

	SAAA CONTROLLED DOCUMENT	
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## Information Paper

# Can I buy and rebuild an Amateur-Built Experimental Aircraft?

This information paper provides guidance to persons considering purchasing an aircraft to **rebuild**.

### 1. INTRODUCTION

Every once in a while, a damaged, written-off, derelict or unloved amateur-built experimental aircraft comes on the market for sale, with the prospect of it being suitable for rebuild. Can a person buy such an aircraft and legally rebuild it? That is the question this information paper attempts to answer.

### 2. REGISTERED VH- AIRCRAFT

If the aircraft (aeroplane or helicopter) is currently and will remain VH- registered, the answer is generally easy – NO you cannot legally rebuild it. You can't do a thing to it, unless you have a LAME licence, or, if you have previously built an essentially similar amateur-built experimental aircraft and were legally allowed to maintain it. (as mentioned in the current Legislative Instrument which permits us to maintain aircraft that we build)

Any work on a registered VH- aircraft, whether it is dead or alive, is maintenance.

Examine the Civil Aviation Regulations (CAR 1988) and things expand.

#### ***CAR 2 Interpretation***

***class B aircraft*** means an Australian aircraft that is not a class A aircraft.

*(a Class A aircraft is basically, an RPT aircraft, not a private one that we are dealing with)*

#### **CAR 42ZC** *(shortened here for clarity)*

- (1) The holder of the certificate of registration for, the operator of, and the pilot in command of, an Australian aircraft must not authorise or permit any maintenance to be carried out on the aircraft in Australian territory by a person if the person is not permitted by this regulation to carry out the maintenance.



(4) A person may carry out maintenance on a class B aircraft in Australian territory if:

(a) the person holds an aircraft engineer licence that permits him or her to perform maintenance certification for the maintenance;

**or**

(dd) the following requirements are satisfied:

(i) the aircraft is an amateur-built aircraft,

(ii) the person is included in a class of persons prescribed by legislative instrument issued by CASA for the purposes of this subparagraph;

(iii) the maintenance is carried out in accordance with any conditions prescribed by legislative instrument issued by CASA for the purposes of this subparagraph

### **3. NOT REGISTERED AIRCRAFT**

What about aircraft that are no longer registered? Surprisingly, an aircraft that is not registered in Australia is not technically an Australian Aircraft (for which all the regulations intend to apply) and so the question of who may work on it suddenly becomes very grey indeed.

#### **Civil Aviation Act Part I 3 Interpretation**

***Australian aircraft means:***

**(a) aircraft registered in Australia; and**

**(b) aircraft in Australian territory, other than foreign registered aircraft and state aircraft**

That is not to say that we are endorsing non-qualified persons working on unregistered aircraft. If you want a proper ruling, ask CASA. But you don't want ***an opinion*** from the person you speak with, you need a regulatory reference – ***facts*** to prove it one way or the other.

### **4. WHAT DOES ALL THIS ULTIMATELY MEAN FOR SOMEONE CONSIDERING REBUILDING AN AMATEUR-BUILT EXPERIMENTAL AIRCRAFT?**

Our advice would be to tread very carefully indeed. There have been cases of people just blindly purchasing an aircraft for rebuild, without delving in to these sort of questions, not only of ***can they?*** but ***should they?***

Without being a LAME or doing it under the “essentially similar” clause previously described, you would have to be doing more than 51% of the total work, and you would have to be able to supply proof of what you did in order to be eligible for a new Experimental Certificate.