



ADMINISTRATIVE RULES

20. Special certificates and permits

Approvals by authorised persons for Subpart 91.T (91.050)

If a provision in Subpart 91.T refers to a person holding an approval, a person may apply to an authorised person, in writing, for the approval. The approval must be granted provided the applicant meets the requirements of regulation [11.055](#).



This provision simply allows a person to seek an approval from an authorised person other than CASA.

Aircraft with more than one certificate of airworthiness – application of Subpart 91.T (91.835)

If a certificate of airworthiness has been issued in more than one category for the aircraft, it can only be flown under one category under Subpart 91.T at any one time.



If, for example, the aircraft is being flown under a restricted category, the aircraft must be flown in accordance with Subpart 91.T. If the aircraft then returns to operations under a normal category certificate, Subpart 91.T will cease to apply.

Restricted category aircraft – general operating requirements (91.840)

Where a special certificate of airworthiness (CoA) in the restricted category has been issued for the aircraft, before a flight you and the operator must ensure the following requirements are met:

- › the certificate has been issued and is in force
- › any condition or requirement on the certificate is met
- › the flight is not an air transport operation
- › the flight is of a kind listed in 91.845
- › a person carried on the flight is limited to:
 - » a crew member, or
 - » for a special purpose operation – a person needed for work activity directly associated with the special purpose for which the certificate was issued, or
 - » carrying out a demonstration or test of the aircraft for sale (see 91.845).



Aircraft types which may be eligible for a special CoA include:

- › those which have been type certified in a restricted category e.g. specialist water bombers or agricultural aircraft
- › ex-military aircraft of the Australian Defence Force or an armed force of Canada, the UK or the USA
- › aircraft which may have been in a standard airworthiness category but have been modified for special purpose operations.

Restricted category aircraft – kinds of operations permitted (91.845)

The kinds of operation (91.840) for a restricted category aircraft are:

- › a special purpose operation for which the special certificate of airworthiness for the aircraft was issued
- › participation in an air display
- › taking the aircraft to or from a place where a demonstration or display of the aircraft is to take place
- › practice in flying the aircraft for participation in an air display
- › taking the aircraft to a place for maintenance
- › taking the aircraft from a place where maintenance has been done
- › testing the aircraft after maintenance
- › flying training (other than for issuing a pilot licence)
- › pilot proficiency training, or practice in flying the aircraft
- › demonstrating or testing the aircraft for sale
- › delivering the aircraft to a person under a contract of sale.

For 'a special purpose operation' for which the special certificate of airworthiness for the aircraft was issued referred to above, this includes:

- › training in the special purpose operation
- › taking the aircraft to a place where the special purpose operation is to start
- › taking the aircraft from a place where the special purpose operation has ended
- › any other operation necessary to accomplish the special purpose operation.



A special purpose operations is one for:

- › agricultural operations (e.g. spraying, seeding, livestock or feral animal control)
- › forest and wildlife conservation
- › firefighting
- › aerial surveying or scientific research (e.g. photography mapping oil and mineral exploration)
- › patrolling (e.g. pipelines, power lines, canals)
- › weather control and atmospheric research (e.g. cloud seeding)
- › glider towing
- › target towing
- › target designation
- › any similar operation to those above.

Provisionally certificated aircraft – operating requirements (91.850)

Where a provisional certificate of airworthiness has been issued for the aircraft, before flight you and the operator must ensure the following requirements are met:

- › the certificate is in force
- › any condition or requirement on the certificate is met
- › the flight is not an air transport operation
- › the flight is of a kind listed in regulation 91.855
- › unless the aircraft is being flown to obtain type certification or supplemental type certification (operations for type certificate or supplemental type certificate [91.860]), you must fly within the limitations stated in the aircraft flight manual
- › the requirements for the carriage of people under 91.865 are met
- › for the pilot, the procedures associated with any approval issued to the operator under 91.870 are met.

Provisionally certificated aircraft – kinds of operations permitted (91.855)

The kinds of operation referred to in 91.850 (above) in a provisionally certified aircraft are:

- › those required to obtain type certification, or supplemental type certification
- › training flight crew, including simulated air transport operations
- › a demonstration flight by the aircraft's manufacturer for prospective purchasers
- › a market survey operation by the aircraft's manufacturer
- › a flight to check instruments, accessories and items of equipment that do not affect the aircraft's airworthiness
- › service testing of the aircraft.

Provisionally certificated aircraft – operation for type certification or supplemental type certification (91.860)

For a provisionally certified aircraft being flown to obtain type certification or supplemental type certification referred to in 91.850:

- › if the aircraft's certificate is subject to a condition limiting the area within which the aircraft may be flown, the flight must not take place outside, or partly outside, that area unless the holder of the certificate holds an approval from CASA or an authorised person, or
- › if the flight is over a populous area, the holder of the certificate must hold an approval from CASA or an authorised person, and
- › the flight must be under the VFR by day, or the holder of the certificate must hold an approval from CASA or an authorised person.

For an approval to be issued by CASA or an authorised person they must be satisfied that the aircraft is controllable throughout its normal range of speeds and throughout all manoeuvres to be executed and has no hazardous operating characteristics or design features.

Provisionally certificated aircraft – requirements for the carriage of people (91.865)

A person referred to in 91.850 may only be carried if they have been notified before they board the aircraft that the aircraft is provisionally certified and:

- › they have a function in the aircraft's operation, or
- › both the manufacturer has authorised the carriage of each person, and the holder of the provisional certificate holds an approval for carrying persons from CASA or an authorised person.

Provisionally certificated aircraft – additional requirements for operators (91.870)

The operator of a provisionally certified aircraft must hold an approval from CASA, or an authorised person, for procedures for use by flight crew and personnel who carry out a ground support duty in both:

- › operating the aircraft, and
- › landing at and taking off from an aerodrome if take-off or approach over a populous area is necessary.

Experimental aircraft – operating requirements (91.875) (CASA EX 81/21)

Where an experimental certificate has been issued for the aircraft, before flight you and the operator must ensure that:

- › the certificate has been issued and is in force
- › any certificate conditions or requirements, can be complied with
- › the flight is not an air transport operation or a balloon transport operation
- › the flight is either:
 - › for a purpose mentioned in regulation [21.191](#) for which the certificate was issued, or
 - › a kind of operation permitted in [91.880](#)

- › the flight must be under the VFR by day, or the holder of the certificate must hold an approval from CASA or an authorised person
- › if a flight is over a built up area of a city or town, the holder of the certificate must hold an approval from CASA or an authorised person
- › if the flight is over a public gathering, the holder of the certificate must only pass over the public gathering when arriving or departing an aerodrome or transiting in the normal course of navigation (EX 81/21)
- › if the aircraft's experimental certificate is subject to a condition limiting the area within which the aircraft may be flown, the flight must remain within that area
- › if the aircraft is carrying a passenger:
 - » the total number of persons onboard must not exceed that allowed under 91.885
 - » each passenger must be notified before boarding that the design, manufacture and airworthiness of the aircraft are not required to meet any standards recognised by CASA
 - » a placard complying with the MOS requirements must be displayed inside the aircraft (see Figure 23).
- › if the aircraft is carrying a person that is not a crew member whose presence is essential to the operation of the aircraft, it must have been shown that the aircraft:
 - » is controllable throughout its normal range of speeds and throughout all manoeuvres to be executed
 - » has no hazardous operating characteristics or design features.



An experimental aircraft certificate may be issued for:

- › *research and development*
- › *showing compliance with the regulations*
- › *training an applicant's flight crew*
- › *exhibition*
- › *air racing*
- › *market surveys*
- › *operating amateur-built aircraft*
- › *operating kit-built aircraft*
- › *private operation of prototype aircraft previously certified under regulation [21.191](#) (a) (b) or (d)*
- › *operating a light sport aircraft that:*
 - » *has been assembled from a kit for which the applicant can provide the information required in regulation [21.193](#) (e), or*
 - » *has been assembled from the kit manufacturer's instructions, or*
 - » *is the same make and model as a production aircraft covered under regulation [21.186](#)*
- › *operating a light sport aircraft covered by regulation [21.186](#), for which a special certificate of airworthiness or another document of similar effect under the law of an ICAO Contracting State has been issued.*



Image | CASA

Experimental aircraft – placards (MOS 27.01)

The following placard must be displayed inside an experimental aircraft in full view of the passengers:

Figure 23: Warning placard



Exception: For aircraft flown before 1 December 1999 the MOS 27.01 placard requirement (above) is satisfied if the following text is displayed in full view of all the passengers.



Experimental aircraft – kinds of operations permitted (91.880)

The kinds of operation permitted in an experimental aircraft in [91.875](#) are:

- › taking the aircraft to a place for maintenance
- › taking the aircraft from a place where maintenance has been done
- › testing the aircraft after maintenance
- › flying training (other than for issuing a pilot licence)
- › practice in flying the aircraft
- › demonstrating or testing the aircraft for sale
- › delivering the aircraft to a person under a contract of sale
- › for an amateur-built aircraft or a kit-built aircraft – flying training given to the aircraft's owner
- › for an experimental aircraft subsequently approved for glider towing by the the Gliding Federation of Australia Inc, ARN 217932 (the GFA), glider towing, provided the operator:
 - » is a member of the GFA, and
 - » complies with the GFA memberships rules for glider towing EX81/21.

Experimental aircraft – maximum number of persons to be carried (91.885)

The maximum number of persons that may be carried on an experimental aircraft is:

- › the number specified in any approval, or
- › for a Part 103 aircraft, unless otherwise approved, 2 persons, or
- › the lesser of the number of persons the aircraft was designed to carry, or 6 persons.

Primary category aircraft and intermediate category aircraft – operating requirements (91.890)

You and the operator must ensure flights in primary or intermediate category aircraft, have a special certificate of airworthiness in force. Such flights must not be an air transport operation.



An aircraft can be certified in the primary category if:

- > *it is unpowered*
- > *it is powered by a single naturally aspirated engine with a maximum stall speed of 61 knots or a rotorcraft powered by a single naturally aspirated engine with a 29.3 kg per square metre main rotor disc loading limitation (ISA)*
- > *has a MTOW of 1225 kg or 1530 kg (for seaplanes)*
- > *has a maximum seating capacity of 4 (including the pilot)*
- > *has an unpressurised cabin.*



An aircraft can be certified in the intermediate category if:

- > *it is an aeroplane with a maximum stall speed of 61 knots*
- > *if it is a rotorcraft with a 29.3 kg/square metre main rotor disc loading limitation (ISA)*
- > *has a MTOW of 1750 kg*
- > *has a maximum seating capacity of 4 (including the pilot)*
- > *has an unpressurised cabin.*

Light sport aircraft – operators (91.895)

A light sport aircraft operator must not operate the aircraft unless a special certificate of airworthiness has been issued and is in force.



A light sport aircraft is an aircraft other than a helicopter which:

- > *has a MTOW of less than:

 - » 600 kg, or
 - » 650 kg for an aircraft intended for water operations, or
 - » 560 kg for lighter-than-air aircraft*
- > *has a maximum stalling speed V_{SO} 45 knots calibrated airspeed (CAS) at the MTOW and most critical centre of gravity*
- > *has a maximum seating capacity of 2 (including the pilot)*
- > *if powered, is single-engine (non-turbine) with a propeller*
- > *has a non-pressurised cabin*
- > *has fixed landing gear for operation over land*
- > *has fixed or repositionable landing gear for water operations*
- > *for a glider, has a fixed or retractable landing gear and a never-exceed-speed (V_{ne}) of 135 knots CAS.*



Light sport aircraft – pilots (91.900)

You may only operate a light sport aircraft provided it has a special certificate of airworthiness which is in force and it is operated:

- › solely under Part 91, or Part 103, or
- › for flying training.

A placard which complies with the MOS must be displayed inside the aircraft so that each person who boards the aircraft is notified of the contents of the placard.

You must comply with the aircraft operating instructions, including the necessary equipment listed by the manufacturer, and any safety direction or requirement issued by the manufacturer.

Exception: *The aircraft's manufacturer may approve operation of the aircraft in contravention of the instruction, directions or requirement above.*

Exception: *If the manufacturer of the aircraft no longer exists or can no longer provide instructions for the continuing airworthiness of the aircraft, references to the 'manufacturer of the aircraft' include references to a person appointed by CASA to perform the functions of the manufacturer in relation to the continuing airworthiness of the aircraft.*

Light sport aircraft – placards (MOS 27.02)

When carrying passengers in a light sport aircraft the following placard must be displayed in their full view.

Figure 24: Placard

THIS AIRCRAFT WAS
MANUFACTURED IN
ACCORDANCE WITH
LIGHT SPORT AIRCRAFT
AIRWORTHINESS
STANDARDS AND DOES NOT
CONFORM TO STANDARD
CATEGORY AIRWORTHINESS
REQUIREMENTS.

Flights under special flight permits (91.905)

You may only fly an aircraft with a special flight permit that authorises the flight, and you comply with the conditions on the permit.

If you are the only person on the aircraft, you must carry a copy of the permit on the aircraft.

If an additional person is carried, you and the operator must ensure a copy of the permit is displayed where the person will see it. In addition, before boarding, a person must also be informed:

- › that the aircraft is being operated under a special flight permit
- › the reasons for the issue of the permit
- › what the permit authorises.



A special flight permit may be issued under Part 21 to allow an aircraft to be flown for the purpose of: maintenance or storage; delivery or export; testing for production; removal from danger; demonstration to a customer (for aircraft that have completed flight production flight tests); assisting in search and rescue; assisting in a state of emergency; operating above maximum certificated take-off weight for long-range flights in specific circumstances.

Flight tests for the purpose of completion of a maintenance action or assessment flight, as detailed in the aircraft maintenance manual, may be conducted by entering the requirement in the aircraft flight and technical log without the need for a special flight permit to be issued.

Special certificate of airworthiness – application (91.910)

The following regulations (91.915, 91.920) apply to the operation of an aircraft for which a special certificate of airworthiness is in force.



A special CoA may be issued in the following categories:

- › primary
- › intermediate
- › restricted
- › limited
- › amateur-built under an-amateur built aircraft acceptance (ABAA).

Aircraft with special certificates of airworthiness – maintenance release (91.915)

You or the operator must not allow a flight to begin unless a maintenance release or a certificate of release to service for the aircraft is in force.

Exception: *This regulation does not apply to an aircraft for which a special flight permit is in force.*

Aircraft with special certificates of airworthiness – flight tests to be conducted in certain areas (91.920)

You may only flight test an aircraft over:

- › open water
- › a sparsely populated area
- › an unpopulated area
- › an area where, in the event of a loss of control of the aircraft, there would be minimal risk to other air traffic.

In addition, for an amateur-built aircraft, a flight test can only be over and in an area for which the holder of the certificate of airworthiness holds an approval from CASA or an authorised person.



Image | Lufthansa AG

21. Foreign aircraft

Foreign-registered aircraft – Chicago Convention (91.965)

You and the operator of a foreign-registered aircraft flown in Australian territory must comply with the requirements of the Chicago Convention relating to the:

- › nationality and registration marks of the aircraft
- › aircraft's certificate of airworthiness
- › holding, number and description of crew member licences and ratings
- › documents to be carried by the aircraft
- › flight and manoeuvre of the aircraft
- › carriage or fitting of radio equipment.

Exception: *The requirement relating to the aircraft's certificate of airworthiness does not apply if a special flight authorisation has been granted in relation to the flight.*

Note: The requirements of the Chicago Convention about certificates of airworthiness apply to aircraft with a standard certificate of airworthiness. Foreign aircraft with the equivalent of a special certificate of airworthiness or a special flight permit require a special flight permit to be flown in Australian territory (see regulation 91.970).

Exception: *The requirements of the Chicago Convention relating to documents to be carried, aircraft flight and manoeuvre, and fitting and carriage of radio equipment do not apply to the extent that the requirement is inconsistent with a requirement under another provision of Part 91.*

Foreign-registered aircraft – special flight authorisations (91.970)

A person may apply to CASA for a special flight authorisation to fly a foreign-registered aircraft in Australian territory without a certificate of airworthiness.

You must comply with any conditions of the special flight authorisation that is in force.

Foreign-state aircraft – approval to fly in Australian territory (91.975)

When a state aircraft of a foreign country is flown in Australian territory, you and the operator must ensure the operator holds an approval for the flight.

You must comply with any conditions on the operator's approval.

Foreign-registered aircraft – major defect – CASA direction (91.980)

If CASA is satisfied that a foreign-registered aircraft of a Contracting State operating in Australian territory has a major defect, CASA may issue a written direction to a person which must not be contravened imposing conditions on the operation of the aircraft where:

- › requested by the national aviation authority, or
- › CASA is satisfied it is necessary for the safety of air navigation.



Image | CASA

Foreign-registered aircraft – CASA to notify contracting state of direction (91.985)

If CASA issues a direction, CASA must give the national aviation authority of the state:

- › notice in writing of the action taken, together with a copy of the direction
- › a written report of the defect.

Foreign-registered aircraft – CASA may revoke direction (91.990)

Revocation following notification by Contracting State

A direction issued under 91.980 may be revoked by CASA if the national aviation authority of the Contracting State tells CASA, in writing, that it:

- › has revoked any suspension of the certificate of airworthiness of the aircraft that they had imposed, or
- › considers that the defect giving rise to the direction by CASA is not of such a nature as to prevent the aircraft from fulfilling the minimum safety requirements adopted by the Contracting State under the Chicago Convention, or
- › considers that, in the circumstances of the case, the aircraft should be permitted to fly, with nobody onboard other than crew members, to a place where the defect can be repaired.

However, CASA must not revoke the direction if it is satisfied that doing so would adversely affect the safety of air navigation.

Revocation if CASA satisfied direction no longer necessary

In writing, CASA may revoke a direction if CASA is satisfied that it is no longer necessary for the safety of air navigation.

Foreign-registered aircraft – when direction or revocation takes effect (91.995)

A direction or the revocation of a direction issued under 91.980 does not have effect until it has been served:

- › on a person, or
- › has been affixed to the relevant aircraft.

Note: For service of documents on a person, see section 28A of the Acts Interpretation Act 1901.

ADS-B OUT equipment on certain foreign-registered aircraft in private operations

Exception: *The pilot of a private ferry operation of a foreign registered aircraft covered by the operator's foreign certificate is exempted from carrying at least 1 ADS-B OUT equipment under the IFR in A,B,C,D,E and G airspace. See Table 27 Surveillance equipment appendix A.*

They are also exempted from having the ADSB-OUT equipment serviceable.

They must not land within Australian territory at more than 2 intermediate stops unless unforeseen circumstances arise. The sole purpose of landing is limited to refuelling, flight planning and complying with Australian customs and immigration requirements. See EX 81/21.



Image | CASA

22. Minimum equipment list (MEL)

Definitions (91.925)

For a type of aircraft, a master minimum equipment list or MMEL, is a document which:

- › includes a list of items in the aircraft that may (subject to any conditions or limitations specified in the document) be inoperative for a flight of the aircraft
- › is prepared by the holder of the type certificate for the aircraft
- › is approved by the national aviation authority that issued the type certificate for the aircraft.

For an aircraft, a minimum equipment list or MEL, is a document which:

- › includes a list of items in the aircraft that may (subject to any conditions or limitations specified in the document) be inoperative for a flight of the aircraft
- › is prepared by the operator of the aircraft
- › is approved under [91.935](#)
- › complies with the requirements in 91.930, and includes any variation to the document approved under [91.940](#).

A rectification interval, for an item in an MEL that may become inoperative, means the period within which the item must be rectified after the discovery that the item is inoperative.

Requirements for minimum equipment list (91.930)

The MOS prescribes:

- › the contents of an MEL
- › the calculation and specification of rectification intervals for items in the MEL
- › the conditions and limitations that may or must be included in the MEL.



The conduct of Part 91 operations does not necessitate the use of an MEL. However, due to the associated safety benefits, operators may choose to apply to CASA seeking approval for an MEL.

An MEL is a document that allows for the operation of an individual aircraft by a specific operator under specified conditions, with item(s) of equipment inoperative at the time of dispatch for an intended flight.

An MEL consists of an approved list of the specific inoperative equipment for a particular aircraft, not for an aircraft make and model. Its use is described in the associated procedures contained in an operator's maintenance control manual and/or operations manual, or other appropriately documented procedures (for Class B aircraft).

An MEL is derived from an MMEL and is normally not less restrictive than the corresponding MMEL, except where regulatory requirements permit. An operator's MEL must consider the aircraft configuration, type of operation and operating environment.

An approved MEL for an aircraft is a non-transferable document. If an aircraft moves from one operator to another, the new operator cannot automatically use the previously approved MEL.

Irrespective of the provisions of the MEL, you may require a defect to be rectified after considering operational implications, multiple unserviceabilities, and additional failures during continued operation with inoperative systems or components.

The requirement to have an MEL is defined according to the type of operations conducted. Refer to the regulations below for requirements:

- › 121.060 operator to have minimum equipment list for certain flights (air transport operations – larger aeroplanes)
- › 133.035 operator to have minimum equipment list for certain flights (air transport operations – rotorcraft)
- › 135.045 operator to have minimum equipment list for certain flights (air transport operations – smaller aeroplanes).

The regulations above prescribe the requirement for an operator to have an MEL in some circumstances. Subpart 91.Y of CASR prescribes the technical requirements of an MEL.

Definitions (MOS 28.02)

For this section:

- › *Category A rectification interval* means a rectification interval other than 3 days, 10 days or 120 days
- › *Category B rectification interval* means a rectification interval that is 3 consecutive days
- › *Category C rectification interval* means a rectification interval that is 10 consecutive days
- › *Category D rectification interval* means a rectification interval that is 120 consecutive days
- › *day*, in relation to a rectification interval for an inoperative item of equipment, means the calendar day starting after 12 midnight on the day of discovery of the inoperative item
- › a reference to *days (plural)* means consecutive days
- › *day of discovery*, in relation to an inoperative item of equipment for an aircraft, means the day that information about the inoperative state of the item is recorded in the flight technical log for the aircraft
- › *extendable rectification interval* means:
 - › a Category B rectification interval or
 - › a Category C rectification interval
- › *item* means an item of equipment as defined in this section
- › *MMEL* means master MEL
- › *UTC* means Coordinated Universal Time as determined by the International Bureau of Weights and Measures.

Note: The UTC is located at bipm.org/en/

MEL – contents (MOS 28.03)

An MEL must include:

- › the name of the operator of the aircraft, including any operating or trading name
- › the aircraft type, model, registration mark and serial number
- › a list of the items in the aircraft, 1 or more of which may be inoperative for a flight
- › identification of the MMEL on which the MEL is based
- › definitions of any unique terms used in the MEL
- › guidance for the use and application of the MEL
- › a statement of whether rectification intervals will be calculated in accordance with the local legal time or UTC.

The MEL must also:

- › describe the item
- › specify whether the rectification interval for the item is a Category A, B, C or D
- › set out the conditions or limitations (if any) that must be complied with if the aircraft is to conduct a flight with the item inoperative

- › if the aircraft must comply with an operational procedure to fly with the item inoperative:
 - » set out the operational procedure, or
 - » if the procedure is in another document, include a cross-reference to the procedures and the document
- › if the aircraft requires maintenance to conduct the flight with the item inoperative:
 - » set out the maintenance data, or
 - » if the maintenance data is in another document, include a cross-reference to the data and the document.

For an aircraft that can provide an ACAS resolution advisory (RA) set out in MOS 11.06, the information regarding the RCP 240 and RSP 180 capabilities (as applicable) of the aircraft must be included in the MEL.

If the operator intends to extend the rectification interval of an inoperative item in accordance with 91.945, the operator must set out, in the MEL, the procedures used to extend the rectification interval must include:

- › who, on behalf of the operator, may extend the rectification interval
- › how the operator ensures compliance with the requirements of the approval of an extension of the rectification interval (*see* 91.945).

Compliance with the MMEL (MOS 28.04)

An aircraft's MEL must be based on the MMEL for the aircraft type.

The MEL must not be less operationally restrictive than the MMEL in the same circumstances.

Examples:

- › if the MMEL specifies a rectification interval for an inoperative item, the MEL must not specify a less restrictive rectification interval
- › if the aircraft is to fly with an inoperative item and the MMEL specifies conditions or limitations that must be complied with, the MEL must include conditions or limitations for the item that are at least as restrictive as those in the MMEL.

Compliance with the regulations (MOS 28.05)

An MEL must not permit an aircraft to operate with an inoperative item if the flight would contravene the regulations.

If the regulations permit an aircraft to operate with an inoperative item, the MEL may permit the operation with the inoperative item in accordance with the regulations, even if the MEL is less restrictive than the MMEL.

Examples:

- › if a provision of the regulations permits an aircraft to operate for a period with an inoperative item and the period is less restrictive than the rectification interval for the item specified in the MMEL – the rectification interval for the item in the MEL may be based on the period mentioned in the provision
- › if a provision of the regulations permits an aircraft to operate with an inoperative item subject to conditions or limitations, and these are less restrictive than those in the MMEL – the conditions or limitations specified in the MEL for the item must be at least as restrictive as those specified in the provision.

Compliance with the AFM (MOS 28.06)

An MEL must not permit an aircraft to fly with an inoperative item in contravention of any of the conditions, limitations or emergency procedures specified in the AFM.

If the MMEL does not specify rectification intervals (MOS 28.07)

If the MMEL does not specify a rectification interval for an inoperative item, the rectification interval for the item in an MEL must clearly reflect the item's significance for the safe operation of the aircraft.

Effects of repairs or modifications made to the aircraft (MOS 28.08)

If a repair or modification is made, and the approval for the repair or modification places a new condition on the aircraft to fly with an inoperative item, then the conditions or limitations specified in the MEL for the inoperative item, must be at least as restrictive as those specified in the approval for the repair or modification.

Approval of minimum equipment list (91.935)

An operator may apply, in writing, for the approval of an MEL to:

- › CASA, or
- › a Part 42 continuing airworthiness management organisation, or
- › if the aircraft is not flown under Parts 121, 133 or 135, an authorised person.

A person, to whom the application has been made, may approve an MEL application if they are satisfied that the MEL:

- › complies with the requirements in 91.930 (which prescribes the contents, the calculations and the specification of rectification intervals as well as the conditions and limitations to be included in the MEL)
- › will enable the operator to operate the aircraft safely.

An application must include the proposed MEL.

Note: Not all aircraft must have an MEL. Other provisions of the CASRs may require certain aircraft to have an MEL. This regulation sets out how an MEL for an aircraft must be approved.

Approval of variations (91.940)

An operator may apply in writing to vary the approved MEL, to:

- › CASA, or
- › a continuing airworthiness management organisation permitted under Part 42 to approve variations, or
- › an authorised person, if the aircraft is not flown under Parts 121, 133 or 135.

The variation may be approved if the person to whom the application has been made, is satisfied that:

- › it complies with the requirements in 91.930 (which prescribes the contents, the calculations and the specification of rectification intervals as well as the conditions and limitations to be included in the MEL), and
- › it will enable the operator to operate the aircraft safely.

The operator must include the proposed MEL variation in the application.

Approval of extensions of rectification intervals (91.945)

Approval of extension on application

An operator may apply, in writing, for the approval of an extension of the rectification interval for an item in an MEL to:

- › if the operator is not a continuing airworthiness management organisation (CAMO), and there is a Part 42 CAMO for the aircraft permitted to approve the extension—that organisation, or
- › in any case – CASA.

CASA or a CAMO may approve the application for an extension.

Approval of extension without application

Subject to the requirements for approval of extension (below) a CAMO may approve an extension, if:

- › the CAMO is the operator of the aircraft
- › the CAMO is permitted, under Part 42, to approve the extension.

Requirements for approval of extension

An extension of the original rectification interval for an item in an MEL must not be approved unless:

- › the item is inoperative
- › the original rectification interval is of a kind prescribed by the MOS (i.e. Category B or C)
- › the operator is unable to rectify the item before the original rectification interval ends because of circumstances beyond their control
- › the original rectification interval has not previously been extended in accordance with this regulation during the same continuous period throughout which the item has been inoperative
- › the MMEL does not prohibit extending the rectification interval for the item
- › if a provision of these regulations (other than Subpart 91.Y) permits the aircraft to operate with the item inoperative for a maximum period – the extended rectification interval for the item will not exceed that period
- › the extended rectification interval will not exceed the period prescribed by the MOS.

Matters to be set out in an approval

An approval extension must be in writing that sets out:

- › details of the inoperative item
- › a statement to the effect, that the operation of the aircraft with the inoperative item is permitted in accordance with this regulation
- › the day on which the extended rectification interval starts (being a day not earlier than the day the notice is given)
- › the day on which the extended rectification interval ends.

For a CAMO approval, the following must also be included:

- › the CAMO's name and approval certificate reference number
- › the name and signature of the individual who approved the extension on behalf of the CAMO.

Extension of rectification interval (MOS 28.09)

For [91.945](#), an application can be made to extend the rectification interval from the original as follows:

- › an original Category B rectification interval may be extended by a maximum of 3 days
- › an original Category C rectification interval may be extended by a maximum of 10 days.

Note: A rectification interval that has been extended once may not be further extended.

Effect of approval (91.950)

An extension of the rectification interval for an item specified in an MEL that is approved, allows the aircraft to operate during the extended rectification interval.

If Part 42 does not apply to the aircraft, a copy of the approval of the extension must be kept with the aircraft's maintenance release throughout the period of the extension.

CASA to be notified of extensions approved by a continuing airworthiness management organisation (91.955)

If a CAMO has approved the MEL extension, the operator must notify CASA in writing within 10 days of the start of the extended rectification interval of the following:

- › the aircraft's registration mark
- › details of the inoperative item
- › the original rectification interval for the item
- › the extended rectification interval
- › the day the extended rectification interval took effect
- › the reason why the item could not be rectified before the end of the original rectification interval.

Operation of aircraft with multiple inoperative items not permitted in certain circumstances (91.960)

The MEL must not be applied to permit the aircraft's operation where an aircraft has more than one inoperative item under the MEL and the number and kind of inoperative items, or the relationship between the items, is such that they:

- › reduce the aircraft's operational level of safety, or
- › increase the flight crew's workload, and
- › may make the flight unsafe.