



U.S. Department
of Transportation
Federal Aviation
Administration

Advisory Circular

Subject:

PUBLIC AIRCRAFT

Date: 12/21/88

Initiated by: AIR-200

AC No: 20-132

Change:

1. PURPOSE. This advisory circular (AC) provides guidance that public aircraft status under the Federal Aviation Act (FA Act) does not permit operations outside the territorial limits of the United States without a valid U.S. airworthiness certificate.

2. REFERENCE. The FA Act of 1958 sections 101(36) and 1102.

3. BACKGROUND.

a. Under the FA Act, as amended, all U.S.-registered civil aircraft except public aircraft are required to carry an airworthiness certificate in order to operate. "Public aircraft" are defined in section 101(36) of the FA Act as follows:

"aircraft used exclusively in the service of any government or of any political subdivision thereof including the government of any State, Territory, or possession of the United States, or the District of Columbia, but not including any government-owned aircraft engaged in carrying persons or property for commercial purposes."

b. The Federal Aviation Administration (FAA) has received numerous queries concerning public aircraft. A recent situation involved a U.S.-registered aircraft leased to a foreign government and operated in a third country. The question raised was whether the words "any government" in section 101(36) of the FA Act were to be taken literally so that the aircraft would not require a U.S. airworthiness certificate.

c. The FAA Chief Counsel reviewed the issue and reasoned as follows: Section 1102 of the FA Act requires the agency to act consistently with U.S. international obligations. Thus, even if an aircraft may be defined as a public aircraft under U.S. statutes and is not required to carry an airworthiness certificate for domestic operations, the requirement to carry an airworthiness certificate in international operations must be determined in light of international obligations. Article 31 of the Convention on International Civil Aviation (the Chicago Convention, to which the U.S. is a party) requires that every aircraft engaged in international air navigation be provided a certificate of airworthiness issued, or rendered valid, by the state of registry. Article 20 of this

agreement also requires that all aircraft engaged in international air navigation must be registered. Only "state aircraft" are excluded from these two requirements by virtue of language appearing in Article 3 of the Convention. The term "state aircraft" is defined by Article 3(b) of the Convention to include those used in military, customs, and police services.

d. On the basis of this analysis, the Chief Counsel concluded that the leased aircraft was not a "state aircraft" and hence, as a U.S. civil aircraft being operated in international air navigation, required a valid U.S. airworthiness certificate.

4. CRITERIA. U.S.-registered public aircraft operating within the territorial limits of the United States are not required to have an airworthiness certificate. All U.S.-registered aircraft engaged in international air navigation are required to have a valid certificate of airworthiness. Only "state aircraft" (e.g., those used by U.S. military, customs, or police) are excluded from this requirement. Questions concerning the "state aircraft" status of other aircraft should be directed to the Assistant FAA Chief Counsel in the region where the aircraft is located.



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Service