



# Civil Aviation Amendment Regulations 2005 (No. 4)<sup>1</sup>

**Select Legislative Instrument 2005 No. 321**

---

I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Civil Aviation Act 1988*.

Dated 15 December 2005

P. M. JEFFERY  
Governor-General

By His Excellency's Command

WARREN TRUSS  
Minister for Transport and Regional Services

---

**1 Name of Regulations**

These Regulations are the *Civil Aviation Amendment Regulations 2005 (No. 4)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Civil Aviation Safety Regulations 1998***

Schedule 1 amends the *Civil Aviation Safety Regulations 1998*.

**4 Amendment of *Civil Aviation Regulations 1988***

Schedule 2 amends the *Civil Aviation Regulations 1988*.

---

## Schedule 1      **Amendments of *Civil Aviation Safety Regulations 1998***

(regulation 3)

### [1]      **After regulation 21.171**

*insert*

### **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](http://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.

**[2] Subregulation 21.173 (1)**

*after*

registration holder

*insert*

, or the owner of an aircraft that is registered with a sport aviation body,

**[3] After subregulation 21.173 (1)**

*insert*

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

**[4] Regulation 21.175, definition of *special certificate of airworthiness*, paragraph (a)**

*substitute*

- (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

**[5] Paragraph 21.181 (4) (b)**

*omit*

in force.

*insert*

in force; or

---

**[6] After paragraph 21.181 (4) (b)**

*insert*

- (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.

**[7] Paragraph 21.182 (1) (a)**

*substitute*

- (a) as required by Subpart 21.Q; or

**[8] Paragraph 21.182 (2) (a)**

*substitute*

- (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

**[9] After regulation 21.185**

*insert*

**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.

**[10] Paragraph 21.191 (i)**

*omit*

paragraph 21.191 (a), (b) or (d).

*insert*

paragraph 21.191 (a), (b) or (d);

**[11] After paragraph 21.191 (i)**

*insert*

- (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.

**[12] Regulation 21.192**

*after*

registration holder

*insert*

, or the owner of an aircraft that is registered with a sport aviation body,

**[13] After regulation 21.192**

*insert*

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

**[14] Subparagraph 21.193 (d) (iv)**

*omit*

photographs of the aircraft.

*insert*

photographs of the aircraft;

**[15] After paragraph 21.193 (d)**

*insert*

(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.

**[16] Subregulation 21.195B (2)**

*omit*

amateur-built or kit-built aircraft

*insert*

amateur-built, kit-built or light sport aircraft

**[17] Subregulation 21.820 (2)**

*omit*

The holder of the type certificate or production certificate under which such an aircraft is manufactured

*insert*

The manufacturer of an aircraft to which this Division applies

**[18] Regulation 200.004**

*substitute*

**200.004 Two-place gyroplanes and single-place gyroplanes certificated as light sport aircraft**

An aircraft to which Civil Aviation Order 95.12.1, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

**[19] Regulations 200.013 and 200.014**

*substitute*

**200.013 Weight-shift-controlled aeroplanes and powered parachutes**

An aeroplane to which Civil Aviation Order 95.32, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

**200.014 Certain ultralight aeroplanes**

An aeroplane to which Civil Aviation Order 95.55, as in force from time to time, applies is exempt from CASR if the conditions in that Order are satisfied.

**[20] Dictionary, Part 1**

*insert the following definition in the appropriate alphabetical position (determined on a letter-by-letter basis):*

***light sport aircraft*** means an aircraft that:

- (a) has:
  - (i) if the aircraft is not intended for operation on water — a maximum take-off weight of 600 kilograms or less; or
  - (ii) if the aircraft is intended for operation on water — a maximum take-off weight of 650 kilograms or less; or
  - (iii) if the aircraft is a lighter-than-air aircraft — a maximum gross weight of 560 kilograms or less; and
- (b) if the aircraft is a powered aircraft — has a single, non-turbine engine fitted with a propeller; and
- (c) has a maximum stall speed in the landing configuration ( $V_{so}$ ) of 45 knots calibrated air speed; and
- (d) if the aircraft is a glider — has a maximum never-exceed speed ( $V_{ne}$ ) of 135 knots calibrated air speed; and
- (e) if the aircraft has a cabin — has an un-pressurised cabin; and
- (f) if the aircraft is designed to be equipped with seating — has a maximum seating capacity of 2 persons, including the pilot; and

- 
- (g) if the aircraft is a manned free balloon that is not designed to be equipped with seating — can carry no more than 2 persons; and
- (h) has:
- (i) in the case of an amphibian — repositionable landing gear; or
  - (ii) in the case of a glider — fixed landing gear or retractable landing gear; or
  - (iii) in any other case — fixed landing gear.

## **Schedule 2 Amendments of *Civil Aviation Regulations 1988***

(regulation 4)

### **[1] Regulation 262AK**

*substitute*

#### **262AK Application of this Division**

This Division applies to an aircraft for which a special certificate of airworthiness has been issued under Part 21 of CASR.

*Note* The kinds of aircraft to which this Division may apply include:

- (a) restricted, limited, intermediate and primary category aircraft; and
- (b) provisionally certificated aircraft; and
- (c) experimental aircraft; and
- (d) light sport aircraft.

### **[2] After regulation 262AP**

*insert*

#### **262APA Light sport aircraft — operating limitations**

- (1) A person must not operate a light sport aircraft covered by regulation 21.186 of CASR unless:
  - (a) the aircraft is being operated for:
    - (i) private operations; or
    - (ii) conducting or undergoing flying training; or
    - (iii) glider towing; and
  - (b) maintenance has been carried out on the aircraft in accordance with maintenance procedures issued by its manufacturer; and

- 
- (c) the aircraft has been inspected, in accordance with inspection procedures issued by its manufacturer, at least once:
- (i) in the case of an aircraft that is let on hire for a purpose mentioned in subparagraph (a) (i), (ii) or (iii) — every 100 hours TIS or every 12 months, whichever occurs first; and
  - (ii) in any other case — every 12 months; and
- (d) all modifications on the aircraft have been authorised by its manufacturer; and
- (e) the person who operates the aircraft ensures that each person who boards the aircraft is told about the warning in subregulation (2) before the person boards the aircraft; and
- (f) a placard bearing the warning in subregulation (2) is displayed inside the aircraft in a place where it is conspicuous to, and can easily be read by, each person in the aircraft.

Penalty: 50 penalty units.

- (2) For paragraphs (1) (e) and (f), the warning is:

‘THIS AIRCRAFT WAS MANUFACTURED IN  
ACCORDANCE WITH LIGHT SPORT AIRCRAFT  
AIRWORTHINESS STANDARDS AND DOES NOT  
CONFORM TO STANDARD CATEGORY  
AIRWORTHINESS REQUIREMENTS’.

- (3) Unless otherwise approved by its manufacturer, a person must not operate a light sport aircraft covered by regulation 21.186 of CASR contrary to:
- (a) the aircraft operating instructions issued for the aircraft (including instructions for necessary equipment in the aircraft’s equipment list); or
  - (b) a safety direction or requirement issued by its manufacturer.

Penalty: 50 penalty units.

- (4) A person must not operate a light sport aircraft covered by regulation 21.186 of CASR contrary to any additional operating limitation determined, in writing, by CASA for the aircraft in the interests of aviation safety.

Penalty: 50 penalty units.

- (5) CASA must give a copy of a determination referred to in subregulation (4) to the registered operator of the aircraft concerned.
- (6) An offence against subregulation (1), (3) or (4) is an offence of strict liability.
- (7) In the case of an aircraft whose manufacturer no longer exists or can no longer provide instructions for the continuing airworthiness of the aircraft, anything required by a provision of this regulation to be done by its manufacturer can be done by a person appointed by CASA to perform the functions of the manufacturer in relation to the continuing airworthiness of the aircraft.

---

### Note

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See [www.frli.gov.au](http://www.frli.gov.au).