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CIVIL AERONAUTICS AUTHORITY

WASHINGTON, D.C.

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AMENDMENT OF THE

C I V I L A I R R E G U L A T I O N S

PART 01

AIRCRAFT REGISTRATION AND AIRWORTHINESS CERTIFICATES

PART 02 ×

TYPE AND PRODUCTION CERTIFICATES

× Section 04.000 Airworthiness Certificate

× Section 60.32 Identification Mark

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EXPLANATORY MEMORANDUM

PARTS 00, 01 AND 02 AND SECTIONS 60.32 AND 04.000

AS AMENDED NOVEMBER 3, 1939

In order to bring the Parts of the regulations dealing with registration, identification, and certification of aircraft into conformity with the provisions of the Civil Aeronautics Act of 1938 and to simplify and clarify such regulations, the attached revisions of Parts 00, 01 and 02 and sections 60.32 and 04.000 of the Civil Air Regulations were adopted by the Authority on November 3, 1939. They are not yet effective, and will not be made effective until the necessary forms, instructions, and procedures have been drafted and promulgated and notice to that effect is issued by the Authority. The amendments provide for certain rearrangement and for changes in substance and in form.

Rearrangement

Part 00 has been stricken and the contents of Part 00 have been transferred to Part 01. The contents of former Part 02 have been transferred to Part 60, and such of the provisions of former Part 01 which deal with type and production certificates have been transferred to the amended Part 02. Thus the new Part 01 includes the provisions for the registration and certification of individual aircraft; Part 02 includes the provisions dealing with type and production certificates and Part 60 includes all of the regulations on identification of aircraft. This rearrangement facilitates reference to regulations affecting the flying public without unnecessary inclusion of regulations affecting only aircraft manufacturers.

Changes in Substance and Form

(1) The duration periods of airworthiness certificates and the methods of renewal and reinstatement of such certificates have been changed. Under the existing regulations a temporary airworthiness certificate is issued in

the field and expires 90 days after issuance. The inspector's report of the examination of the aircraft is forwarded to the Washington office and, if no objection is found to the issuance of a certificate in the particular case, a "permanent" certificate is issued which is of 12 months' duration. Thereafter, each 12 months the owner of the aircraft presents the airworthiness certificate for renewal and the inspector, after examination and approval of the aircraft, takes up the old certificate and issues a new one. In order to eliminate delay in the issuance of permanent certificates and also the cost of issuing renewal certificates, a new duration clause has been provided in the attached Part (section 01.23).

Under the revision, a permanent airworthiness certificate will be issued for the aircraft in the field. The inspector's report of the examination of the aircraft will be forwarded to the Washington office, and, if within 60 days the holder is not notified of any objection, the certificate will be of indefinite duration. Thereafter, each 12 months the owner of the aircraft will present the airworthiness certificate to an inspector for endorsement and the inspector, after an examination and approval of the aircraft, will endorse the certificate, thus continuing it in effect for an additional 12 months' period.

If the owner of the aircraft fails to secure an endorsement at the end of the endorsement period or after re-examination by an inspector at any time, such as the examination required after a major repair or alteration, the certificate automatically expires.

(2) Under the existing regulations the operation limitations of a certificated aircraft, such as gross weight, no passengers to be carried, etc., in most instances, appeared on the face of the airworthiness certificate. Under the revision each airworthiness certificate will be accompanied by an Aircraft Operations Record which will contain these limitations (section 01.22). This will facilitate issuance and alteration

of operation limitations without the necessity of issuing a new certificate in each instance.

(3) An airworthiness certificate under the present regulations is issued to the owner of the aircraft and may not be transferred upon the sale of the aircraft. Under the revision an airworthiness certificate will be issued for a particular aircraft and not in the name of the owner. Upon the transfer of ownership, the certificate will remain with the aircraft for which it was issued.

(4) The existing regulations in section 00.4 provides that upon the transfer of ownership of a registered aircraft the aircraft may be operated without registration for a period of 60 days from the date of transfer, provided the registered owner endorses the certificate and delivers it to the purchaser and on the same day the purchaser mails an application for a new certificate to the Authority in Washington.

This procedure has caused some inconvenience to those dealing in aircraft, for quite often three or four sales will be made within a few days after the registered owner of the aircraft has transferred it. The usual course is for the manufacturer, who is the registered owner, to sell to a distributor, who sells to a dealer, who then sells to the ultimate purchaser. The regulations, of course, only provided for operation without registration by the one who had purchased the airplane from the registered owner. Thus, in the case above cited, the dealer and the ultimate purchaser were not able to operate the airplane until their applications had been filed, properly processed in the Washington office, and a registration certificate received by them.

The attached amendment eliminates this inconvenience to a large extent. The only duty imposed upon the persons, who take title to the aircraft within the 60 days of the date the registered owner transfers ownership, is to notify the Authority in writing of the transfer of ownership, or to apply for a registration certificate. Thus, in the case cited above, the manufacturer will endorse the registration certificate to the distributor and the distributor will notify the Authority of the transfer of ownership. The distributor will give the endorsed certificate to the dealer and the dealer will notify the Authority of this transfer of ownership. The ultimate purchaser can then file application for registration within the 60-day period and operate the airplane without registration until that period has elapsed.

(5) The experimental certificate has been eliminated by the attached amendment. The purpose of an experimental certificate was to provide for certification of aircraft which did not comply with the airworthiness requirements set forth in Part 04, but which were deemed, in the opinion of an inspector of the Authority, to possess no apparent unairworthy features. Since the Act requires all civil aircraft operated in air commerce to have a currently effective airworthiness certificate, the former experimental certificate would not have met the requirements of the Act. Despite the elimination of the experimental certificate the procedure for issuing an airworthiness certificate for experimental purposes will be much the same in the attached amendment as it formerly was. If, after examination, an inspector determines that the aircraft is in condition for safe operation for experimental purposes, he will issue an airworthiness certificate for it and in the "Aircraft Operations Record" will limit the operation of the aircraft to experimental flights.

(6) Because the experimental certificate has been eliminated, the NX identification mark has been deleted. In lieu thereof, section 60.32 provides that NR identification marks will be issued to aircraft certificated as airworthy either for experimental purposes or for other special operations.

A comparison of the attached revision of the existing regulations will indicate that numerous substantial changes have been made.

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CIVIL AERONAUTICS AUTHORITY
WASHINGTON, D. C.

AMENDMENT OF THE CIVIL AIR REGULATIONS

Deletion of Part 00

Amendment of Part 01

Amendment of Part 02

Amendment of Section 04.000

Amendment of Section 60.32

This revision was adopted by the Authority on November 3, 1939, but is not effective, and will not be made effective until the necessary forms, instructions, and procedures have been drafted and promulgated.

Effective _____*, the Civil Air Regulations, as amended, are amended as follows:

AMENDMENT NO. _____
OF THE CIVIL AIR
REGULATIONS

REGISTRATION, AIRWORTHINESS, TYPE, AND PRODUCTION CERTIFICATES AND IDENTIFICATION MARKS

1. Parts 00 and 01, as amended, of the Civil Air Regulations are hereby stricken and the following new Part 01 is inserted in lieu thereof:

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*NOTE: This amendment will not become effective until the necessary forms, instructions, and procedures have been drafted and promulgated.

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PART 01--AIRCRAFT REGISTRATION AND AIRWORTHINESS CERTIFICATES

Sec.		Sec.	
01.1	Registration certificates.	01.30	Display, cancellation and surrender.
01.10	Application.	01.31	Inspection.
01.11	Duration.	01.32	Operation of damaged or altered certificated aircraft.
01.12	Transferability and interim operation.	01.33	Maintenance of certificated aircraft.
01.13	Invalidation.	01.34	Periodic and other inspections of certificated aircraft.
01.2	Airworthiness certificates.	01.35	Log-books.
01.20	Application.	01.36	Notification and report of accidents.
01.21	Requirements for issuance.		
01.22	Aircraft Operation Record requirements.		
01.23	Duration.		
01.24	Transferability.		
01.3	Registration and airworthiness certificate rules.		

01.1 Registration certificates.

01.10 Application. Application for the registration of an aircraft shall be made upon the applicable form prescribed and furnished by the Authority, and shall be accompanied by proper documentary evidence of the applicant's ownership of the aircraft sought to be registered.

01.11 Duration. The registration and certificate issued pursuant thereto shall be of sixty days' duration and, unless the holder thereof is otherwise notified by the Authority within such period, shall continue in effect indefinitely thereafter except that it shall immediately expire upon the date (1) the ownership of the aircraft is transferred, (2) the aircraft is registered under the laws of any foreign country, (3) the registration of the aircraft is cancelled at the written request of the owner, or (4) the aircraft is totally destroyed or scrapped.

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01.12 Transferability and interim operation. A registration certificate is not transferable. Upon the transfer of ownership of an aircraft registered as an aircraft of the United States, the aircraft may be operated without registration for a period of 60 days from the date of such transfer,* if the following conditions are complied with:

(a) On the date the registered owner transfers ownership of such aircraft, he shall endorse the registration certificate in the manner provided thereon and deliver such certificate to the purchaser. The purchaser shall, on the date of the purchase, either file application for registration or advise the Authority in writing of the date of the purchase and his name and address.

(b) If, prior to the re-registration of the aircraft, a further transfer or transfers of ownership of the aircraft shall be made, each person making such transfer shall give the registration certificate to the purchaser. The purchaser shall, on the date of the purchase, either file an application for registration or advise the Authority in writing of the date of the purchase and his name and address.

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*Note: Any operation of the aircraft without registration after this 60 day period is a violation of the Act. Therefore, if the purchaser is not going to make further transfer of the aircraft it is to his advantage to make application for a registration certificate as soon as possible in order to have the aircraft registered within the 60 day period.

01.13 Invalidation. Any registration of an aircraft by the Authority shall be null and void if at the time of registration (a) the aircraft was registered under the laws of any foreign country; or (b) the person registered as owner was not the true and lawful owner of the aircraft; or (c) the person registered as owner was not a citizen of the United States as defined in section 1 (13) of the Civil Aeronautics Act of 1938, or the interest of such person in the aircraft was created by any transaction not entered into in good faith but for the purpose of avoiding, with or without the knowledge of the registered owner, the provision of the Civil Aeronautics Act of 1938, prohibiting the registration of an aircraft in the name of a person not a citizen of the United States.

01.2 Airworthiness certificates.

01.20 Application. Application for an airworthiness certificate may be made by the registered owner of any aircraft registered as an aircraft of the United States upon the applicable form prescribed and furnished by the Authority.

01.21 Requirements for issuance. Prior to the issuance of an airworthiness certificate, the subject aircraft shall be inspected by a duly authorized representative for the Authority to determine whether it is in condition for

safe operation and complies with the airworthiness requirements specified in the Civil Air Regulations: Provided, That an airworthiness certificate may be issued for an aircraft for which no such certificate has previously been issued and which has been manufactured under a type certificate or under a type and a production certificate if the applicant for such certificate, upon request, presents to a duly authorized representative for the Authority a Statement of Conformity properly executed by the manufacturer of the aircraft on a form prescribed and furnished by the Authority, and if the aircraft satisfactorily passes an inspection made to determine whether such aircraft is in condition for safe operation: Provided further, That an aircraft manufactured under a type certificate only shall undergo, and an aircraft manufactured under a type and a production certificate may be required to undergo, an inspection to determine whether such aircraft conforms to the type certificate under which it is manufactured.

01.22 Aircraft Operation Record requirements. An aircraft for which an airworthiness certificate is currently in effect, hereinafter referred to in these regulations as a certificated aircraft, shall not be operated unless there is attached to such airworthiness certificate the appropriate Aircraft Operation Record prescribed and issued by the Authority, nor shall such aircraft be operated other

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than in accordance with the limitations for safe operations prescribed and set forth by the Authority in such record. An aircraft for which an airworthiness or experimental certificate is in effect on the effective date of this section may be operated without an Aircraft Operation Record until expiration, cancellation, or revocation of any such certificate.

01.23 Duration. An airworthiness certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Authority within such period, shall continue in effect indefinitely thereafter, unless suspended, revoked, or cancelled by the Authority, except that it shall immediately expire (1) at the end of a specifically designated period* after the date of issuance of the certificate or after the date of the last endorsement thereof, whichever is later, if the holder of such certificate fails to secure within such period an examination or inspection by an authorized inspector for the Authority, or (2) at any time an authorized inspector of the Authority shall refuse to endorse such certificate after examination or inspection.

*Note: A statement of duration in substantially the form of § 01.23 will appear on all airworthiness certificates. The above reference to a "specifically designated period" means the period which will be designated on each airworthiness certificate. Under ordinary circumstances an airworthiness certificate will have to be endorsed each year.

01.24 Transferability. An airworthiness certificate and the attached currently effective Aircraft Operation Record, upon transfer of ownership, shall remain with the aircraft for which they were issued.

01.3 Registration and airworthiness certificate rules.

01.30 Display, cancellation and surrender.

01.300 Display. A registration and an airworthiness certificate shall be carried at all times in the aircraft for which such certificates have been issued, and shall be presented upon the request of any duly authorized representative for the Authority, or any State or municipal official charged with enforcing local laws or regulations involving Federal compliance.

01.301 Cancellation. An airworthiness certificate may be cancelled upon the written request of the registered owner of the aircraft.

01.302 Surrender. Upon the cancellation, suspension, revocation, expiration, or invalidation of a registration certificate or an aircraft airworthiness certificate, the owner of the aircraft shall, upon request, surrender such certificates to any officer or employee of the Authority.

01.31 Inspection. An inspector of the Authority shall be permitted at any time and place to make such inspections as may be deemed necessary to determine compliance with the requirements of this Part of the Civil Air Regulations.

01.32 Operation of damaged or altered certificated aircraft. If any certificated aircraft shall be damaged so as to require a major repair, or shall undergo a major alteration (see Part 18 of the Civil Air Regulations), such aircraft shall not be operated until examined, inspected and approved by a duly authorized representative for the Authority. When a certificated aircraft, or any aircraft engine or propeller thereof, has undergone a major repair or major alteration, such aircraft shall, prior to carrying passengers, be test flown by a pilot having not less than 200 solo hours and holding an appropriate rating for the aircraft to be test flown.

01.33 Maintenance of certificated aircraft. A certificated aircraft shall not be operated unless maintained in condition for safe operations.

01.34 Periodic and other inspections of certificated aircraft.

01.340 Periodic inspection. A certificated aircraft shall not be operated unless, within the 100 hours of flight time last preceding such operation, such aircraft shall have been given a periodic inspection. Such inspection shall be made by a person to whom there has been issued a currently effective and appropriate mechanic certificate, and shall be made in accordance with the Periodic Aircraft Inspection Report form prescribed and furnished by the Authority: Provided, That in the case of aircraft

operated in scheduled air transportation service, such inspection shall be made in accordance with a form acceptable to the Authority. The results of such inspection shall be entered in the aircraft log-book and on the Periodic Aircraft Inspection Report form over the signature and certificate number of the person making the same.

01.341 Other inspections. In all cases, except inspections following repairs or alterations to certificated aircraft, the registered owner shall be responsible for having such aircraft given a periodic inspection, by a person to whom there has been issued a currently effective and appropriate mechanic certificate, within a reasonable time prior to presentation for inspection by a duly authorized representative of the Authority. In cases of inspections following repairs or alterations of aircraft, such representative may require such inspection of the aircraft as he deems necessary, by a person to whom there has been issued a currently effective and appropriate mechanic certificate. The results of such inspections shall be entered in the aircraft log-book over the signature and certificate number of the person making the same.

01.35 Log-books.- The registered owner of a certificated aircraft shall be responsible for the maintenance and, upon request, the presentation to a duly authorized representative for the Authority, of a log-book for the aircraft and a log-book for each engine installed therein.

Such log-books shall be current, accurate, legible, and permanent records. The aircraft log-book shall contain a complete operating history of the aircraft which shall include, but shall not be limited to, flight time of the aircraft, reports of periodic or other inspections, repairs, and alterations of the aircraft structure and propellers. Each engine log-book shall contain a complete operating history of the aircraft engine to which it pertains, which shall include, but shall not be limited to, the running time of the engine, both on the ground and in the air, reports of periodic or other inspections, repairs, and alterations of the aircraft engine.

01.36 Notification and report of accidents. Notification and report of accidents involving aircraft shall be made in accordance with the Air Safety Board regulations on this subject.*

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*Note: The Air Safety Board regulations on this subject are as follows:

(1) Notification. When death or serious injury to person or substantial damage to property results from an accident involving aircraft, the airman concerned and the registered owner or operator of the aircraft, if physically able, shall notify the Air Safety Board of the Civil Aeronautics Authority immediately, either in person or by telegraph or telephone, stating the registered number of the aircraft and the time, place and nature of the accident: Provided, That notification, for the attention of the Air Safety Board, to the Civil Aeronautics Authority or any of its inspectors, shall be deemed to constitute notification to the Air Safety Board in accordance with this paragraph. If notification is to be given direct to the Air Safety Board, such notification may be made to

either the principal office of the Air Safety Board in Washington, D. C., or to its nearest known branch office or field representative.

(2) Report. All accidents involving aircraft which cause death or injury to person, or damage to the aircraft or other property, shall be reported without delay by, or on behalf of, the airman and by, or on behalf of, the registered owner or operator of the aircraft to the Air Safety Board of the Civil Aeronautics Authority at its nearest office. Such reports shall be submitted on accident report forms provided for this purpose by the Air Safety Board and shall include all facts, conditions, and circumstances relating to the accident and all pertinent information for which space is provided on the report form.

NOTE: See § 60.32 for identification mark requirements for aircraft.

2. Part 02, as amended, of the Civil Air Regulations is hereby stricken and the following new Part 02 is inserted in lieu thereof:

" PART 02--TYPE AND PRODUCTION CERTIFICATES

Sec.		Sec.	
02.1	Type certificates.	02.22	Production Limitation Record.
02.10	Application.	02.23	Duration.
02.11	Requirements for issuance.	02.24	Transferability.
02.12	Duration.	02.3	Type and production certificate rules.
02.13	Transferability and license.	02.30	Display.
02.2	Production certificates.	02.31	Cancellation.
02.20	Application.	02.32	Surrender.
02.21	Requirements for issuance.	02.33	Inspection.
		02.34	Statement of Conformity.
		02.35	Production reports.

02.1 Type certificates.

02.10 Application. Application for a type certificate for an aircraft, aircraft engine, propeller, or for any appliance specified in the Civil Air Regulations as eligible for such certificate, shall be made upon the applicable form prescribed and furnished by the Authority.

02.11 Requirements for issuance. The applicant shall submit, with the application or within a reasonable time thereafter, technical data, including drawings, representing the design, material, specifications, construction, and performance of the aircraft, aircraft engine, propeller, or appliance, and during manufacture and after completion, such aircraft, aircraft engine, propeller, or appliance shall be subjected to specified tests and shall successfully meet specified standards. The foregoing shall be successfully

accomplished in such manner and form as may be required by the Civil Air Regulations.

02.12 Duration. A type certificate shall be of indefinite duration, unless cancelled, suspended, or revoked by the Authority.

02.13 Transferability and licensing. A type certificate is transferable, and the benefits of such certificate may be extended by licensing arrangements. In the event of any transfer or licensing arrangement, the person making the transfer or granting the license shall immediately notify the Authority in writing. Upon the termination of any licensing arrangement, the person holding the license shall immediately notify the Authority in writing.

02.2 Production certificates.

02.20 Application. Application for a production certificate for an aircraft, aircraft engine, propeller, or for any appliance specified in the Civil Air Regulations as eligible for such certificate, shall be made upon the applicable form prescribed and furnished by the Authority.

02.21 Requirements for issuance. The applicant shall hold a currently effective type certificate for the type of aircraft, aircraft engine, propeller, or appliance proposed to be manufactured or shall hold a current right to the benefits of such type certificate under a licensing arrangement. The applicant shall also demonstrate, to the satisfaction of the Authority, that he is adequately prepared to

produce duplicates of the aircraft, aircraft engine, propeller, or appliance for which such type certificate has been issued.

02.22 Production Limitation Record. The benefits of a production certificate shall be available only with respect to the type certificate or certificates set forth in the currently effective Production Limitation Record*, prescribed and issued by the Authority, which shall be attached to the production certificate.

02.23 Duration. A production certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Authority within such period, shall continue in effect indefinitely thereafter, unless cancelled, suspended, or revoked by the Authority.

02.24 Transferability. A production certificate shall not be transferred.

02.3 Type and production certificate rules.

02.30 Display. Type and production certificates shall be presented upon the request of any duly authorized representative of the Authority, or any State or municipal official charged with enforcing local laws or regulations involving Federal compliance.

*NOTE: This Record will contain a list of the type certificates with respect to which the production certificate is applicable. It supplants the "letter of transmittal" heretofore issued.

02.31 Cancellation. Type and production certificates may be cancelled upon the written request of the holder thereof.

02.32 Surrender. Upon the cancellation, suspension, revocation, or expiration of a type or production certificate, the holder thereof shall, upon request, surrender such certificate to any officer or employee of the Authority.

02.33 Inspection. An inspector of the Authority shall be permitted at any time and place to make such inspections as may be deemed necessary to determine compliance with the requirements of this Part of the Civil Air Regulations.

02.34 Statement of Conformity. The holder of a type certificate or of a current right to the benefits of a type certificate under a licensing arrangment, upon the transfer by him of the ownership of any aircraft manufactured under such type certificate, shall, unless an airworthiness certificate has previously been issued, furnish to the transferee of such aircraft a Statement of Conformity on a form prescribed and furnished by the Authority.

02.35 Production reports. On the first day of January and July of each year and at such other times as the Authority may require, every holder of a type certificate, of a production certificate, or of a current right to the benefits of a type certificate under a licensing arrangement, shall transmit to the Authority a correct and completely executed production report on the form prescribed and furnished by the Authority. Such reports shall be transmitted regardless of whether any aircraft, aircraft engines, propellers, or appliances were constructed during the period covered by the report."

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immediate vicinity of the manufacturer's airport or for the sole purpose of delivery to the foreign purchaser.

60.32@ Location for display. The identification mark on conventional aircraft shall be displayed, in the case of a biplane, on the lower surface of the lower left wing and on the upper surface of the upper right wing and, in the case of a monoplane, on the lower surface of the left wing and the upper surface of the right wing: Provided, That if the length of the lower left wing of a biplane is less than one-half the length of the upper left wing, the identification mark shall be displayed on the lower surface of the upper left wing as far to the left as possible. The top of the letters and figures shall be toward the leading edge. The height shall be at least four-fifths of the mean chord but need not exceed 30 inches. The mark shall also be located on both sides of the vertical tail surface of all conventional airplanes, of a size as large as a two-inch margin will permit. On gliders the letters and figures shall be displayed in the same manner and place prescribed for conventional airplanes except the minimum height shall be 15 inches. On aircraft other than conventional airplanes or gliders the identification mark shall be displayed in such manner as may be prescribed by the Authority upon examination of a three-view drawing to scale of the aircraft.

60.321 Lettering. The width of the letters and figures (except the figure 1) shall be at least two-thirds of their height. The width of each stroke shall be at least one-sixth of the height of the letters and figures, which shall be of uniform size. The space between such letters and figures shall be not less than one-sixth of the height. Such letters and figures shall be painted on the aircraft in a solid color and on a clearly contrasting background. Such identification mark shall be kept clean and clearly visible. No other design, mark, or symbol which might modify or confuse the assigned mark shall be placed on the aircraft except with the approval of a duly authorized inspector of the Authority."

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4. Section 04.000 of Part 04 of the Civil Air Regulations is amended so as to read as follows:

"04.000 Airworthiness certificate. The airworthiness requirements specified hereinafter shall be used as a basis for the certification of airplanes: Provided, That an airplane manufactured in accordance with, and conforming to, the current aircraft specifications issued therefor prior to the effective date of these regulations will be eligible for an airworthiness certificate if the Authority determines such airplane is in condition for

safe operation: Provided further, That an airplane which has not demonstrated compliance with the airworthiness requirements specified hereinafter but which, in the opinion of the Authority, is in condition for safe operation for experimental purposes or for particular activities, will be eligible for an airworthiness certificate."