offence against subregulation (7) or (8) is an offence of strict liability.

Note: For **strict liability**, see section 6.1 of the *Criminal Code*.

- (10) It is a defence to a prosecution under subregulation (1) if the failure, malfunction or defect is of a kind to which subregulation (5) applies.

Note A defendant bears an evidential burden in relation to the matter mentioned in subregulation (10) (see subsection 13.3 (3) of the *Criminal Code*).

Source FARs section 21.3 modified.

21.005 Aeroplane or rotorcraft flight manual

- (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.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

- (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 21.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.

21.011 Applicability

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.

21.012 Recognised foreign countries

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

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

21.013 Eligibility

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

Source FARs section 21.13 modified.

21.013A Issue of type certificate

CASA must issue a type certificate (except a type certificate mentioned in regulation 21.029) to an applicant for the certificate if the applicant:

- (a) is eligible, under regulation 21.013, 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.

21.014 Recognition of foreign certification

Despite regulation [21.013A](#), CASA must not issue a type certificate mentioned in regulation [21.021](#), [21.024](#), or [21.025](#), for an aircraft manufactured in another country, if:

- (a) a type acceptance certificate may be issued for the aircraft under regulation [21.029A](#); or
- (b) a type certificate may be issued for the aircraft under regulation [21.029](#).

21.015 Application for type certificate

- (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.

21.016 Special standards and other conditions on type certificates

- (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 engage in conduct that results in a breach of a special condition or other condition of a type certificate.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note: For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.16 modified.

21.017 Designation of applicable airworthiness standards

- (1) An applicant for a type certificate for an aircraft mentioned in regulation 21.021 or 21.025, 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.

21.019 Changes requiring a new type certificate

- (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 [21.017](#) 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 21.19 modified.

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

An applicant is entitled to a type certificate for an aircraft (except an aircraft mentioned in regulation 21.027) 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.

21.024 Type certificate: primary category aircraft

- (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 61 knots or less V_{S0} stall speed as defined in FARs section 23.49; 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 21.017 (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 21.005, including any information required to be furnished by the applicable airworthiness standards; and
 - (iii) instructions for continued airworthiness in accordance with subregulation 21.050 (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 21.049 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 21.017 (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.

21.025 Issue of type certificate: restricted category aircraft

- (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 the normal, utility, acrobatic, commuter or transport category, 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.

21.026 Type certificate: intermediate category aircraft

- (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 61 knots or less V_{S0} stall speed as defined in FARs section 23.49; 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 21.017 (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 21.005, including any information required to be furnished by the applicable airworthiness standards; and
 - (iii) instructions for continued airworthiness in accordance with subregulation 21.050 (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 [21.049](#) 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 [21.017](#) (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.

21.027 Type certificate: surplus aircraft of the Armed Forces

- (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 Table [21.027](#).

Table 21.027 Regulations that must be complied with for particular kinds of aircraft

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 CASR 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 CASR Part 23	
Commuter category aeroplanes	After Feb. 17, 1987	FARs Part 23, as effective Feb 17, 1987, or CASR 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 CASR Part 25	
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 CASR Part 25	
Rotorcraft with a maximum certificated take-off weight of:	2,722 kg or less	Before Oct. 2, 1959	Civil Air Regulations Part 6, as effective Oct. 1, 1959
		After Oct. 1, 1959	Civil Air Regulations Part 6, or FARs Part 27, or CASR 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 CASR 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.

21.029 Type certificate for imported aircraft, aircraft engines or propellers not type certificated by NAA of recognised country

- (1) CASA may issue a type certificate for an aircraft, aircraft engine or propeller manufactured in a foreign country and for which a foreign type certificate issued by the NAA of a recognised country is not in force, if the aircraft, aircraft engine or propeller:
 - (a) meets the applicable airworthiness requirements mentioned in regulation 21.017; 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, aircraft engines or propellers.
- (2) CASA may accept a certificate given by the NAA of a Contracting State to the effect that an aircraft, aircraft engine or propeller 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, aircraft engine or propeller 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.

21.029A Type acceptance certificate for imported aircraft certificated by NAA of recognised country

Subject to regulations [21.029B](#) and [21.029C](#), 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 or equivalent document 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).

21.029B Issue of type acceptance certificates subject to conditions

- (1) CASA may issue a type acceptance certificate under regulation [21.029A](#) 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 engage in conduct that results in a breach of a condition of a type acceptance certificate.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

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 paragraph 11.260 (2) (b).

21.029C Refusal to issue type acceptance certificate

- (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 [21.029](#).

Note The power of CASA to refuse to issue a type acceptance certificate must be exercised by the Director personally: see paragraph 11.260 (2) (c).

21.031 Type design — meaning

- (1) The type design of an aircraft, aircraft engine or propeller (except an aircraft, aircraft engine or propeller type certificated under regulation [21.029](#) or [21.029A](#)) 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 [21.017](#);
 - (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 [21.017](#) (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 21.017 (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, aircraft engine or propeller type certificated under regulation 21.029 consists of the following:
- (a) the drawings and specifications, 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 21.017 (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 21.017 (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, aircraft engines or propellers of the same type.
- (3) The type design for an aircraft type certificated under regulation 21.029A 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.

21.033 Inspection and tests

- (1) CASA is not required to issue, under regulation 21.013A, 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 45 knots or less V_{S0} stall speed as defined in FARs section 23.49 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.

21.035 Flight tests

- (1) Each applicant for a type certificate mentioned in regulation 21.021 (except a type certificate issued under regulation 21.029) 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.

21.037 Flight test pilot

Each applicant for a type certificate mentioned in regulation [21.021](#) (except a type certificate issued under regulation [21.029](#)) must provide a person holding an appropriate endorsement under regulation 5.22 of CAR, or an appropriate permission under regulation 5.50 of CAR, to make the flight tests required by this Part.

Source FARs section 21.37 modified.

21.039 Flight test instrument calibration and correction report

- (1) Each applicant for a type certificate mentioned in regulation [21.021](#) (except a type certificate issued under regulation [21.029](#)) 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.

21.041 Type certificate — meaning

- (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 by CASA under regulation [21.013A](#) or [21.029](#) certifying that the aircraft, aircraft engine or propeller meets the airworthiness standard mentioned for it in the certificate.
- (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.

21.043 Location of manufacturing facilities

Despite regulation 21.013A, CASA is not required to consider an application for a type certificate for an aircraft, aircraft engine or propeller (except an application under regulation 21.029) 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.

21.047 Transferability

- (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.

- (6) An offence against subregulation (2) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.47 modified.

21.049 Availability

- (1) 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.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.49 modified.

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

- (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.

Penalty: 5 penalty units.

- (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 21.017 (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.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.50 modified.

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

- (1) Subject to regulation 21.019, 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 suspend or cancel a type acceptance certificate under subregulation (4) must be exercised by the Director personally: see paragraph 11.260 (2) (d).

Note 2 See also regulations [21.002C](#) and [21.002E](#) in relation to suspension and cancellation of type acceptance certificates.

21.053 Statement of conformity

- (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 [21.033](#) (1).

Source FARs section 21.53 modified.

Subpart 21.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.

21.071 Applicability

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.

21.073 Eligibility

- (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.

21.075 Application

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.

21.076 Issue of provisional type certificate

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 [21.073](#), 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.

21.077 Duration

- (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.

21.078 Suspension and cancellation

- (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 [21.077](#), a provisional type certificate is not effective while it is suspended but the suspension period counts as part of a period mentioned in subregulation [21.077](#) (2) or (3).

Note See also regulations [21.002C](#) and [21.002E](#) in relation to suspension and cancellation of provisional type certificates.

21.079 Transferability

Provisional type certificates are not transferable.

Source FARs section 21.79.

21.081 Requirements for issue and amendment of Class I provisional type certificates

- (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 262AO of CAR.
- (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.

21.083 Requirements for issue and amendment of Class II provisional type certificates

- (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 262AO of CAR.
- (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 262AO of CAR.
- (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.

21.085 Provisional amendments to type certificates

- (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 262AO of CAR.
- (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 21.D Changes to type certificates

21.091 Applicability

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

Source FARs section 21.91 modified.

21.093 Classification of changes in type design

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.

21.095 Approval of minor changes in type design

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.

21.097 Eligibility for approval of major changes in type design

- (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.

21.098 Issue of approval of major change in type design

- (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 [21.097](#) (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.

21.099 Required design changes

- (1) If an airworthiness directive is issued for an aircraft, aircraft engine or propeller, and CASA considers that design changes are necessary to correct the unsafe condition of the aircraft, aircraft engine or propeller, the holder of the type certificate for the aircraft, aircraft engine or propeller must, on CASA's request, submit appropriate design changes for approval.

Penalty: 50 penalty units.

- (1A) If approval is granted for design changes mentioned in subregulation (1), the holder of the type certificate for the aircraft, aircraft engine or propeller must, on request by the operator of an affected aircraft, aircraft engine or propeller previously certificated under the type certificate, give to that operator the descriptive data covering the design changes.

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.

- (3) An offence against subregulation (1), (1A) or (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.99 modified.

21.101 Designation of applicable regulations

- (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 [21.019](#) (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 subregulation (3), 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 21.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.

21.111 Applicability

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

Source FARs section 21.111 modified.

21.113 Eligibility for supplemental type certificate

- (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 21.019.
- (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.

21.113A Issue of supplemental type certificate

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.

21.114 Foreign supplemental type certificates

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.

21.115 Applicable requirements

- (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 21.033 (Inspections and tests) and 21.053 (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 21.B.

Source FARs section 21.115 modified.

21.117 Entitlement to supplemental type certificates

- (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 or type acceptance 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.

21.118 Duration, suspension and cancellation of supplemental type certificates

- (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 [21.002C](#) and [21.002E](#) in relation to suspension and cancellation of supplemental type certificates.

21.119 Duration, suspension and cancellation of foreign supplemental type certificates

- (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 [21.002C](#) and [21.002E](#) in relation to suspension and cancellation of foreign supplemental type certificates.

Subpart 21.F Production under type certificate only

21.121 Applicability

- (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 21.G deals with production certificates.

21.123 Production under type certificate

- (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.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (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.

21.125 Production inspection system: Materials Review Board

- (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.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (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.

21.127 Tests: aircraft

- (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.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (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.

21.128 Tests: aircraft engines

- (1) Each person manufacturing aircraft engines that are not 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.

Penalty: 25 penalty units.

- (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.

- (4) An offence against subregulation (1) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.128 modified.

21.129 Tests: variable pitch propellers

- (1) 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.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.129 modified.

21.130 Statement of conformity

- (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 authorised release certificate 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 authorised release certificate 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.

21.130A Records to be kept by manufacturer

- (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.

Penalty: 50 penalty units.

- (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.

Penalty: 50 penalty units.

- (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.

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

- (5) If the manufacturer stops manufacturing aircraft, aircraft engines or propellers under the type certificate, and does not continue manufacturing under a production certificate, the manufacturer must send the records to CASA within 30 days.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section [21.293](#) modified.

Subpart 21.G Production certificates

21.131 Applicability

This Subpart prescribes requirements for the issue of production certificates and rules governing production of Class I, Class II, Class III and unapproved Class I products by the holders of those certificates.

Source FARs section [21.131](#) modified .

21.132 Definitions for Subpart G

For this Subpart:

Class I product includes a complete aircraft, aircraft engine or propeller for which a foreign type certificate has been issued.

Class II product includes a major component of:

- (a) a Class I product; or
- (b) an unapproved Class I product.

product design has the meaning given by regulation [21.132A](#).

unapproved Class I product means a complete aircraft, aircraft engine or propeller:

- (a) designed by or for a manufacturer that is in a foreign country; and
- (b) for which an application for a foreign type certificate has been made; and
- (c) for which no foreign type certificate has been issued.

21.132A Product design

- (1) The product design of an unapproved Class I product is the design that was submitted with the application for a foreign type certificate.
- (2) The product design of a Class II or Class III product:
 - (a) consists of drawings, specifications and other information that:
 - (i) fully describe the product; and
 - (ii) are approved by:
 - (A) CASA; or
 - (B) an authorised person; or
 - (C) if the product is manufactured under an agreement with a foreign manufacturer for supply to that manufacturer — the NAA of the relevant foreign country; and
 - (b) must include all the information necessary to manufacture the product, including:
 - (i) information that shows the dimensions and appearance of the product; and
 - (ii) the materials used in the manufacture of the product; and

- (iii) information about the process or processes used to manufacture the product; and
- (iv) any methods used to test or measure the product; and
- (v) information that shows the structural strength of the product.

21.133 Eligibility

- (1) A person is eligible to apply for a production certificate for a Class I product if the person:
 - (a) holds a current type certificate or foreign type certificate for the product; or
 - (b) holds the right, under a licensing agreement, to the benefits of the type certificate or foreign type certificate for the product; or
 - (c) holds a supplemental type certificate or foreign supplemental type certificate for the product.
- (2) A person is also eligible to apply for a production certificate if:
 - (a) the person has an agreement with a foreign manufacturer to:
 - (i) manufacture a Class I, Class II, Class III or unapproved Class I product; and
 - (ii) supply the product to the foreign manufacturer; and
 - (b) the terms of the agreement require that the person be approved to manufacture the product.
- (2A) A person is also eligible to apply for a production certificate for a Class II or Class III product if:
 - (a) the product is an aircraft component of a type in respect of which a certificate of type approval is in force; and
 - (b) the person is lawfully manufacturing the component or is proposing to manufacture the component and is entitled to do so.
- (2B) A person is also eligible to apply for a production certificate to manufacture a Class II or Class III product on a one-off basis for supply to:
 - (a) the holder of a certificate of approval engaged in the maintenance of an aircraft for installation in or on the aircraft; or
 - (b) the operator of an aircraft or the owner of an aircraft, aircraft engine or propeller for installation in or on the aircraft, aircraft engine or propeller.
- (3) An application for a production certificate must be in an approved form.

Source FARs section 21.133 modified.

21.134 Issue of production certificate

- (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 engage in conduct that results in a breach of a condition set out in the production certificate.

Penalty: 50 penalty units.

- (5) An offence against subregulation (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

21.135 Requirements for entitlement

- (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 Class I, Class II, Class III or unapproved class I product 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.

21.137 Location of manufacturing facilities

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.

21.139 Quality system

An applicant for a production certificate must show that the applicant has established, and can maintain, a quality system so that:

- (a) each Class I product to be manufactured under the certificate will conform to the type design for the product; and
- (b) each Class II, Class III or unapproved Class I product to be manufactured under the certificate will conform to the product design for the product.

Source FARs section [21.139](#) modified.

21.143 Quality system data requirements: prime manufacturer

- (1) An applicant for a production certificate must submit to CASA, for approval, a manual describing the inspection and test procedures necessary to ensure that each product manufactured under the production certificate is in a condition for safe operation and conforms to:
 - (a) for a Class I product — the type design; and
 - (b) for a Class II, Class III or unapproved Class I product — the product design.
- (1A) The manual mentioned in subregulation (1) must include any of the following that apply to the product:
 - (a) a statement describing how responsibilities are assigned and authority is delegated in the quality system organisation, together with a chart indicating:
 - (i) the functional relationship of the quality system organisation to management and to other organisational components; and
 - (ii) the chain of authority and responsibility within the quality system organisation;
 - (b) a description of:
 - (i) the inspection procedures for raw materials, purchased items and parts and assemblies produced by manufacturers' suppliers; and
 - (ii) the methods used to ensure that parts and assemblies that cannot be completely inspected when delivered to the production certificate holder's plant are acceptable;
 - (c) a description of:
 - (i) the production inspection system for individual parts and complete assemblies; and
 - (ii) the methods used for the identification of any special manufacturing processes involved; and
 - (iii) the means used to control the processes; and
 - (iv) the final test procedure for the product; and
 - (v) in the case of a Class I product that is a completed aircraft, a copy of the manufacturer's production flight test procedures and check-off list;
 - (d) for a product other than a Class II or Class III product referred to in subregulation 21.133 (2B), an outline of the materials review system, the procedure for recording decisions of the Materials Review Board and for disposing of rejected parts;
 - (e) an outline of a system for informing company inspectors of current changes in engineering drawings, specifications, and quality system procedures.

- (f) a list or chart showing the location and type of inspection stations.

Note A Materials Review Board must be established by the holder of a production certificate: see regulation [21.145](#).

- (1B) CASA must approve a manual that is prepared for, and meets the requirements of, this regulation.
- (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: 25 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section [21.143](#) modified.

21.144 Production inspection system

The production inspection system mentioned in paragraph [21.143](#) (1A) (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 Class I, Class II, Class III or unapproved Class I product in accordance with acceptable industry or Australian specifications;
- (d) inspecting parts and components, at points during the production process at which accurate determinations can be made, to determine whether:
 - (i) parts and components for a Class I product conform to the type design data for the product; or
 - (ii) parts and components for a Class II, Class III or unapproved Class I product conform to the product design data for the product;
- (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:
 - (i) a finished Class I product; or
 - (ii) a Class II, Class III or unapproved Class I product;
- (g) segregating and identifying rejected materials and parts in a manner that precludes installation in the finished Class I, Class II, Class III or unapproved Class I product;

- (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 Class I, Class II, Class III or unapproved Class I product;
- (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 Class I, Class II, Class III or unapproved Class I product where practicable, and retaining them for at least 2 years.

Source FARs section 21.125 modified.

21.145 Materials Review Board

- (1) The holder of a production certificate (other than a production certificate referred to in subregulation 21.133 (2B)) 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.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.125 modified.

21.147 Changes in quality system

- (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:
 - (a) the inspection of a Class I product being manufactured under the certificate, or the conformity of such a product to its type design data, or the airworthiness of such a product; or
 - (b) the inspection of an unapproved Class I product being manufactured under the certificate, or the conformity of such a product to its product design data, or the airworthiness of such a product; or
 - (c) the inspection of a Class II or Class III product being manufactured under the certificate, or the conformity of such a product to its product design data.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

21.149 Multiple products

CASA may authorise more than 1 Class I, Class II, Class III or unapproved Class I product to be manufactured under 1 production certificate if the products have similar production characteristics.

Source FARs section [21.149](#) modified.

21.151 Production limitation record

A production certificate must include, or have attached to it, a production limitation record that sets out:

- (a) for a Class I product — the type certificate or foreign type certificate of each product authorised to be manufactured under the production certificate; and
- (b) for a Class II or Class III product (other than a Class II or Class III product referred to in subregulation [21.133](#) (2B)) or an unapproved Class I product — the product design of each product authorised to be manufactured under the production certificate; and
- (c) for a Class II or Class III product referred to in subregulation [21.133](#) (2B) — a description of each product authorised to be manufactured under the production certificate.

Source FARs section [21.151](#) modified.

21.153 Amendment of production certificate

- (1) The holder of a production certificate may apply to CASA to amend the certificate to add 1 or more of the following:
 - (a) a Class I product type certificate or foreign type certificate;
 - (b) a model to a Class I product type certificate or foreign type certificate;
 - (c) an unapproved Class I product design;
 - (d) a Class II product design;
 - (e) a Class III product design.
- (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.

21.155 Transferability

A production certificate is not transferable.

Source FARs section [21.155](#).

21.157 Inspections and tests

- (1) If CASA requires the holder of a production certificate to allow CASA to make any inspections and tests necessary to determine compliance with the applicable requirements of these Regulations, the holder must allow CASA to make those inspections and tests.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.157 modified.

21.159 Duration

- (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 21.002C and 21.002E in relation to suspension and cancellation of production certificates.

21.161 Display

- (1) 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.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.161 modified.

21.163 Privileges

- (1) Notwithstanding regulation 30 of CAR, 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 21.024 (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; 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, 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 21.026 (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; 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.

21.165 Responsibility of holder of production certificate

- (1) The holder of a production certificate must maintain the quality system in conformity with the manual approved under regulation 21.143 in relation to the production certificate.

Penalty: 50 penalty units.

- (2) The holder of a production certificate for a Class I product must ensure that each finished product that is:
- (a) manufactured under the authority of the certificate; and
 - (b) submitted for airworthiness certification or approval;
- conforms to the type design for the product and is in a condition for safe operation.

Penalty: 50 penalty units.

- (3) The holder of a production certificate for a Class II, Class III or unapproved Class I product must ensure that each product that is:
- (a) manufactured under the authority of the certificate; and
 - (b) submitted for approval;
- conforms to the product design and is in a condition for safe operation.

Penalty: 50 penalty units.

- (4) An offence against subregulation (1), (2) or (3) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.165 modified.

21.166 Records to be kept by holder of production certificate

- (1) A person who manufactures a Class I, Class II, Class III or unapproved Class I product under a production certificate must keep, at the place of manufacture, the following records for each product:
- (a) for a Class I product, a technical data file that includes:
 - (i) the current type design drawings; and
 - (ii) the current specifications; and
 - (iii) the reports on the results of any tests required by or under this Part; and
 - (iv) the original type inspection report; and
 - (v) any amendments to that report;
 - (b) for a Class II, Class III or unapproved Class I product, the current product design and the reports on the results of any tests required by or under this Part;
 - (c) any data (including any amendments) required to be submitted with the original application for the production certificate;
 - (d) a record of any rebuilding or alteration performed by the person;
 - (e) an inspection record;
 - (f) any serial number;

- (g) any data about the processes and tests to which materials and parts used in the product are subjected;
- (h) a record of any service difficulties reported to the person.

Penalty: 50 penalty units.

- (2) The records mentioned in paragraphs (1) (a), (b), (c) and (d) must be retained for the period during which the product is manufactured by the person under the production certificate.

Penalty: 50 penalty units.

- (3) The records mentioned in paragraphs (1) (e), (f), (g) and (h) must be retained for 2 years after the manufacture of the product to which the records relate.

Penalty: 50 penalty units.

- (4) The person must allow CASA to examine the records at any reasonable time after reasonable notice is given to the person.

Penalty: 50 penalty units.

- (5) If the person stops manufacturing a product under the production certificate, and does not continue manufacturing the product at another place under another production certificate, the person must send the records retained for subregulation (3) to CASA within 30 days after the manufacturing stops.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section [21.293](#) modified.

Subpart 21.H Certificates of airworthiness (except provisional 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.

21.171 Applicability

This Subpart prescribes requirements for the issue of certificates of airworthiness (except provisional certificates of airworthiness) and special flight permits.

Source FARs section 21.171 modified.

Note Under Part 200 (Aircraft to which CASR do not apply), certain Australian aircraft are authorised to fly without a certificate of airworthiness.

21.172 Definitions for Subpart

In this Subpart:

LSA standards means:

- (a) the standards for the design, performance or continuing airworthiness of light sport aircraft issued by the American Society for Testing and Materials, as in force from time to time; or
- (b) any other standards, for the design, performance or continuing airworthiness of light sport aircraft, the use of which is approved by CASA.

Note 1 Advisory Circular 21-42 lists the LSA standards.

Note 2 The standards issued by the American Society for Testing and Materials may be found in www.astm.com.

qualified manufacturer of a light sport aircraft means:

- (a) a manufacturer who, at the time the light sport aircraft was manufactured, held a current production certificate for an aircraft; or
- (b) a manufacturer who has made a written declaration that, at the time the light sport aircraft was manufactured, it had:
 - (i) contracted engineering personnel with experience in ultralight or light aircraft design to ensure compliance with LSA standards referred to in paragraph 21.186 (2) (b); and
 - (ii) facilities and tools suitable for the production of the aircraft in accordance with the applicable LSA standards; and
 - (iii) competent personnel, with appropriate training, skills and experience, to perform work that affects product quality.

21.173 Eligibility

- (1) An aircraft registration holder, or the owner of an aircraft that is registered with a sport aviation body, is eligible to apply to CASA or an authorised person for a certificate of airworthiness for the aircraft.

Note For the meaning of *sport aviation body*, see subregulation 2 (1) of CAR.

- (2) An application must be made in a form and manner acceptable to CASA or the authorised person.
- (3) In this regulation:

certificate of airworthiness does not include a provisional certificate of airworthiness or an experimental certificate.

Source FARs section 21.173 modified.

21.175 Certificates of airworthiness: classification

In these regulations:

special certificate of airworthiness means:

- (a) a certificate of airworthiness issued for:
 - (i) an aircraft type certificated in the primary, intermediate or restricted category; or
 - (ii) an aircraft in the limited category; or
 - (iii) an amateur-built aircraft accepted under an ABAA; or
 - (iv) a light sport aircraft covered by regulation 21.186; 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.

21.176 Issue of certain certificates of airworthiness

- (1) CASA or an authorised person must issue a certificate of airworthiness 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 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 21.016 or 21.029B 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 engage in conduct that results in a breach of a condition of a certificate of airworthiness.

Penalty: 50 penalty units.

- (5A) An offence against subregulation (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (6) In this regulation:

certificate of airworthiness does not include a provisional certificate of airworthiness or an experimental certificate.

21.179 Transferability

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.

21.181 Duration of certain certificates of airworthiness

- (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; or
 - (c) in the case of a certificate of airworthiness issued for a light sport aircraft covered by regulation 21.186, a modification is made to the aircraft and the modification:

- (i) is not authorised by the manufacturer; or
 - (ii) if the manufacturer was no longer existing at the time of the modification or could not have authorised the modification at that time — is not authorised by a person appointed by CASA to perform the functions of the manufacturer in relation to the continuing airworthiness of the light sport aircraft; or
 - (iii) does not comply with the LSA standards.
- (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 4A of CAR; 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 4A of CAR; 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.

5 penalty units.

- (10) An offence against subregulation (3) or (9) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.181 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of certificates of airworthiness.

21.182 Aircraft manufacturer's data plate

- (1) Except as set out in subregulation (2), an applicant for a certificate of airworthiness for an aircraft must show that the aircraft is identified:
- (a) as required by Subpart 21.Q; or
 - (b) in the case of an imported aircraft:
 - (i) as required by the NAA of the Contracting State in which it was certificated; or
 - (ii) in another way acceptable to CASA.
- (2) Subregulation (1) does not apply to an applicant:
- (a) if the applicant is applying for an experimental certificate for an aircraft that is not an amateur-built aircraft, a kit-built aircraft or a light sport aircraft; or
 - (b) if:
 - (i) a different certificate of airworthiness is in force for the aircraft; and
 - (ii) the applicant for the issue of that certificate complied with subregulation (1).

Source FARs section 21.182 modified.

21.183 Standard certificates of airworthiness

New aircraft manufactured under a production certificate

- (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 decides that the aircraft:
- (a) does not conform to the type design; or
 - (b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
 - (c) 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 finds after inspection that the aircraft:
- (a) conforms to the type design, has had any modifications or repairs carried out in accordance with approved maintenance data, 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 [21.029](#), or a type acceptance certificate was issued under regulation [21.029A](#), is entitled to the certificate if CASA or an authorised person is satisfied that:
 - (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (c) the aircraft 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:
 - (i) has a type design approved under a type certificate or a supplemental type certificate; or
 - (ii) if there is no type certificate or supplemental type certificate for the aircraft — is of a type or model that has previously been issued a certificate of airworthiness in the category applied for; and
 - (b) the aircraft complies with any applicable airworthiness directives; and
 - (c) 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
 - (d) CASA or an authorised person is satisfied that:
 - (i) the aircraft conforms to the type design (if any); and
 - (ii) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (iii) the aircraft 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;
 - (b) any modification or repairs to it have been carried out in accordance with approved maintenance data; and
 - (c) it is in a condition for safe operation.

Source FARs section [21.183](#) modified.

- (6) *Omitted by SR 2002 No. 320.*

21.184 Special certificates of airworthiness for primary category aircraft

New primary category aircraft manufactured under a production certificate

- (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 21.024 (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 without further showing unless CASA or an authorised person decides that the aircraft:
 - (a) does not conform to the type design; or
 - (b) has been modified or repaired otherwise than in accordance with approved maintenance data; and
 - (c) is not 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 21.029, 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:
 - (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (c) the aircraft 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 21.024 (1) (a), has been maintained in accordance with Part 4A of CAR 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 21.024 (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) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
- (e) 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) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
 - (c) 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.

21.184A Special certificates of airworthiness for intermediate category aircraft

New intermediate category aircraft manufactured under a production certificate

- (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 [21.026](#) (1) (a) and was manufactured under a production certificate, is entitled to the certificate without further showing unless CASA or an authorised person decides that the aircraft:
 - (a) does not conform to the type design; or
 - (b) has been modified or repaired otherwise than in accordance with approved maintenance data; or
 - (c) is not 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 [21.026](#) (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) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
- (e) 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) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
 - (c) 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.

21.185 Certificates of airworthiness for restricted category aircraft

Aircraft manufactured under a production certificate or type certificate only

- (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](#).

Imported aircraft

- (2) 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 [21.029](#) or [21.029A](#) is entitled to a certificate of airworthiness if CASA or an authorised person is satisfied that:
 - (a) the aircraft conforms to the type design; and
 - (b) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (c) the aircraft is in a condition for safe operation.

Other aircraft

- (3) 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.

- (3A) Subregulation (3B) applies to an aircraft:
- (a) that is type certificated in the normal, utility, acrobatic, commuter or transport category; and
 - (b) that has been modified for 1 or more of the special purpose operations mentioned in regulation [21.025](#); and
 - (c) the modifications to which have been carried out in accordance with:
 - (i) approved maintenance data; or
 - (ii) a supplemental type certificate.
- (3B) An applicant for a special certificate of airworthiness for an aircraft to which this subregulation applies is entitled to the certificate as if the aircraft were type certificated in the restricted category if CASA or an authorised person finds, after inspection, that:
- (a) the aircraft meets the requirements of the normal utility, acrobatic, commuter or transport category except the requirements that CASA or the authorised person considers are inappropriate for the special purpose for which the aircraft is to be used; and
 - (b) the aircraft can reasonably be expected to be safe for its intended use when it is operated under any conditions limiting its intended use.

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) any modifications or repairs to it have been carried out in accordance with approved maintenance data; and
 - (c) it is in a condition for safe operation.

Source FARs section [21.185](#) modified.

21.186 Special certificates of airworthiness for light sport aircraft

- (1) An applicant is entitled to a special certificate of airworthiness for a light sport aircraft if:
- (a) the aircraft was manufactured by a qualified manufacturer; and
 - (b) the applicant gives CASA, or the authorised person referred to in regulation [21.176](#), the following:
 - (i) a statement of compliance by the manufacturer that complies with subregulation (2);
 - (ii) copies of the aircraft operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer;
 - (iii) in the case of a light sport aircraft manufactured outside Australia — written information showing that:
 - (A) the aircraft was manufactured in a Contracting State; and

- (B) the aircraft is eligible for a certificate of airworthiness, or another document of similar effect, in the country of manufacture; and
 - (c) CASA or an authorised person finds, after inspection, that the aircraft is in a condition for safe operation.
- (2) A statement of compliance must be signed by the manufacturer and include at least the following:
- (a) a statement setting out the aircraft's make and model, serial number and date of manufacture;
 - (b) a statement specifying which of the LSA standards apply to the design of the aircraft, including a statement to the effect that the design of the aircraft complies with the specified standards;
 - (c) a statement specifying that:
 - (i) the manufacturer has a quality system that complies with the LSA standards; and
 - (ii) based on that system, the aircraft conforms to the manufacturer's design data;
 - (d) a statement to the effect that the manufacturer will make the statements, documents and information referred to in paragraph (1) (b) available to any person who asks the manufacturer for them;
 - (e) a statement to the effect that the manufacturer will monitor the continuing airworthiness of the aircraft and will issue directions or requirements that comply with the LSA standards to correct any unsafe condition;
 - (f) a statement to the effect that, in accordance with a production acceptance test procedure that complies with the LSA standards:
 - (i) the manufacturer has ground-tested and flight-tested the aircraft; and
 - (ii) the manufacturer found the aircraft's performance during ground and flight testing acceptable; and
 - (iii) the aircraft is in a condition for safe operation.

21.187 Multiple-category airworthiness certification

- (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.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (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, 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.

21.189 Special certificate of airworthiness for limited category aircraft

- (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) aerobatic 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.

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

- (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) CASA or an authorised person finds, after inspection, that:
 - (i) the aircraft conforms with the data on the basis of which the ABAA was given; and
 - (ii) any modifications or repairs to the aircraft have been carried out in accordance with approved maintenance data; and
 - (iii) the aircraft is in a condition for safe operation.
- (1A) In the case of an aircraft that is a rotorcraft, for the application of section 101.28 of the Civil Aviation Orders:
 - (a) a reference in that section to an aeroplane is taken to be a reference to an aircraft; and
 - (b) CASA may direct that a requirement of that section does not apply in a particular case.

- (2) 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/m^2 with a flap area of less than 6 percent gross wing area; or
 - (B) 80 kg/m^2 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/m^2 with a flap area of less than 6 percent gross wing area; or
 - (B) 65 kg/m^2 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.

21.191 Experimental certificates

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 21.024 (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);
- (j) operating a light sport aircraft that:
 - (i) has been assembled from a kit in relation to which the applicant can give the information, statement and documents required by paragraph 21.193 (e); and
 - (ii) has been assembled in accordance with the kit manufacturer's instructions for assembling the aircraft; and
 - (iii) is of the same make and model as a production aircraft covered by regulation 21.186 that has been issued with a special certificate of airworthiness;
- (k) operating any other light sport aircraft covered by regulation 21.186 for which a special certificate of airworthiness for light sport aircraft, or another document of similar effect under a law of a Contracting State, has been issued.

Source FARs section 21.191 modified.

21.192 Experimental certificates: eligibility

An aircraft registration holder, or the owner of an aircraft that is registered with a sport aviation body, is eligible to apply for an experimental certificate for one or more of the purposes mentioned in regulation 21.191.

Note For the meaning of *sport aviation body*, see subregulation 2 (1) of CAR.

21.193 Experimental certificates: general

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.
- (e) if the experimental certificate is to be issued for a purpose mentioned in paragraph 21.191 (j) (operating certain light sport aircraft):
 - (i) written information that shows that a special certificate of airworthiness for light sport aircraft covered by regulation 21.186, or another document of similar effect under a law of a Contracting State, has been issued for a production aircraft of the same make and model; and
 - (ii) a statement of compliance, issued by the manufacturer of the kit from which the aircraft was assembled, that includes the statements and information required by subregulation 21.186 (2), in so far as the statements and information relate to the manufacture of such kits; and
 - (iii) copies of the aircraft assembly and operating instructions, aircraft maintenance and inspection procedures, and aircraft flight training supplement, issued for the aircraft by the manufacturer.

Source FARs section 21.193 modified.

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

- (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.

21.195A Issue of experimental certificates

- (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 must issue the certificate subject to the conditions (if any) that CASA or the authorised person considers necessary for 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 engage in conduct that results in a breach of a condition of an experimental certificate.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

21.195B Duration of experimental certificates

- (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, kit-built or light sport 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; 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: 5 penalty units.

- (9) An offence against subregulation (3) or (8) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

Source FARs section 21.181 modified.

Note See also regulations [21.002C](#) and [21.002E](#) in relation to suspension and cancellation of experimental certificates.

21.196 Special flight permits: eligibility

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

21.197 Special flight permits

- (1) A special flight permit may be issued 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, except a special flight permit issued for a purpose mentioned in paragraph (1) (b), is not required to be registered.
- (4) For paragraph 20AA (3) (a) of the Act, an aircraft with a special flight permit is not required to have a certificate of airworthiness.
- (5) For paragraph 20AA (3) (b) 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 do not apply to the aircraft.

Source FARs section [21.197](#) modified.

21.199 Applications for special flight permits

- (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.

21.200 Issue of special flight permits

- (1) Subject to subregulation (1A), 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.
- (1A) CASA or an authorised person must not issue a special flight permit for an aircraft if:
 - (a) the aircraft is covered by an AD; and
 - (b) the AD includes a statement to the effect that a special flight permit must not be issued for an aircraft covered by the AD.
- (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 21.016 or 21.029B 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 engage in conduct that results in a breach of a condition of a special flight permit.

Penalty: 50 penalty units.

- (6) An offence against subregulation (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

21.201 Duration of special flight permits

- (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.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (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 21.002C and 21.002E in relation to suspension and cancellation of special flight permits.

Subpart 21.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.

21.211 Applicability

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

Source FARs section [21.211](#) modified.

21.213 Eligibility

- (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.

21.215 Application

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.

21.216 Issue of provisional certificates of airworthiness

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.

21.217 Duration

- (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 [21.002C](#) and [21.002E](#) in relation to suspension and cancellation of provisional certificates of airworthiness.

21.219 Transferability

- (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.

21.221 Class I provisional certificates of airworthiness

- (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 262AO of CAR.
- (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 [21.081](#) (4) of these regulations and regulation 262AO of CAR.

Source FARs section [21.221](#) modified.

21.223 Class II provisional certificates of airworthiness

- (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 [21.083](#) (7) of these regulations and regulation 262AO of CAR.
- (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 [21.083](#) (7) of these regulations and regulation 262AO of CAR.

Source FARs section [21.223](#) modified.

21.225 Provisional certificates of airworthiness corresponding with provisional amendments to type certificates

- (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 [21.085](#) (6) of these regulations and regulation 262AO of CAR.
- (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 [21.085](#) (6) of these regulations and regulation 262AO of CAR.

Source FARs section [21.225](#) modified.

Subpart 21.J Delegation option authorisation procedures

21.231 Applicability

- (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 authorised release certificates 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.

21.235 Application

- (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.

21.239 Eligibility

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.

21.243 Duration

- (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 21.002C and 21.002E in relation to suspension and cancellation of delegation option authorisations.

21.245 Maintenance of eligibility

- (1) 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.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.245, modified.

21.247 Transferability

A delegation option authorisation is not transferable.

Source FARs section 21.247.

21.249 Inspections

- (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.

21.251 Use of delegation option authorisation

- (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 authorised release certificates for the aircraft engines or propellers ;
 - (g) issue authorised release certificates 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.

21.253 Type certificates: application

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.

21.257 Type certificates: issue

- (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.

21.261 Equivalent safety provisions

- (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 not engage in conduct that results in a breach of a direction given under subregulation (3).

Penalty: 50 penalty units.

- (5) An offence against subregulation (1) or (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.261 modified.

21.267 Production certificates

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 21.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.

21.269 Export airworthiness approvals

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.

21.271 Authorised release certificates — criteria for issue

- (1) A nominated person for a delegation option authorisation may issue an authorised release certificate 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 place instead of issuing an authorised release certificate.

Penalty: 50 penalty units.

- (3) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section [21.271](#) modified.

21.273 Certificates of airworthiness

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.

21.275 Experimental certificates

- (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.

21.277 Data review and service experience

- (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.

Penalty: 50 penalty units.

- (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.

Penalty: 50 penalty units.

- (3) An offence against subregulation (1) or (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.277, modified.

21.289 Major repairs, rebuilding and alteration

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.

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

(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.

Penalty: 50 penalty units.

(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.

Penalty: 50 penalty units.

(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.

Penalty: 50 penalty units.

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

Penalty: 50 penalty units.

- (5) If the person stops manufacturing aircraft, aircraft engines or propellers under the delegation option authorisation, the person must send the records to CASA within 30 days after manufacturing stops.

Penalty: 50 penalty units.

- (6) An offence against subregulation (1), (2), (3), (4) or (5) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section [21.293](#), modified.

Subpart 21.K Approval of materials, parts, processes and appliances

21.301 Applicability

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

Source FARs section 21.301 modified.

21.303 Replacement and modification parts

- (1) A person may produce a modification or replacement part for sale for installation on a type certificated aircraft, aircraft engine or propeller only if:
 - (a) it is produced in accordance with an Australian Parts Manufacturer Approval (APMA) issued under this Subpart; or
 - (b) the person holds an approval to produce the part issued under regulation 30 of CAR (as in force immediately before 1 December 1998).

Penalty: 50 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (1B) Paragraph (1) (b) ceases to have effect on 30 November 2003.

- (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;
 - (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;
 - (e) subject to subregulation (3A), a copy of the system that the applicant proposes to use, if granted an APMA, to comply with the requirements of subregulation 21.303 (11).
- (3A) An applicant is not required to include a copy of the system referred to in paragraph 21.303 (3) (e) if the applicant has previously given CASA a copy of the same version of the system.
- (4) An applicant is entitled to an APMA for a replacement or modification part if:
 - (a) following examination of the design, or on the basis of design data for the design approved by CASA or an authorised person, 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 will, if the APMA were to be granted, be able to comply with the requirements of 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 be documented and 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.

- (13A) The holder of an APMA must, within 2 days after the day when any change is made to the holder's fabrication inspection system that may affect the inspection, conformation to design data or airworthiness of a part to which the APMA relates, tell CASA in writing of the change.
- (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 21.002C and 21.002E in relation to suspension and cancellation of APMAs.

21.304 Conditions of an APMA

- (1) CASA may issue an APMA subject to any conditions that CASA considers necessary in the interests of the safety of air navigation.
- (2) A condition must be set out in the APMA or in a document attached to the APMA.
- (3) The holder of an APMA must not contravene a condition subject to which his or her APMA is issued.

Penalty: 50 penalty units.

- (4) An offence against subregulation (3) is an offence of strict liability.

21.304A Changes to an APMA

- (1) The holder of an APMA may apply in writing to CASA to approve a change to any of the particulars specified in the APMA, including a condition of the APMA.
- (2) CASA may, on receiving an application made under subregulation (1), approve the change.
- (3) In deciding whether to approve the change, CASA must take into account any relevant considerations relating to the interests of the safety of air navigation.

21.305 Approval of materials, parts, processes and appliances

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 21.N](#); or
- (e) in any other manner approved by CASA.

Source FARs section [21.305](#) modified.

21.305A Approval of materials, parts, processes and appliances not covered by regulation [21.305](#)

- (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.

21.306 Use of standard parts and materials

- (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 21.L Export airworthiness approvals

21.321 Applicability

- (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.

21.323 Eligibility

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

Source FARs section 21.323, modified.

21.324 Issue of export airworthiness approvals

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.

21.325 Export airworthiness approvals

Kinds of approvals

- (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 authorised release certificate.
- (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 authorised release certificate.

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, 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 [21.021](#) or [21.024](#) 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 or CASR.
- (4A) Authorised release certificates may be issued for any of the following that are manufactured and located in Australia:
 - (a) Class I products other than aircraft;
 - (b) Class II and III products.
- (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: 50 penalty units.

- (7) An offence against subregulation (6) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.325, modified.

21.327 Application

- (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; or
 - (e) a product for which the importing country does not require the weight and balance report mentioned in paragraph (6) (b).
- (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) unless the importing country does not require it, 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.

21.329 Issue of export airworthiness approvals for Class I products

- (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 4A of CAR. 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 4A of CAR.
- (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 or an authorised person 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.

21.331 Issue of airworthiness approvals for Class II products

- (1) An applicant is entitled to an export airworthiness approval for a Class II product if that applicant shows, and CASA or an authorised person 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.

21.333 Issue of export airworthiness approvals for Class III products

- (1) An applicant is entitled to an export airworthiness approval for a Class III product if the applicant shows, and CASA or an authorised person 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.

21.337 Performance of inspections and overhauls

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.

21.339 Export airworthiness approval for aircraft

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 21.N Approval of engines, propellers, materials, parts and appliances: imported

21.500 Approval of imported aircraft engines and propellers

- (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:
 - (A) in a recognised country; or
 - (B) under a manufacturing approval (however described) issued by a recognised country; or
 - (C) in a foreign country with which Australia has an agreement for the acceptance of the aircraft engine or propeller for export and import; or
 - (ii) 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; and
 - (b) the aircraft engine or propeller conforms to a valid type certificate, is in a condition for safe operation and has been subjected to a final operational check by the manufacturer; and
 - (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force, certifying the matters mentioned in paragraphs (a) and (b).
- (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.

21.500A Approval of other imported aircraft engines and propellers

- (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.

21.502 Approval of imported materials, parts and appliances

- (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:
 - (A) in a recognised country; or
 - (B) under a manufacturing approval (however described) issued by a recognised country; or
 - (C) in a foreign country with which Australia has an agreement for the acceptance of the material, part or appliance for export and import; or
 - (ii) 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; and
 - (b) the material, part or appliance conforms to an aeronautical specification appropriate to the proposed use and is in a condition for safe operation; and
 - (c) an airworthiness approval (however described), issued under the law of the foreign country, is in force certifying the matters mentioned in paragraphs (a) and (b).
- (2) CASA may inspect any material part or appliance to determine whether it complies with this regulation.

Source FARs section [21.502](#) modified.

21.502A Approval of other imported materials, parts and appliances

- (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 or an authorised person is satisfied that doing so would be unlikely to have an adverse effect on aviation safety.

Subpart 21.O Australian Technical Standard Order Authorisations

21.601 Applicability

- (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 issued by CASA for specified articles (for the purpose of this Subpart, **articles** means materials, parts, processes, or appliances) used on civil aircraft; and
 - (ab) A **TSO** is a Technical Standard Order issued by the FAA; and
 - (b) an **ATSO authorisation** is:
 - (i) a CASA design and production approval issued to the manufacturer of an article that has been found to meet a specific ATSO or TSO; or
 - (ii) a CASA production approval issued to the manufacturer of an article manufactured in accordance with an FAA letter of TSO design approval; 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
 - (ca) an **FAA letter of TSO Design Approval** is an FAA design approval for an article manufactured outside the United States that has been found to meet a specific TSO in accordance with the procedures of FARs section [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.
- (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.

21.603 ATSO marking and privileges

- (1) Except as provided in subregulation 21.617 (3), a person may identify an article with an ATSO marking only if:
 - (a) the person holds an ATSO authorisation; and
 - (b) the article meets applicable ATSO or TSO performance standards.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section 21.603 modified.

21.605 Application and issue

- (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 or TSO that is effective on the date of application for that article;
 - (b) one copy of the technical data required in the applicable ATSO or TSO;
 - (c) a description of the applicant's quality system in the detail specified in regulations 21.143 and 21.144. 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 articles that comply with the ATSO or TSO, or the ATSO or TSO as varied.

Source FARs section 21.605 modified.

21.607 General rules governing holders of ATSO authorisations

- (1) 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 or TSO (including any deviations approved under subregulation 21.609 (3)); and

- (b) all tests and inspections required under these regulations, or the applicable ATSO or TSO, 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) unless subparagraph (v) applies, the applicable ATSO or TSO number with the prefix ‘ATSO’;
 - (v) if the article was manufactured in accordance with an FAA letter of TSO design approval, the applicable TSO number with the prefix ‘TSO’.

Penalty: 50 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source FARs section [21.607](#) modified.

21.609 Approval for deviation

- (1) An article manufacturer who requests approval to deviate from any performance standard of an ATSO or TSO 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 regulation are met.

Source FARs section [21.609](#) modified.

21.611 Design changes

Minor changes by the manufacturer holding an ATSO authorisation

- (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.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

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 or TSO 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.

Source FARs section 21.611 modified.

21.613 Record keeping requirements

Keeping the records

- (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 mentioned in paragraph (1) (a) until it no longer manufactures the article.

Penalty: 50 penalty units.

- (3) If the manufacturer stops manufacturing the article, the manufacturer must send copies of the records mentioned in paragraph (1) (a) to CASA within 30 days after ceasing that manufacture.

Penalty: 50 penalty units.

- (4) The manufacturer must retain the records mentioned in paragraph (1) (b) for at least 2 years.

Penalty: 50 penalty units.

- (5) An offence against subregulation (2), (3) or (4) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

Source: FARs section [21.613](#) modified.

21.615 CASA inspection

- (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.

21.617 Issue of letters of ATSO design approval: import appliances

- (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 paragraph 21.607 (c) 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.

21.619 Non-compliance

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 or TSO (including any deviations approved under subregulation 21.609 (3)).

Source FARs section 21.619 modified.

Note See also regulations 21.002C and 21.002E in relation to suspension and cancellation of ATSO authorisations or letters of ATSO design approval.

21.621 Transferability and duration

- (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.

Subpart 21.Q Identification of aircraft and aeronautical products

Division 21.Q.1 Preliminary

21.805 Applicability of this Subpart

This Subpart applies to an aircraft, aircraft engine, aircraft propeller, critical part or other aircraft part manufactured after this Subpart commences.

21.810 Meaning of *fireproof*

- (1) A reference in this Subpart to a fireproof manufacturer's data plate is a reference to a data plate that:
 - (a) is made of material that withstands the heat of a fire at least as well as a steel plate of the same size and thickness; and
 - (b) on which the details that it is required to bear are legibly marked by a fireproof method.
- (2) In this Subpart:

fireproof method of marking means marking by:

 - (a) etching, stamping or engraving; or
 - (b) another similar method of marking approved for a particular purpose.

Division 21.Q.2 Aircraft, aircraft engines and aircraft propellers

21.815 Applicability of this Division

This Division applies to an aircraft (or an aircraft engine or aircraft propeller) manufactured after this Subpart commences.

21.820 Manufacturer's data plate must be attached to aircraft

- (1) This regulation sets out the requirements for attaching a manufacturer's data plate to an aircraft to which this Division applies.
- (2) The manufacturer of an aircraft to which this Division applies must attach to it, as set out in subregulations (3) and (4), a fireproof manufacturer's data plate bearing the following information:
 - (a) the name of the manufacturer;
 - (b) the identification number of the aircraft's type certificate (if any);
 - (c) the identification number of the production certificate (if any) under which the aircraft is manufactured;
 - (d) the aircraft's model designation;
 - (e) the aircraft's serial number.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) The data plate must be attached in a way that ensures that it is not likely to be defaced or removed during normal service, nor lost or destroyed in an accident.
- (4) The data plate must be attached:
 - (a) to a manned free balloon — to the lower section of the balloon's envelope in a place where the operator can read it when the balloon is inflated; or
 - (b) to a glider — in a visible place inside the cockpit; or
 - (c) to any other aircraft — in a place where it is clearly legible:
 - (i) on the frame of the aircraft's rearmost entrance; or
 - (ii) near, but aft of, the aircraft's rearmost entrance; or
 - (iii) on the aircraft's fuselage near its tail.

Note For the definition of *aircraft* see subsection 3(1) of the Act. For the definitions of *identification number*, *manned free balloon*, *production certificate* and *type certificate* see the Dictionary.

21.825 Manufacturer's data plate must be attached to basket of manned free balloon

- (1) This regulation sets out an additional requirement for attaching a manufacturer's data plate to the basket of a manned free balloon to which this Division applies.
- (2) This regulation applies to the holder of the type certificate or production certificate under which such a balloon is manufactured.

- (3) The holder of the type certificate must attach to the basket of the balloon, as set out in subregulation (4), a heat-resistant metal plate on which the following information is legibly marked by a fireproof method:
- (a) the name of the manufacturer;
 - (b) [omitted by SR 2001 No. 242]
 - (c) [omitted by SR 2001 No. 242]
 - (d) the basket's part number;
 - (e) the basket's serial number.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) The manufacturer's data plate must be attached to the basket in a way that ensures that the plate is not likely to be defaced or removed during normal service, nor to be lost or destroyed in an accident.

Note For the definitions of **manned free balloon**, **production certificate** and **type certificate** see the Dictionary.

21.830 Heater assembly of manned free balloon must carry identification mark

- (1) This regulation applies to a manned free balloon to which this Division applies that has a heater assembly.
- (2) The holder of the type certificate or production certificate under which the balloon is manufactured must, as set out in subregulation (3), also mark on the heater assembly, by a fireproof method, the information mentioned in subregulation (4).

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.
- (4) The information is:
- (a) the name of the heater's manufacturer; and
 - (b) its part number; and
 - (c) its serial number.

Note For the definitions of **manned free balloon**, **production certificate** and **type certificate** see the Dictionary.

21.835 Manufacturer's data plate must be attached to aircraft engine

- (1) This regulation sets out the requirements for attaching a manufacturer's data plate to an aircraft engine to which this Division applies.
- (2) This regulation applies to the holder of the type certificate or production certificate under which such an aircraft engine is manufactured.
- (3) The holder of the type certificate or production certificate must attach to the engine, as set out in subregulation (4), a fireproof manufacturer's data plate bearing the following information:
 - (a) the manufacturer's name;
 - (b) the identification number of the engine's type certificate (if any);
 - (c) the identification number of the production certificate (if any) under which the engine is manufactured;
 - (d) the engine's model designation;
 - (e) its serial number;
 - (f) if its rating is stated in its type certificate, that rating.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) The data plate must be attached to the engine:
 - (a) in a place where somebody carrying out maintenance on the engine can read it; and
 - (b) in a way that ensures that the plate is not likely to be defaced or become detached from the engine during normal service, nor to be lost or destroyed in an accident.

Note For the definitions of **identification number**, **production certificate** and **type certificate** see the Dictionary.

21.840 Aircraft propellers, blades and hubs must carry identification marks

- (1) This regulation sets out the requirements to mark information on, or attach a manufacturer's data plate to, an aircraft propeller, propeller blade or propeller hub to which this Division applies.
- (2) The holder of the type certificate or production certificate under which such a propeller, blade or hub is manufactured must:
 - (a) legibly mark on it by a fireproof method, as set out in subregulation (3), the information mentioned in subregulation (5); or

- (b) attach to it, as set out in subregulation (4), a manufacturer's data plate on which that information is legibly marked by a fireproof method.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (3) If information is marked on a propeller, blade or hub, it must be marked in a way that ensures that it is not likely to be defaced.
- (4) If a manufacturer's data plate is attached to a propeller, blade or hub, the plate must be attached to a non-critical surface in a way that ensures that the plate is not likely to be defaced or become detached during normal service, nor lost in an accident.
- (5) The information is:
 - (a) the manufacturer's name; and
 - (b) the identification number of the type certificate (if any) of the propeller; and
 - (c) the identification number of the production certificate (if any) under which the propeller is manufactured; and
 - (d) the model designation of the propeller, blade or hub; and
 - (e) its serial number.

Note For the definitions of **identification number**, **production certificate** and **type certificate** see the Dictionary.

Division 21.Q.3 Critical parts

21.845 Applicability of this Division

This Division applies to a critical part manufactured on or after 1 October 2000.

21.850 Identification of critical parts

- (1) This regulation applies to a person who manufactures, in Australia, a critical part to which this Division applies.
- (2) The person must legibly and permanently mark on the part, as set out in subregulation (3), the following information:
 - (a) the part's part number;
 - (b) its serial number.

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.

21.855 Removal or alteration of identification on critical parts

- (1) Except with CASA's written approval, a person must not engage in conduct that results in the removal or alteration of any of the information marked, in accordance with this Division, on a critical part to which this Division applies.

Penalty: 20 penalty units.

- (1A) An offence against subregulation (1) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (2) CASA must not grant an approval under subregulation (1) if the granting of the approval would adversely affect the safety of air navigation.

Division 21.Q.4 Aircraft parts

21.860 Applicability of this Division

This Division applies to:

- (a) an aircraft part produced under an APMA, on or after 1 October 2000; and
- (b) a modification or replacement part referred to in paragraph 21.303 (2) (a) or (c) and produced after 30 November 2003; and
- (c) a Class II or Class III product produced under a production certificate that is referred to in regulation 21.133 (2A) or (2B).

21.865 Identification of parts produced under an APMA

- (1) Subregulation (2) applies to the holder of the APMA under which a part to which this Division applies is manufactured.
- (2) Subject to regulation 21.870, the holder of the APMA must legibly and permanently mark on the part, as set out in subregulation (3), the information required by subregulation (4).

Penalty: 20 penalty units.

- (2A) An offence against subregulation (2) is an offence of strict liability.

Note For *strict liability*, see section 6.1 of the *Criminal Code*.

- (3) The information must be marked in a way that ensures that it is not likely to be defaced.
- (4) The information is:
 - (a) the capital letters *APMA*; and
 - (b) the trade mark, name or symbol of the holder; and
 - (c) the part's part number; and
 - (d) the part's serial number (if any); and
 - (e) the name and model designation of each type certificated product to which the part may be fitted.

21.870 Identification of parts produced under an APMA if marking is impracticable

- (1) Subregulation (2) applies to a part to which this Division applies if CASA and the holder of the APMA under which the part is manufactured agree that it is impracticable to mark on it the information required by subregulation 21.865 (4).
- (2) If this subregulation applies to a part, the holder of the APMA need not comply with regulation 21.865.

- (3) The holder of the APMA must include the information in the authorised release certificate supplied with the part or with each container of the parts.

Penalty: 20 penalty units.

- (3A) An offence against subregulation (3) is an offence of strict liability.

Note For **strict liability**, see section 6.1 of the *Criminal Code*.

- (4) If CASA and the holder agree that it is impracticable to provide the information mentioned in paragraph 21.865 (4) (e) in the authorised release certificate that is supplied with the part, or with each container of the parts, the holder is not guilty of an offence against subregulation (3) if:

- (a) the information is included in a document that is published by the holder and available to any person who fits the part to an aircraft; and
- (b) the authorised release certificate identifies the document.

Note For the definition of **authorised release certificate**, see the Dictionary.

21.875 Identification of other aircraft parts

- (1) Subject to regulation 21.880, the manufacturer of a part or product mentioned in paragraphs 21.860 (b) or (c) must legibly and permanently mark on each of those parts or products produced, as set out in subregulation (3), the following information:

- (a) the trade mark of or name of the manufacturer;
- (b) the part number of the part or product.

Penalty: 20 penalty units.

- (2) An offence against subregulation (1) is an offence of strict liability.
- (3) The information must be marked in a way that ensures that it is not likely to be defaced.

21.880 Identification of other aircraft parts — other than by marking

- (1) Subregulation (2) applies to a part or product to which regulation 21.875 applies if, because of the shape, size or nature of the part or product, it is impracticable to mark on the part or product the information required by regulation 21.875.
- (2) If this subregulation applies to a part or product, the manufacturer of the part or product need not comply with regulation 21.875.
- (3) The manufacturer of a Class II or Class III product referred to in paragraph 21.860 (c) must include the information required by paragraphs 21.875 (1) (a) and (b) in the authorised release certificate supplied with the product or the container of the product.