



ADVISORY CIRCULAR

AC 21-03 v3.1

Special certificates of airworthiness – Overview

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Advisory circulars are intended to provide advice and guidance to illustrate a means, but not necessarily the only means, of complying with the Regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material.

Advisory circulars should always be read in conjunction with the relevant regulations.

Audience

This advisory circular (AC) applies to:

- aircraft operators
- aircraft owners
- authorised persons
- approved design organisations
- limited category organisations.

Purpose

This Advisory Circular (AC) provides guidance and information to the public, Civil Aviation Safety Authority (CASA) staff and persons applying for the issue of Special Certificates of Airworthiness (CoAs).

For further information

For further information, contact CASA's Airworthiness and Engineering Branch (telephone 131 757).

Unless specified otherwise, all subregulations, regulations, Divisions, Subparts and Parts referenced in this AC are references to the *Civil Aviation Safety Regulations 1998 (CASR)*.

Status

This version of the AC is approved by the Manager, Airworthiness and Engineering Branch.

Note: Changes made in the current version are not annotated. The document should be read in full.

Version	Date	Details
v3.1	December 2022	Administrative review only.
v3.0	May 2020	Clarification that remote inspection is permitted.
(1)	November 2010	This is the first amendment of the AC issued on this subject.
(0)	October 1998	First initial AC

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1 Reference material

1.1 Acronyms

The acronyms and abbreviations used in this AC are listed in the table below.

Acronym	Description
ABAA	Amateur built aircraft acceptance
AC	advisory circular
AD	airworthiness directive
AWI	airworthiness inspector
CAR	<i>Civil Aviation Regulations 1988</i>
CASA	Civil Aviation Safety Authority
CASR	<i>Civil Aviation Safety Regulations 1998</i>
CoA	certificate of airworthiness
ICAO	International Civil Aviation Organization
LSA	Light sport aircraft
TC	Type Certificate

1.2 Definitions

Terms that have specific meaning within this AC are defined in the table below. Where definitions from the civil aviation legislation have been reproduced for ease of reference, these are identified by 'grey shading'. Should there be a discrepancy between a definition given in this AC and the civil aviation legislation, the definition in the legislation prevails.

Term	Definition
aircraft type	A design and make of aircraft and refers to a group of essentially similar aircraft which, although possibly existing in different models, stem from a common basic design.
airworthiness directive (AD)	A mandatory regulatory document which requires the registered operator to comply with the requirements to address an unsafe condition on an aircraft or aeronautical product.
Certificate of Airworthiness	A Standard Certificate of Airworthiness or a Special Certificate of Airworthiness.
Certificate of Registration	A certificate issued under CASR 47.090.
registration holder of an aircraft	The person whose name is entered in the Australian Civil Aircraft Register as that of the aircraft's owner.
Special Certificate of	a. A Certificate of Airworthiness issued for:

Term	Definition
Airworthiness	<ul style="list-style-type: none"> i (i) an aircraft type certificated in the primary, intermediate or restricted category ii (ii) an aircraft in the limited category iii (iii) an amateur-built aircraft accepted under an ABAA iv (iv) a light sport aircraft covered by regulation 21.186. <ul style="list-style-type: none"> b. a Provisional Certificate of Airworthiness c. an Experimental Certificate
state of design	The State having jurisdiction over the organisation responsible for the type design.

1.3 References

Legislation

Legislation is available on the Federal Register of Legislation website <https://www.legislation.gov.au/>

Document	Title
Part 21-35 of CASR	Airworthiness standards
CAR 262AK to CAR 262AS	Operating limitations for aircraft certificated in certain categories and experimental aircraft

Advisory material

CASA's advisory materials are available at <https://www.casa.gov.au/publications-and-resources/guidance-materials>

Document	Title
AC 21-01	Aircraft Airworthiness Certification Categories and Designations Explained
AC 21-02	Standard Certificates of Airworthiness - Overview
AC 21-4	Amateur-Built Experimental Aircraft – Certification
AC 21-05	Limited Category Aircraft – Certification
AC 21-6	Restricted Category Aircraft - Certification
AC 21-7	Primary Category Aircraft - Certification
AC 21-09	Special Flight Permits
AC 21-10	Experimental Certificates
AC 21-11	Amateur-Built (ABAA) Aircraft – Certification
AC 21-13	Australian-Designed Aircraft - Type Certification
AC 21-15	Supplemental Type Certificates – Certification
AC 21-41	Light Sport Aircraft Certificate of Airworthiness
AC 21-43	Experimental Certificates for Unmanned Aircraft.

1.4 Forms

CASA's forms are available at <http://www.casa.gov.au/forms>

Form number	Title
Form 718	Application for Issue of a Special Certificate of Airworthiness
Form 682	Application for Special Certificate of Airworthiness or Experimental Certificate for Light Sport Aircraft

2 Background

- 2.1.1 Type certification is the process which can lead to issue of a Type Certificate for the design of a new type of aircraft. Type certification is necessary before a Certificate of Airworthiness (CoA) in one of the standard categories can be issued for an aircraft. Aircraft airworthiness certification is the process of assessing an aircraft against its type design, and ensuring the aircraft is in a condition for safe operation. Satisfactory completion of this process culminates in issue of a CoA for the individual aircraft.
- 2.1.2 The obligation on Contracting States of the International Civil Aviation Organization (ICAO) to issue CoAs is specified in Part II, Chapter 3 of ICAO Annex 8, Airworthiness of Aircraft. A CoA may be issued to an individual aircraft on the basis of evidence that the aircraft complies with the applicable airworthiness requirements, and that the aircraft has been satisfactorily constructed and maintained. The airworthiness categories in which Australian CoAs may be issued are described in detail in a companion Advisory Circular, AC 21-1 Aircraft Airworthiness Certification Categories and Designations Explained.
- 2.1.3 A CoA is necessary for each individual Australian aircraft as one of the legal conditions of being able to fly.
- 2.1.4 Issue of a standard CoA to an individual aircraft involves ensuring that:
- the aircraft conforms with the definition of the design and its method of construction i.e. the aircraft conforms to the type design; this in turn ensures that the aircraft meets (i) a design standard and (ii) the specified airworthiness requirements
 - the aircraft is free from manufacturing and post-production defects
 - compliance with all applicable airworthiness directives (ADs). For imported aircraft, applicable ADs will include all applicable ADs from the state of design of the aircraft type
 - all required modifications, as dictated by design changes and applicable ADs, have been embodied
 - the required operational equipment has been fitted
 - the aircraft's airworthiness state is properly reflected in the required documentation.
- 2.1.5 If these conditions are met, the aircraft can be issued with a standard CoA in the relevant category. Full information on the subject of standard CoAs is contained in AC 21-2 - Standard Certificates of Airworthiness.
- 2.1.6 A CoA can be issued to an aircraft that does not meet all the requirements for a Special CoA in one of the standard categories if the aircraft meets all the requirements for a CoA in one of the special categories.

Note: An aircraft with only a Special CoA must not be operated in international airspace or in the territory of a foreign country without the specific permission of that country.

3 Special certificates of airworthiness

3.1.1 The following categories of aircraft are issued with Special CoAs:

- primary
- intermediate
- restricted
- limited
- amateur-built (accepted under an Amateur Built Aircraft Acceptance (ABAA))
- light sport aircraft (LSA) covered by regulation 21.186 of CASR.

3.1.2 The following are also classified under regulation 21.175 of CASR as a Special CoA:

- Provisional CoA
- Experimental Certificate.

4 Applying for a special CoA

4.1 Who may apply

4.1.1 Subregulation 21.173 (1) of CASR states that an aircraft registration holder is eligible to apply for a CoA for the aircraft. The aircraft registration holder is the person nominated on the Certificate of Registration. Therefore, one major prerequisite for application for a Special CoA is that the aircraft must already be registered on the Australian Civil Aircraft Register.

4.1.2 Where to apply

4.1.3 Applicants for special CoA issue may apply to the CASA regional office which covers the geographical prime base of intended operations. However, nothing precludes an applicant making the initial approach to the nearest regional office and requesting CASA coordination of the application.

4.1.4 An applicant may wish the processing of an application for a Special CoA to be undertaken from the outset, by a person who is authorised by CASA to process and issue a CoA on CASA's behalf. For most of these Special CoA's, such persons have their authority conferred under regulation 21.176 of CASR, and hence they may be referred to as '21.176 authorised persons'. However, for the application of an Experimental Certificate, the authorised person must have their authority conferred under regulation 21.195A of CASR. In such cases, these authorised persons will undertake the necessary initial co-ordination with CASA regional and operations offices.

4.1.5 CASA regional offices contact information is provided on the CASA website <http://casa.gov.au>.

4.1.6 Payment of fees

Section 97 of the *Civil Aviation Act 1988* (The Act) allows prescribed fees to be payable to CASA in advance of work to be done.

4.1.7 In the case of issue of CoA, Experimental Certificates or Special Flight Permits, an hourly fee as specified in the CASA Schedule of Fees is charged. An estimate, payment and reconciliation procedure is as follows:

- The field office which receives the application prepares an estimate based on experience, and the specific tasks to be undertaken. This is usually done when the applicant makes initial contact with the airworthiness inspector (AWI) assigned to the task. General eligibility, timeframe and operational role aspects are discussed. The estimate is based on time estimates, and travel costs as applicable.
- The applicant pays the estimate fee.
- Actual hours expended are recorded on time sheets as the task is undertaken.
- The reconciliation will be made just before the CoA, certificate or permit is issued. If an over-estimate has been made, a refund will be paid to the applicant. If fees have been underestimated, a final payment from the applicant will be required prior to certificate/permit issue.

4.1.8 A different fee structure would usually apply in the case of application through a regulation 21.176 authorised person. This is a matter for the applicant and authorised person to negotiate and is outside CASA control.

4.1.9 The application forms

4.1.10 Application for issue of a Special CoA in the following categories:

- primary
- intermediate
- restricted
- limited; and
- amateur-built (ABAA)

is made on Form 718 Application for Issue of a Special Certificate of Airworthiness.

4.1.11 Application for issue of a Special CoA or an Experimental Certificate for light sport aircraft is made on Form 682 Application for Special Certificate of Airworthiness or Experimental Certificate for Light Sport Aircraft.

4.1.12 Application for issue of an Experimental Certificate or a Provisional CoA is also made on Form 718 Application for Issue of a Special Certificate of Airworthiness.

4.1.13 Application forms may be obtained from the CASA website <<https://www.casa.gov.au>> or any of the field offices.

5 Associated matters

5.1 Noise certification

- 5.1.1 Noise certification for individual aircraft is required before the aircraft can legally be operated in Australian territory. Aircraft noise is regulated through the *Air Navigation (Aircraft Noise) Regulations (1984)*. Noise certification has no legal impact on type approval, or individual Special CoA issue. However, if an individual aircraft does not meet the Australian noise requirements, then it is illegal for that aircraft to operate in Australian territory, even though the aircraft may have a valid Special CoA.
- 5.1.2 Information and application for noise assessment for individual aircraft can be made to Airservices Australia on their website:
<https://www.airservicesaustralia.com/noisecertification/>

6 Further information

6.1.1 As the procedural requirements for certification of the categories/designations as addressed in this AC can be quite different, and in some cases relatively complex, the procedures involved from application to certificate issue are set out in detail in the following companion ACs:

- AC 21-4 – Amateur-built experimental aircraft – Certification
- AC 21-05 – Limited Category Aircraft – Certification
- AC 21-6 – Restricted Category Aircraft – Certification
- AC 21-7 – Primary Category Aircraft – Certification
- AC 21-09 – Special Flight Permits
- AC 21-10 – Experimental Certificates
- AC 21-11 – Amateur-Built (ABAA) Aircraft – Certification
- AC 21-41 – Light Sport Aircraft Certificate of Airworthiness
- AC 21-43 – Experimental Certificates for Unmanned Aircraft.

Note: A Provisional CoA is expected to be used infrequently by the Australian aviation industry. Procedural aspects are included in Advisory Circular AC 21-13 Australian-Designed Aircraft Type Certification.

6.1.2 The issue of a special CoA may require a physical inspection of the aircraft in order for the authorised person, delegate or organisation to be satisfied that the aircraft complies with the relevant requirements. It is not required in all cases that the authorised person, delegate, or organisation physically inspect the aircraft on site in person. Inspections may be carried out with the aid of remote technology such as photos and videos, and assistance may be obtained from other suitably qualified people, such as an appropriately licensed aircraft maintenance engineer. In all cases, the authorised person, delegate or organisation remains ultimately responsible for the determination that the aircraft meets the relevant requirements, so remote inspections must be carried out under the instruction of the authorised person, delegate or organisation, and in accordance with clearly documented procedures acceptable to CASA.