



# Australian Government

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## Civil Aviation Safety Authority

I, GRAEME MILLS CRAWFORD, Acting Director of Aviation Safety, on behalf of CASA, make this instrument under regulations 11.160, 11.205 and 11.245 of the *Civil Aviation Safety Regulations 1998* and subregulations 5 (1) and (1A) of the *Civil Aviation Regulations 1988*.

**[Signed G.M. Crawford]**

Graeme M. Crawford  
Acting Director of Aviation Safety

25 January 2021

***Civil Aviation Order 95.55 (Exemption from provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2021***

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**1A Name**

- 1A.1 This instrument is the *Civil Aviation Order 95.55 (Exemption from provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2021*.
- 1A.2 This Order may be cited as Civil Aviation Order 95.55.
- 1A.3 A reference in a CASA instrument to section 95.55 of the Civil Aviation Orders is taken to be a reference to this Order.

**1B Duration**

This Order:

- (a) commences on 1 February 2021; and
- (b) is repealed on the earlier of the following:
- (i) the day of commencement of Schedule 1 to the *Civil Aviation Legislation Amendment (Parts 103, 105 and 131) Regulations 2019*;
  - (ii) the end of 31 January 2024.

**1 Application**

- 1.1 This Order applies to a single-place or 2-place aeroplane, other than a weight-shift-controlled aeroplane or a powered parachute, which:
- (a) has a single engine and a single propeller; and
  - (b) has a  $V_{so}$  stall speed of not greater than 45 knots, as determined by design standards or certification requirements; and
  - (c) is registered with RAA; and
  - (d) is an aeroplane mentioned in paragraph 1.2.

- 1.2 For subparagraph 1.1 (d), the aeroplane must be one of the following:
- (a) an aeroplane to which Schedule 1 to Civil Aviation Amendment Order (No. R92) 2004 (also known as section 101.28 of the Civil Aviation Orders), as in force from time to time, applies, and that complies with the design standards stated in that Schedule and has a maximum take-off weight not exceeding:
    - (i) if the aeroplane is not equipped to land on water — 600 kg; or
    - (ii) if the aeroplane is equipped to land on water — 650 kg;
  - (b) an aeroplane mentioned in paragraph 1.1 of Schedule 1 to the Civil Aviation Amendment Order (No. R94) 2004 (also known as section 101.55 of the Civil Aviation Orders), as in force on 31 May 2016;
  - (c) an aeroplane mentioned in paragraph 1.2 of, and that meets the design standards in, Schedule 1 to the Civil Aviation Amendment Order (No. R94) 2004 (also known as section 101.55 of the Civil Aviation Orders), as in force on 31 May 2016;
  - (d) an old section 95.25 aeroplane that has not been modified, other than with the approval of:
    - (i) CASA or an authorised person, under subregulation 35 (1) of CAR, as the provision was in force from time to time before its repeal; or
    - (ii) CASA, under regulation 21.435 of CASR; or
    - (iii) an authorised person or approved design organisation, under regulation 21.437 of CASR; or
    - (iv) RAA, in accordance with a process for the approval of modifications stated in the RAA Technical Manual;
  - (e) an aeroplane, the major portion of which has been fabricated and assembled by a person who undertook the construction project solely for the person's own education or recreation, which has a maximum take-off weight not exceeding:
    - (i) if the aeroplane is not equipped to land on water — 600 kg; or
    - (ii) if the aeroplane is equipped to land on water — 650 kg;
  - (f) an aeroplane:
    - (i) of a type for which a type certificate, a certificate of type approval or an equivalent document has been issued by CASA, a foreign country's NAA or a competent issuing authority; and
    - (ii) that has been manufactured for sale by the holder of a certificate, or an equivalent document, permitting the manufacture of aeroplanes of that type and issued by CASA, a foreign country's NAA or a competent issuing authority; and
    - (iii) that has a maximum take-off weight not exceeding:
      - (A) if the aeroplane is not equipped to land on water — 600 kg; or
      - (B) if the aeroplane is equipped to land on water — 650 kg; and
    - (iv) that has a payload that is equal to, or exceeds, the minimum useful load for that aeroplane determined in accordance with paragraph 1.3;
  - (g) a light sport aircraft:
    - (i) manufactured by a qualified manufacturer, as defined by regulation 21.172 of CASR; and

- (ii) for which there is a current special certificate of airworthiness;
  - (h) a light sport aircraft:
    - (i) to which paragraph 21.191 (j) or (k) of CASR applies; and
    - (ii) for which there is a current experimental certificate.
- 1.3 For sub-subparagraph 1.2 (f) (iv), the minimum useful load for an aeroplane is:
- (a) if the aeroplane's engine power is rated in kilowatts — the amount in kilograms worked out in accordance with the formula:  
 $(80 \times S) + 0.3P$ ; or
  - (b) if the aeroplane's engine power is rated in brake horse power — the amount in pounds worked out in accordance with the formula:  
 $(175 \times S) + 0.5P$   
where:  
S is the number of seats in the aeroplane; and  
P is the aeroplane's rated engine power.

## 2 Interpretation

### 2.1 In this Order:

**active restricted area** has the same meaning as in AIP.

**aerial application operation** has the same meaning as in regulation 137.010 of CASR.

**CASA instrument** means an instrument issued by CASA under a statutory power to issue the instrument.

**closely-settled area**, in relation to an aeroplane, means an area in which, because of:

- (a) man-made obstructions such as buildings and vehicles; and
- (b) the characteristics of the aeroplane;

the aeroplane could not be landed without endangering the safety of persons unconnected with the aeroplane or damaging property in the area.

**competent issuing authority** means an authority or body in a Contracting State that:

- (a) has been authorised by the NAA of that State to issue design approvals or manufacturing approvals, whichever is applicable, for aeroplanes; and
- (b) CASA has accepted, in writing, as competent to issue design approvals or manufacturing approvals for aeroplanes.

**ELT** means emergency locator transmitter.

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

**NAA**, of a foreign country, means the national airworthiness authority of the country.

**old section 95.25 aeroplane** means an aeroplane to which section 95.25 of the Civil Aviation Orders, as in force immediately before 28 February 1990, applied.

**Order** means Civil Aviation Order.

**public road** means a street, road, lane, thoroughfare or place open to, or used by, the public for passage of vehicles.

**RAA** means Recreational Aviation Australia Limited, ARN 224806.

**RAA Operations Manual** means a manual, approved in writing by CASA from time to time, which is issued by RAA and contains the procedures and instructions necessary to ensure the safe operation of aeroplanes registered with RAA.

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

**RAA Technical Manual** means a manual, approved in writing by CASA from time to time, which is issued by RAA and contains:

- (a) airworthiness, design and maintenance standards; and
  - (b) aeronautical practices, test procedures and processes;
- for aeroplanes registered with RAA.

**relevant aeroplane** means an aeroplane to which this Order applies under subsection 1.

**suitable landing area** means an area in which a relevant aeroplane may be landed without endangering the safety, or damaging the property, of persons unconnected with the aeroplane.

**$V_{so}$  stall speed** is the stalling speed, or minimum steady flight speed, at which an 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.

*Note* Definitions of some expressions used in this Order can be found in regulation 2 of CAR or the Dictionary for CASR (as provided for by subregulation 5 (2) of CAR). Expressions defined in regulation 2 of CAR include, for example, **certificate of type approval**.

- 2.2 In this Order, a reference to a class of airspace means the volumes of airspace of that class, as determined by CASA in the *Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument*, as in force from time to time.

*Note* The *Determination of Airspace and Controlled Aerodromes Etc. (Designated Airspace Handbook) Instrument* is a legislative instrument that is revised and reissued by CASA approximately every 6 months. Airspace details from the Determination in force at any particular time are also published by Airservices Australia in the Designated Airspace Handbook.

### 3 Exemptions

- 3.1 A person who has an obligation under the exempted provisions, in relation to a relevant aeroplane, is exempt from complying with the obligation.
- 3.2 The exemption is subject to the conditions stated in subsections 4, 6 and 7, to the extent the conditions apply to the person.
- 3.3 In this subsection:

**exempted provisions** means the following provisions of CAR:

- (a) Parts 4 to 4D;
- (b) subregulation 83 (1), in relation to VHF equipment;

- (c) regulations 133, 139 and 157;
- (d) regulations 207 and 208;
- (e) regulation 230;
- (f) subregulation 242 (2);
- (g) regulation 252;
- (h) regulation 258.

#### **4 Conditions on special certificate of airworthiness or experimental certificate**

- 4.1 The following conditions apply in relation to a relevant aeroplane that is an aeroplane mentioned in subparagraph 1.2 (g) or (h):
- (a) a person must not operate the relevant aeroplane after the earliest of the following events in relation to the special certificate of airworthiness, or experimental certificate, for the aeroplane:
    - (i) the end of the validity period, if any, mentioned in the certificate;
    - (ii) suspension of the certificate;
    - (iii) cancellation of the certificate;
    - (iv) a modification being made to the aeroplane that was not authorised by the manufacturer;
    - (v) the aeroplane no longer complies with LSA standards, as defined by regulation 21.172 of CASR;
  - (b) the holder of the special certificate of airworthiness or experimental certificate must, on request by CASA or an authorised person, make the certificate available for inspection by CASA or the authorised person;
  - (c) a person must not operate the relevant aeroplane if it is not registered in Australia;
  - (d) if the special certificate of airworthiness or experimental certificate expires 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.
- 4.2 CASA or an authorised person may suspend or cancel the special certificate of airworthiness or experimental certificate if CASA or the authorised person considers it necessary to do so in the interest of aviation safety.

#### **6 General conditions**

- 6.1 The following general conditions apply in relation to a relevant aeroplane:
- (a) a person must not use the aeroplane other than for:
    - (i) private operations, including glider towing, but not an aerial application operation; or
    - (ii) if the aeroplane has been wholly built and assembled by a commercial manufacturer — flying training, to enable the person to obtain an RAA pilot certificate; or
    - (iii) if the person has wholly built or assembled the aeroplane, whether individually or with other persons — the person's personal flying training;
  - (b) a person must not operate the aeroplane, as pilot in command, unless the person holds an RAA pilot certificate and, subject to the other conditions

stated in this Order, operates the aeroplane in accordance with the privileges and limitations of the certificate;

*Note* Under regulation 200.025 of CASR, for paragraph 20AB (1) (a) of the Act, a person is taken to hold a civil aviation authorisation that is in force and authorises the person to perform a duty that is essential to the operation of an unregistered Australian aircraft during flight time if:

- (a) the person holds a pilot certificate granted by a sport aviation body that administers aviation activities in the aircraft; and
  - (b) the person operates the aircraft in accordance with the sport aviation body's operations manual.
- (c) if the aeroplane is being used for flying training, the person conducting the training must hold a flight instructor rating;
  - (d) subject to the other conditions stated in this Order, a person operating the aeroplane must do so in accordance with the requirements of the RAA Operations Manual and RAA Technical Manual;
  - (e) a person maintaining the aeroplane must hold the necessary qualification for this activity as stated in, and maintain the aeroplane in accordance with, the RAA Technical Manual;
  - (f) for a relevant aeroplane that is an aeroplane mentioned in subparagraph 1.2 (b), (c) or (f) — if the aeroplane has been modified, a person must not operate it unless the modification has been approved by:
    - (i) CASA or an authorised person, under subregulation 35 (1) of CAR, as the provision was in force from time to time before its repeal; or
    - (ii) CASA, under regulation 21.435 of CASR; or
    - (iii) an authorised person or approved design organisation, under regulation 21.437 of CASR; or
    - (iv) RAA, in accordance with a process for the approval of modifications stated in the RAA Technical Manual.
  - (g) for a relevant aeroplane that is an aeroplane mentioned in subparagraph 1.2 (a), (e) or (h) — a person operating the aeroplane must ensure:
    - (i) the aeroplane was inspected before its initial flight by a person authorised by CASA for that purpose; and
    - (ii) if any condition or operational limitation has been imposed under paragraph 6.2 — the aeroplane is operated subject to that condition or operational limitation.
- 6.2 Under regulation 11.245 of CASR, CASA directs a person who inspects an aeroplane under subparagraph 6.1 (g) to impose any conditions or operational limitations, in relation to the operation of the aeroplane, which the person considers necessary to preserve a level of aviation safety that is at least acceptable.

## **7 Flight conditions**

- 7.1 Subject to paragraph 9.5, the following flight conditions apply to a person operating a relevant aeroplane:
- (a) the aeroplane must not be flown at a height of 5 000 feet above mean sea level or higher unless the condition stated in paragraph 8.4 is complied with;

- (b) the aeroplane must not be flown at a height of less than 500 feet above ground level unless the conditions stated in paragraphs 8.1 to 8.3 are complied with;
- (c) subject to paragraph 7.2, the aeroplane must not be flown over a body of water at a horizontal distance from a suitable landing area of more than:
  - (i) the distance, not greater than 25 nautical miles, that the aeroplane can glide in case of engine failure; or
  - (ii) 25 nautical miles — if each occupant is wearing a life jacket, and the aircraft carries a serviceable radiocommunication system and the equipment mentioned in subparagraph 7.5 (a) or (b);
- (d) the aeroplane must only be flown:
  - (i) in Class G airspace; or
  - (ii) in Class E airspace in V.M.C.; or
  - (iii) subject to paragraph 7.3, in Class A, C or D airspace or an active restricted area;
- (e) the aeroplane must not be flown inside an area designated as an area where the operation of a relevant aeroplane would constitute a hazard to other aircraft;
- (f) the aeroplane must only be flown in V.M.C.;
- (g) the aeroplane must only be flown during daylight hours;
- (h) for a relevant aeroplane that is an aeroplane mentioned in subparagraph 1.2 (b), (c), (f) or (g) — the aeroplane must not be flown over a closely-settled area at a height:
  - (i) from which it cannot glide clear of the closely-settled area to a suitable landing area; and
  - (ii) that is lower than 1 000 feet above ground level;
- (i) for a relevant aeroplane that is an aeroplane mentioned in subparagraph 1.2 (a), (e) or (h) — the aeroplane must not be flown over a closely-settled area other than in accordance with an approval issued under paragraph 9.3;
- (j) the aeroplane must not be flown in acrobatic flight;
- (k) for a relevant aeroplane that is an aeroplane mentioned in subparagraph 1.2 (a), (e) or (h) and that was registered with 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 the aeroplane:
  - (i) is controllable throughout its normal range of speeds and throughout all the manoeuvres to be executed; and
  - (ii) has no hazardous operating characteristics or design features;
- (l) the person must not use radiotelephone equipment, if any, fitted to the aeroplane unless the person:
  - (i) for transmissions on VHF frequencies only:
    - (A) is authorised by RAA, in accordance with the RAA Operations Manual, to operate radiotelephone equipment; or
    - (B) is undergoing flight training to obtain a pilot certificate; or

- (ii) for all transmissions — is authorised to transmit using an aeronautical radio under Part 61 or 64 of CASR;
  - (m) the aeroplane must not be flown at a height of 10 000 feet above mean sea level or higher other than in accordance with an approval issued under paragraph 9.3.
- 7.2 Despite the limit of 25 nautical miles stated in subparagraph 7.1 (c), a relevant aeroplane to which that limit would otherwise apply may be flown between Tasmania and mainland Australia, in either direction, by a longer route if taking advantage of safer weather conditions.
- 7.3 A person must not operate a relevant aeroplane in Class A, C or D airspace, or an active restricted area, unless all of the following conditions are complied with:
- (a) the aeroplane:
    - (i) is certificated to the design standards mentioned in Schedule 1 to the Civil Aviation Amendment Order (No. R94) 2004 (also known as section 101.55 of the Civil Aviation Orders), as in force on 31 May 2016; or
    - (ii) meets the criteria stated in paragraph 21.024 (1) (a) or 21.026 (1) (a), or regulation 21.186, of CASR; or
    - (iii) is approved under regulation 262AP of CAR in relation to flights over closely-settled areas;
  - (b) the aeroplane is fitted with an engine:
    - (i) of a type mentioned in paragraph 6.1 of Schedule 1 to the Civil Aviation Amendment Order (No. R94) 2004 (also known as section 101.55 of the Civil Aviation Orders), as in force on 31 May 2016, or of a type that CASA has approved as being suitable for use in a relevant aeroplane; and
    - (ii) that 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 pilot licence with an aeroplane category rating:
    - (i) issued under Part 61 of CASR; and
    - (ii) that allows the holder to fly inside the controlled airspace;
  - (e) the aeroplane's pilot has a valid flight review for the aeroplane's class rating, under Part 61 of CASR;
  - (f) if the controlled airspace in which the aeroplane is operating requires a transponder to be fitted to the aeroplane — 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 direction or instruction issued by CASA under regulation 99AA of CAR.

- 7.4 A person must not use a relevant aeroplane to tow another aircraft unless:
- (a) the pilot in command is authorised to do so by the pilot's relevant administering organisation, in accordance with a procedure approved by CASA; and
  - (b) the towing aeroplane is:
    - (i) certified as suitable for that purpose; or



- (ii) listed in Civil Aviation Advisory Publication 149, as it exists from time to time, as acceptable to CASA for that purpose; or
- (iii) approved by CASA, in writing, as suitable for that purpose.

7.5 Except for a flight that is to take place wholly within a radius of 50 miles from its departure point, a relevant aeroplane that is a 2-place aeroplane may be flown only if it carries:

- (a) an approved ELT, or an approved portable ELT, as defined in regulation 252A of CAR; or
- (b) a personal locator beacon that has been approved by CASA for use with such an aeroplane.

*Note* Regulation 252A of CAR does not apply to single seat aircraft (see subregulation 252A (7) of CAR).

## **8 Provisions relating to flight height limitations**

8.1 For subparagraph 7.1 (b), a relevant aeroplane may be flown at a height of less than 500 feet above ground level if:

- (a) the aeroplane is flying in the course of actually taking-off or landing; or
- (b) the aeroplane is flying over land that is owned by, or under the control of, the pilot; or
- (c) the owner or occupier (including the Crown) of land over which the aeroplane is flying, or an agent or employee of the owner or occupier, has given written permission for the flight to take place at such a height; or
- (d) the aeroplane's pilot is engaged in low-flying flight training:
  - (i) over a flight training area approved, in writing, by the operator conducting the training as suitable for low-flying activity; and
  - (ii) the low-flying activity is conducted with the written permission of a person mentioned in subparagraph (c).

8.2 For subparagraph 7.1 (b), except when taking-off or landing, a relevant aeroplane that is flown at a height of less than 500 feet above ground level must be at a distance of at least 100 metres horizontally from:

- (a) a public road; or
- (b) a person, other than a person associated with the operation of the aeroplane; or
- (c) a dwelling, except with the written permission of the dwelling's occupier.

8.3 For subparagraph 7.1 (b), when taking-off or landing, a relevant aeroplane that is flown at a height of less than 500 feet above ground level must, during the take-off or landing, maintain a horizontal distance from a place or person mentioned in subparagraph 8.2 (a), (b) or (c) that may be less than 100 metres if the distance is:

- (a) enough to avoid endangering any person or causing damage to any property; and
- (b) as far as possible from the place or person, to carry out a safe take-off or landing.

8.4 For subparagraph 7.1 (a), a relevant aeroplane that is flown at a height of 5 000 feet above mean sea level or higher must be equipped with serviceable radiotelephone equipment, and the pilot must be qualified to use it.

## **9 Approval of flights not complying with flight conditions**

- 9.1 A person who proposes to fly a relevant aeroplane otherwise than in accordance with any of the flight conditions stated in paragraph 7.1 may apply to CASA for approval of the proposed flight.
- 9.2 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.
- 9.3 CASA may, in writing, approve the application.
- 9.4 The approval:
- (a) must state which of the flight conditions stated in paragraph 7.1 do not apply to the use by the applicant of the aeroplane in the proposed flight; and
  - (b) may state conditions to be complied with in relation to the proposed flight.
- 9.5 If the approval is given:
- (a) the proposed flight may only take place in accordance with the approval, including any conditions stated in the approval under subparagraph 9.4 (b); and
  - (b) the use by the applicant of the aeroplane in the proposed flight is not subject to the flight conditions stated in the approval under subparagraph 9.4 (a).

## **10 References to RAA**

A reference in the following provisions of this Order to RAA is taken to include a reference to Recreational Aviation Australia Incorporated:

- (a) sub-subparagraph 1.2 (d) (iv);
- (b) paragraph 2.1, definitions *flight instructor rating* and *RAA pilot certificate*;
- (c) sub-subparagraph 6.1 (f) (iv);
- (d) subparagraph 7.1 (k);
- (e) sub-subparagraph 7.1 (l) (i).

## **11 Transitional provisions**

- 11.1 A person who, immediately before the commencement, held an approval for a proposed flight with a relevant aeroplane under paragraph 9.3 of the previous Order is taken to hold an approval, under paragraph 9.3, for the proposed flight.
- 11.2 An application for an approval for a proposed flight with a relevant aeroplane made under subsection 9 of the previous Order and not decided at the commencement must be decided under subsection 9.
- 11.3 In a CASA instrument, a reference to the previous Order may, if the context permits, be taken to be a reference to this Order.

11.4 In this section:

***commencement*** means commencement of this Order.

***previous Order*** means the *Civil Aviation Order 95.55 (Exemption from the provisions of the Civil Aviation Regulations 1988 — certain ultralight aeroplanes) Instrument 2018*.

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