



Civil Aviation Order 95.55

as amended

made under subregulation 308 (1) of the

Civil Aviation Regulations 1988

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taking into account amendments up to *Civil Aviation Order 95.55*
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SECTION 95.55

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

1 Application

- 1.2 This section applies to an aeroplane in relation to which the following conditions are satisfied:
- (a) the aeroplane is an aeroplane to which section 101.28 applies and complies with the design standards specified in that section;
 - (b) the aeroplane meets the description set out in paragraph 1.1 of section 101.55;
 - (c) the aeroplane is registered with the RAA;
 - (d) the aeroplane is not an aeroplane to which section 95.32 applies.
- 1.3 This section also applies to an aeroplane in relation to which the following conditions are satisfied:
- (a) the aeroplane is an aeroplane to which section 101.55 applies and complies with the design standards specified in that section;
 - (c) the aeroplane is registered with the RAA;
 - (d) the aeroplane is not an aeroplane to which section 95.32 applies.
- 1.4 This section also applies to an aeroplane in relation to which the following conditions are satisfied:
- (a) the aeroplane is an old section 95.25 aeroplane;
 - (b) the aeroplane has not been modified except with the approval of a person who is an authorised person for the purpose of subregulation 35 (1) of the Regulations;
 - (c) the aeroplane has a take-off weight of not more than:
 - (i) if the aeroplane is a single place aeroplane — 340 kilograms; or
 - (ii) if the aeroplane is a 2 place aeroplane — 450 kilograms;
 - (d) the aeroplane is registered with the RAA;
 - (e) the aeroplane is not an aeroplane to which section 95.32 applies.
- 1.5 This section also applies to an aeroplane if the following conditions are satisfied:
- (a) the aeroplane is an ultralight aeroplane, the major portion of which has been fabricated and assembled by a person who undertook the construction project solely for the person's own education or recreation;
 - (b) paragraphs 1.2, 1.3, and 1.4, and sections 95.10 and 95.32, do not apply to the aeroplane;
 - (c) the aeroplane is registered with the RAA;
 - (d) the aeroplane has 1 propeller, 1 engine and a maximum of 2 seats;
 - (e) the aeroplane has a maximum take-off weight not exceeding:
 - (i) in the case of an aeroplane other than a seaplane — 544 kg; or
 - (ii) in the case of a seaplane with a single seat — 579 kg; or

- (iii) in the case of a seaplane with 2 seats — 614 kg;
 - (f) the aeroplane has, in the landing configuration, a stall speed V_{so} that does not exceed 45 knots.
- 1.6 This section also applies to an aeroplane if the following conditions are satisfied:
- (a) the aeroplane is an ultralight aeroplane:
 - (i) of a type for which a type certificate, a certificate of type approval or an equivalent document has been issued by:
 - (A) CASA or another national airworthiness authority (NAA) of a Contracting State; or
 - (B) any other authority or body in a Contracting State authorised to do so by the NAA of that State, if CASA has accepted the authority or body in writing as competent to issue design approvals for ultralight aeroplanes;
 - (ii) that has been manufactured for sale by the holder of a certificate, or an equivalent document, permitting the manufacture of aeroplanes of that type and issued by:
 - (A) CASA or another NAA of a Contracting State; or
 - (B) any other authority or body in a Contracting State authorised to do so by the NAA of that State, if CASA has accepted the authority or body in writing as competent to issue manufacturing approvals for ultralight aeroplanes;
 - (b) paragraphs 1.2, 1.3 and 1.4, and sections 95.10 and 95.32, do not apply to the aeroplane;
 - (c) the aeroplane is registered with the RAA;
 - (d) the aeroplane has 1 propeller, 1 engine and a maximum of 2 seats;
 - (e) the aeroplane has a maximum take-off weight not exceeding:
 - (i) in the case of an aeroplane other than a seaplane — 544 kg; or
 - (ii) in the case of a seaplane with a single seat — 579 kg; or
 - (iii) in the case of a seaplane with 2 seats — 614 kg;
 - (f) the aeroplane has, in the landing configuration, a stall speed V_{so} that does not exceed 45 knots;
 - (g) the aeroplane has a payload that is equal to, or exceeds, the minimum useful load for that aeroplane determined in accordance with paragraph 1.7.
- 1.7 For the purposes of subparagraph 1.6 (g), the minimum useful load for an aeroplane is:
- (a) if the aeroplane's engine power is rated in kilowatts — the amount in kilograms worked out in accordance with the formula:
 $(80 \times S) + 0.3P$; or
 - (b) if the aeroplane's engine power is rated in brake horse power — the amount in pounds worked out in accordance with the formula:
 $(175 \times S) + 0.5P$;
- where:

S is the number of seats in the aeroplane; and

P is the aeroplane's rated engine power.

- 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 Interpretation

- 2.1 In this section:

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

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

flight radiotelephone operator licence means a flight radiotelephone operator licence granted under Part 5 of the regulations.

licensed aerodrome means an area of land that is:

- (a) licensed as an aerodrome under the regulations; or
- (b) established as an aerodrome under the Air Navigation Regulations.

old section 95.25 aeroplane means an aeroplane to which section 95.25 of the Civil Aviation Orders, as in force immediately before the commencement of this section, applied.

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

public road means a road or other thoroughfare open to, or used by, members of the public for the passage of vehicles.

RAA means Recreational Aviation Australia Incorporated.

RAA Operations Manual means a manual prepared by the RAA and approved by CASA, being a manual that contains the procedures and instructions necessary to ensure the safe operation of aeroplanes registered with the RAA.

RAA Technical Manual means a manual prepared by the RAA and approved by CASA, being a manual that contains:

- (a) airworthiness, design and maintenance standards; and
- (b) aeronautical practices, test procedures and processes;

in respect of aeroplanes registered with the RAA.

Regulations means the *Civil Aviation Regulations 1988*.

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

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

3 Exemption under regulation 308

3.1 If the conditions set out in this section are complied with in relation to an aeroplane to which this section applies, the aeroplane is exempt from compliance with the following provisions of the Regulations:

- (a) Parts 3, 4A, 4B, 4C, 4D and 5;
- (b) regulations 36A and 37;
- (c) subregulations 83 (1) (2) and (3) in respect of VHF equipment;
- (d) regulations 133, 139, 155 and 157;
- (e) regulations 207 and 208;
- (f) regulation 210 insofar as advertising of flying training to qualify for a pilot standard specified in the RAA Operations Manual is concerned;
- (g) regulation 230;
- (h) subregulation 242 (2);
- (i) regulations 252 and 252A.

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.

3A Licence not required

3A.1 For the purposes of paragraph 20AB (1) (b) of the Act, a person is authorised to perform a duty essential to the operation of an aircraft to which this section applies without holding a flight crew licence if he or she complies with the conditions set out in subsection 4.

4 General conditions of exemption

4.1 The exemption given by subsection 3 in relation to an aeroplane is subject to the following general conditions:

- (a) subject to paragraph 4.2, the aeroplane must not be used for any purpose other than:
 - (i) private operations (other than agricultural operations); or
 - (ii) if the aeroplane has been wholly built and assembled by a commercial manufacturer — flying training to enable a person to obtain a pilot certificate;

- (b) the aeroplane must not be operated by a person as pilot in command unless the person holds a valid pilot certificate and, subject to the other conditions set out in this section, operates the aeroplane in accordance with the privileges and limitations of that certificate;
 - (c) subject to paragraph 4.2, if the aeroplane is being used for flying training, the person conducting the training must hold a valid flight instructor certificate;
 - (d) subject to the other conditions set out in this section, the aeroplane must be operated in accordance with the requirements of the RAA Operations Manual;
 - (e) the aeroplane must be maintained in accordance with the maintenance standards set out in the RAA Technical Manual;
 - (f) if the aeroplane is fitted with radiotelephone equipment — the radiotelephone equipment must not be used by a person unless the person:
 - (i) holds a valid flight radiotelephone operator licence; or
 - (ii) holds a valid certificate, issued by the RAA in accordance with the RAA Operations Manual, relating to the operation of radiotelephone equipment;
 - (g) in the case of an aeroplane to which this section applies by virtue of paragraph 1.3, 1.4 or 1.6 — the aeroplane must not have been modified without the approval of CASA or of an authorised person for the purposes of regulation 35 of the Regulations;
 - (h) in the case of an aeroplane to which this section applies by virtue of paragraph 1.2 or 1.5 — the aeroplane must:
 - (i) before its initial flight, have been inspected by a person authorised by CASA for that purpose; and
 - (ii) if any condition or limitation has been imposed under paragraph 4.3 — be operated subject to that condition or limitation.
- 4.2 In spite of sub-subparagraph 4.1 (a) (ii) and subparagraph 4.1 (c), if a person has wholly built or assembled an aeroplane to which this section applies, or a group of persons has wholly built or assembled such an aeroplane, then, that person, or each of those persons, may use the aeroplane for their personal flying training.
- 4.3 A person who inspects an aeroplane under subparagraph 4.1 (h) may impose any conditions or operational limitations in respect of the operation of the aeroplane that he or she considers necessary in the interests of the safety of other airspace users and persons on the ground or water.

5 Flight conditions

- 5.1 Subject to paragraphs 5.2 and 7.5, the exemption given by subsection 3 in relation to an aeroplane is further subject to the following flight conditions:
- (a) the aeroplane may be flown 5 000 feet above mean sea level or higher:
 - (i) only if it is flying over an area of land, or water, the condition, and location, of which is such that, during the flight, the aeroplane would

be unable to land with a reasonable expectation of avoiding injury to persons on board the aeroplane; and

- (ii) only if it is equipped with a radiocommunication system;

Note When flying at, or above, 5 000 feet, pilots are expected to make radio broadcasts as set out in AIP.

- (b) the aeroplane must not be flown at a height of less than 500 feet above ground level unless 1 of the conditions set out in paragraph 6.2 is complied with;
- (c) the aeroplane must not be flown above the sea at a horizontal distance from land of more than:
 - (i) if all persons on the aeroplane are wearing life jackets and the aeroplane is fitted with flotation equipment that is capable of ensuring that the aeroplane will remain afloat if it is forced to land on water — 20 kilometres; or
 - (ii) in any other case — the lesser of the distance that the aeroplane can glide in the event of an engine failure and 20 kilometres;
- (d) the aeroplane must only be flown in:
 - (i) Class G airspace; or
 - (ii) Class E airspace in V.M.C.;

Note Class G and E airspace are as defined in the Air Services Regulations.

- (e) the aeroplane must not be flown inside an area that has been designated in the AIP as a prohibited or restricted area at such times as any such prohibited or restricted area is active;
- (f) the aeroplane must not be flown inside an area designated as an area where the operation of ultralight aeroplanes would constitute a hazard to other aircraft;
- (g) the aeroplane must only be flown in visual meteorological conditions;
- (h) the aeroplane must only be flown during daylight hours;
- (i) in the case of an aeroplane to which this section applies by virtue of paragraph 1.3, 1.4, 1.6 or 1.8 — the aeroplane must not be flown over a built-up area at a height:
 - (i) from which it cannot glide clear of all dwellings, buildings and persons within the built-up area; and
 - (ii) that is lower than 1 000 feet above ground level;
- (ia) in the case of an aeroplane to which this section applies by virtue of paragraph 1.2, 1.5 or 1.9 — the aeroplane must not be flown over a built-up area except as authorised under paragraph 5.1A;
- (k) the aeroplane must not be flown in acrobatic flight;
- (l) in the case of an aeroplane to which this section applies by virtue of paragraph 1.2 or 1.5 and that is registered with the RAA after 1 October 1998 — the aeroplane must not be flown outside an area defined for the purposes of this subparagraph by CASA, or a person authorised by CASA for that purpose, or carry any person other than the pilot, unless CASA or the authorised person is satisfied that the aeroplane:

- (i) is controllable throughout its normal range of speeds and throughout all the manoeuvres to be executed; and
 - (ii) has no hazardous operating characteristics or design features.
- 5.1A CASA, or an authorised person for the purposes of subregulation 262AP (5) of the Regulations, may authorise an aeroplane referred to in subparagraph 5.1 (ia) to be operated over a built-up area subject to the conditions and limitations that CASA or the authorised person considers necessary in the interests of the safety of other airspace users or of persons on the ground or water.
- 5.2 An aeroplane may be flown inside Class A, B, C and D airspace only if all of the following conditions are complied with:
- (a) the aeroplane is certificated to the design standards specified in section 101.55 or meets the criteria specified in paragraph 21.024 (1) (a) or 21.026 (1) (a), or regulation 21.186, of CASR 1998;
 - (b) the aeroplane is fitted with an engine of a kind to which paragraph 6.1 of section 101.55 of the Civil Aviation Orders applies, or that CASA has approved as being suitable for use in an aircraft to which this section applies, and is not subject to any conditions that would prevent the flight;
 - (c) the aeroplane is fitted with a radio capable of two-way communication with Air Traffic Control;
 - (d) the aeroplane is flown by the holder of a 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.

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

6 Provisions relating to flight height limitations

- 6.2 For the purposes of subparagraph 5.1 (b), the conditions, 1 of which must be complied with for an aeroplane to be flown at less than 500 feet above ground level, are:
- (a) the aeroplane must be flying in the course of actually taking-off or landing; or
 - (b) the aeroplane must be flying:
 - (i) over land that is owned by, or under the control of, the pilot or of another person (including the Crown) who, or an agent or employee of whom, has given permission for the flight over the land at such a height; and
 - (ii) at a distance of at least 100 metres horizontally from any person (other than any person associated with the operation of the aeroplane) and from any public road; or

- (c) the pilot of the aeroplane must be engaged in flying training and the aeroplane must be flying over a part of a flying training area over which CASA has, under subregulation 141 (1) of the Regulations, authorised low flying.

7 Approval of flights not complying with flight conditions

- 7.1 A person who wants to fly an aeroplane to which this section applies, otherwise than in accordance with the flight conditions set out in paragraph 5.1 or 5.2, may apply to CASA for approval of the flight.
- 7.2 The application must:
 - (a) be in writing; and
 - (b) include details of the proposed flight; and
 - (c) be made at least 28 days before the proposed flight.
- 7.3 CASA may, by writing, approve the application.
- 7.4 The approval:
 - (a) must specify which of the flight conditions set out in paragraph 5.1 or 5.2 do not apply to the use, by the applicant, of the aeroplane in the proposed flight; and
 - (b) may specify conditions to be complied with in relation to the proposed flight.
- 7.5 If the proposed flight takes place in accordance with the approval (including any conditions specified in the approval in accordance with subparagraph 7.4 (b)), the use by the applicant of the aeroplane in the flight is not subject to the flight conditions specified in the approval in accordance with subparagraph 7.4 (a).

Note 1 Definitions of some expressions used in this section can be found in regulation 2 of the Regulations (subregulation 5 (2) of those Regulations provides for this). Expressions defined in regulation 2 include (for example) *acrobatic flight*, *agricultural operations* and *certificate of approval*.

Notes to Civil Aviation Order 95.55

Note 1

The Civil Aviation Order (in force under the *Civil Aviation Regulations 1988*) as shown in this compilation comprises Civil Aviation Order 95.55 amended as indicated in the Tables below.

Table of Orders

Year and number	Date of notification in <i>Gazette</i>/ registration on FRLI	Date of commencement	Application, saving or transitional provisions
CAO 2004 No. R82	23 December 2004	23 December 2004 (see s. 2)	
CAO 95.55 2005 No. 1	FRLI 6 January 2006	7 January 2006 (see s. 2)	
CAO 95.55 2006 No. 1	FRLI 31 May 2006	1 June 2006 (see s. 2)	

Table of Amendments

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

Provision affected	How affected
s. 95.12.1	rs. 2004 No. R82
subs. 1	am. CAO 95.55 2005 No. 1
subs. 2	am. CAO 95.55 2005 No. 1
subs. 3AA	ad. CAO 95.55 2005 No. 1
subs. 3AB	ad. CAO 95.55 2005 No. 1
subs. 5	am. CAO 95.55 2005 No. 1, CAO 95.55 2006 No. 1
subs. 7	am. CAO 95.55 2005 No. 1