

CIVIL AVIATION REGULATIONS 1988 - REG 262AP

Experimental aircraft--operating limitations

(1) A person must not operate an aircraft for which a special [certificate](#) of airworthiness is in force under regulation 21.195A of CASR, if the operation is not one of the following kinds:

- (a) an operation for a purpose for which the [certificate](#) is issued;
- (b) an operation permitted by subregulation (2).

Penalty: 50 penalty units.

(2) An experimental aircraft may be used for any of the following operations in support of an operation for which the special [certificate](#) of airworthiness was issued:

- (a) taking the aircraft to or from a place where maintenance on the aircraft can be done, or has been done;
- (b) testing the aircraft after maintenance;
- (c) training a person to qualify for an aircraft [class](#) or type rating on the aircraft;
- (d) practice in flying the aircraft;
- (e) carrying out a demonstration or test of the aircraft for sale;
- (f) delivering the aircraft to a person under a contract of sale;
- (g) for an amateur-built or kit-built aircraft--flying training given in the aircraft to its owner.

(3) A person must not operate an experimental aircraft outside the area assigned for the purpose by CASA or an authorised person, and must not carry persons other than essential crew in the aircraft, until it is shown that it:

- (a) is controllable throughout its normal range of speeds and throughout all the manoeuvres to be executed; and
- (b) has no hazardous operating characteristics or design features.

Penalty: 50 penalty units.

(4) A person must not operate an experimental aircraft over the built-up area of a city or town unless authorised to do so under subregulation (5).

Penalty: 50 penalty units.

(5) CASA or an authorised person may authorise a particular aircraft to be operated over the built-up area of a city or town subject to the conditions and limitations CASA or the authorised person considers necessary for the safety of other airspace users and persons on the ground or water.

(6) A person operating an experimental aircraft must operate it only:

- (a) by day and under V.F.R; or
- (b) otherwise in accordance with an [approval](#) by CASA or an authorised person.

Penalty: 50 penalty units.

(7) A person must not operate an experimental aircraft for a purpose mentioned in paragraph 206(1)(b) or (c).

Penalty: 50 penalty units.

(8) A person must not operate an experimental aircraft carrying a passenger if each of the following requirements is not satisfied:

(a) no more than 6 (or a greater number approved by CASA or an authorised person) people are on board;

(b) the operator or the pilot in command ensures that each person carried is told before boarding the aircraft that:

(i) the design, manufacture, and airworthiness of the aircraft is not required to meet any standards recognised by CASA; and

(ii) persons fly in the aircraft at their own risk;

(c) a placard bearing the warning stated in subregulation (9) is displayed inside the aircraft in a way that is conspicuous to, and can be easily read by, each person in the aircraft.

Penalty: 50 penalty units.

(9) For paragraph (8)(c), the warning is:

'WARNING

PERSONS FLY IN THIS AIRCRAFT AT THEIR OWN RISK

THIS AIRCRAFT IS NOT OPERATED TO THE SAME SAFETY STANDARDS AS A NORMAL COMMERCIAL

PASSENGER FLIGHT

CASA DOES NOT SET AIRWORTHINESS STANDARDS FOR EXPERIMENTAL AIRCRAFT'.

(11) A person must not operate an experimental aircraft in another country's airspace if it is not in accordance with the [approval](#) of the appropriate [authority](#) of the country.

Penalty: 10 penalty units.

(12) A person must not operate an experimental aircraft for a purpose mentioned in paragraph 206(1)(a) if the person is not the holder of an appropriate AOC.

Penalty: 10 penalty units.

(13) An offence against subregulation (1), (3), (4), (6), (7), (8), (11) or (12) is an offence of strict liability.

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