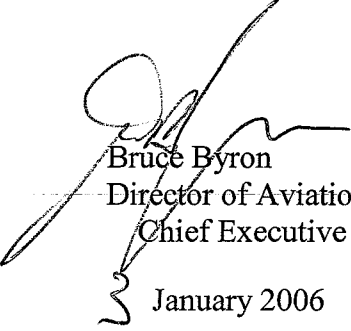




**Australian Government**  
**Civil Aviation Safety Authority**

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



Bruce Byron  
Director of Aviation Safety and  
Chief Executive Officer

January 2006

**Civil Aviation Order 95.55 Amendment Order (No. 1) 2006**

---

**1 Name of instrument**

This instrument is the *Civil Aviation Order 95.55 Amendment Order (No. 1) 2005*.

**2 Commencement**

This instrument commences on the day after it is registered.

**3 Amendment of Civil Aviation Order 95.55**

Schedule 1 amends Civil Aviation Order 95.55.

**Schedule 1 Amendment**

**[1] After paragraph 1.7**

*insert*

- 1.8 This section also applies to an aeroplane if the following conditions are satisfied:
- (a) the aeroplane is a light sport aircraft manufactured by a qualified manufacturer as defined by regulation 21.172 of CASR 1998;
  - (b) paragraphs 1.2, 1.3, 1.4, 1.5, 1.6 and 1.9 do not apply to the aeroplane;
  - (c) the aeroplane is registered with the RAA;
  - (d) the aeroplane owner holds a current special certificate of airworthiness for the aeroplane.

- 1.9 This section also applies to an aeroplane if the following conditions are satisfied:
- (a) the aeroplane is a light sport aircraft to which paragraph 21.191 (j) or (k) of CASR 1998 applies;
  - (b) paragraphs 1.2, 1.3, 1.4, 1.5, 1.6 and 1.8 do not apply to the aeroplane;
  - (c) the aeroplane is registered with the RAA;
  - (d) the aeroplane owner holds a current experimental certificate for the aeroplane.

**[2] Paragraph 2.1, before definition of *flight instructor certificate***

*insert*

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

**[3] After subsection 3**

*insert*

**3AA Conditions on special certificate of airworthiness**

3AA.1 The exemption given by subsection 3 for an aeroplane to which paragraph 1.8 applies is subject to the following conditions:

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

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

### **3AB Conditions on experimental certificate**

3AB.1 The exemption given by subsection 3 for an aeroplane to which paragraph 1.9 applies is subject to the following conditions:

- (a) the experimental certificate issued for the aeroplane stops having effect at the earliest of:
  - (i) the end of the validity period, if any, mentioned in the certificate; or
  - (ii) suspension of the certificate; or
  - (iii) cancellation of the certificate; or
  - (iv) the aeroplane no longer complying with LSA standards as defined by regulation 21.172 of CASR 1998;
- (b) the holder must, on request by CASA or an authorised person, make the experimental certificate available for inspection by CASA or the authorised person;
- (c) the aeroplane must continue to be registered in Australia;
- (d) CASA or an authorised person may suspend or cancel the experimental certificate if CASA or the authorised person considers it necessary to do so in the interests of the safety of other airspace users and persons on the ground or water;
- (e) if the experimental certificate stops having effect, or is cancelled or suspended, the holder must, at the written request of CASA or an authorised person, surrender the certificate to CASA or the authorised person.

*Note* Regulation 262AP of the Regulations applies to an experimental light sport aircraft.

#### **[4] Subparagraph 5.1 (i)**

*omit*

or 1.6

*insert*

, 1.6 or 1.8

#### **Subparagraph 5.1 (ia)**

*omit*

or 1.5

*insert*

, 1.5 or 1.9

#### **[5] Subparagraph 5.2 (a)**

*omit*

or 21.026 (1) (a) of the *Civil Aviation Safety Regulations 1998*;

*insert*

or 21.026 (1) (a), or regulation 21.186, of CASR 1998;

**[6] Subparagraph 5.2 (b)**

*omit*

conditions;

*insert*

conditions that would prevent the flight;

**[7] Subparagraphs 5.2 (d) and (f)**

*substitute*

(d) ~~the aeroplane is flown by the holder of a valid pilot licence (not being a student pilot licence):~~

(i) issued under Part 5 of the Regulations; and

(ii) that allows the holder to fly inside the controlled airspace;

(e) the pilot has satisfactorily completed an aeroplane flight review in accordance with regulation 5.81, 5.108 or 5.169 of the Regulations;

(f) if the controlled airspace in which the aeroplane is operating requires a transponder to be fitted — the aeroplane is fitted with a transponder suitable for use in the airspace.

**[8] Paragraph 7.1**

*omit*

5.1,

*insert*

5.1 or 5.2,

**[9] Subparagraph 7.4 (a)**

*after*

paragraph 5.1

*insert*

or 5.2

## **Explanatory Statement**

### **Civil Aviation Act 1988**

#### **Civil Aviation Order 95.55 Amendment Order (No. 1) 2005**

Section 98 of the *Civil Aviation Act 1988* (the *Act*) empowers the Governor-General to make regulations for the purposes of the Act and in the interests of the safety of air navigation.

Regulation 5 of the *Civil Aviation Regulations 1988* (*CAR 1988*) empowers CASA to issue any direction or notification or give permission, approval or authority in Civil Aviation Orders.

Subregulation 308 (1) of CAR 1988 provides that CASA may exempt an aircraft or persons associated with the operation of an aircraft from compliance with specified provisions of CAR 1988.

Amendments to Part 21 of the *Civil Aviation Safety Regulations 1998* (*CASR 1998*), commence on 20 December 2005, introduce a new certification category of aircraft called light sport aircraft (*LSA*). The amendments also amend CAR 1988 to define the operating limitations for LSA consequential to the amendments made to CASR 1998 Part 21.

The amendments to the Regulations:

- introduce a special certificate of airworthiness for production LSA
- introduce an experimental certificate for kit-built LSA
- introduce an experimental certificate for production LSA that cannot meet the LSA standards for a special certificate of airworthiness for LSA
- align the requirements for issuing a certificate of airworthiness for LSA and operating LSA with the same practices applied by the United States Federal Aviation Administration.

This amendment to Civil Aviation Order 95.55 gives effect to the amendment to the Regulations. The Order is amended so that it now also applies to LSA three-axis control aeroplanes registered with Recreational Aviation Australia Incorporated, and for which the owner holds a current special certificate of airworthiness or experimental certificate.

#### **Legislative Instruments Act**

Under subparagraph 6 (d) (i) of the *Legislative Instruments Act 2003* (the *LIA*), an instrument is a legislative instrument for section 5 of the LIA if it is declared to be a disallowable instrument under legislation in force before the commencement of the LIA. Subregulation 308 (4) of CAR 1988 declares an exemption to be a disallowable instrument. The instrument is, therefore, a legislative instrument and it is subject to tabling and disallowance in the Parliament under sections 38 and 42 of the LIA.

**Consultation**

Consultations under section 17 of the LIA was undertaken through the Notice of Proposed Rule Making (*NPRM*) process. CASA published an NPRM 0313CS — *Airworthiness Requirements for Light Sport Aircraft – Proposed Amendment to CASR Part 21*, on 25 June 2003. Responses to the NPRM closed 29 August 2003. Respondents agreed to the proposed changes. Following closure of the NPRM process, consultation continued through the Standards Consultative Committee Recreational Aviation subcommittee.

The Office of Regulation Review does not require a Regulation Impact Statement as the amendment is minor and of a machinery nature.

The instrument has been made by the Director of Aviation Safety, on behalf of CASA, in accordance with subsection 84A (2) of the Act.

[Civil Aviation Order 95.55 Amendment Order (No. 1) 2005]