



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. .



William J. Sullivan, Acting
Director, Aircraft Certification
Service