



WELLINGTON NEW ZEALAND

PURSUANT TO Section 30 of the Civil Aviation Act 1990

I, WILLIAM ROBSON STOREY, Minister of Transport,

HEREBY MAKE the following ordinary rule.

SIGNED AT Wellington

this 1st day of October 1992

by WILLIAM ROBSON STOREY

Minister of Transport

A handwritten signature in black ink, appearing to read "W. Robson Storey".

Civil Aviation Rules Part 61

Pilot Licences and Ratings

Docket Nr. 1005

**Civil Aviation Rules
Part 61**

PILOT LICENCES AND RATINGS

RULE OBJECTIVE AND EXTENT OF CONSULTATION

The objective of Part 61 is to define a regulatory safety boundary that will ensure New Zealand pilots continue to be qualified and competent to a standard that meets or exceeds International Civil Aviation Organisation Annex 1 requirements. Part of this objective will be met through the introduction of a lifetime licensing system for pilots.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. This register was identified as the Regulatory Review Consultative Group. Seventy organisations and individuals registered their wish to be consulted in the development of rules for pilot licensing.

A draft of Part 61 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft consisting of the General Subpart and the four Licensing Subparts was published and distributed in November 1991. This was followed by the three Rating Subparts which were published and distributed in December 1991.

An intensive period of informal consultation followed. This included written submissions from

the consultants, telephone discussions, and meetings between the responsible technical specialist and various industry groups at regional venues.

This informal consultative process culminated in the issue of Notice of Proposed Rule Making 92-3 under Docket number 1005-NR on 8 April 1992.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 8 April 1992.

The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of sixty three days was allowed for comment on the proposed Rule. Thirty seven written submissions were received from industry in response to this notice. Further consultations were held with almost all parties to discuss the detail of the submissions that had been made. Those submissions and discussions were fully considered, and the proposed rules amended as appropriate to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

List of Rules

Subpart A — General

61.01	Applicability	1
61.05	Requirement for Licence and Ratings	1
61.07	Licences and Ratings	2
61.09	Exchange of Terminating Licence for Lifetime Licence	2
61.11	Application and Qualification	2
61.13	Offences Involving Substances of Abuse	2
61.15	Duration of Licence and Ratings	2
61.17	Written Examinations - Prerequisites and Grades	3
61.19	Cheating or Other Unauthorised Conduct	3
61.21	Flight Tests - Prerequisites	3
61.23	Flight Tests - General Procedures	3
61.25	Flight Training and Testing - General Requirements	3
61.27	Status of Flight Examiners	4
61.29	Pilot Logbooks - General	4
61.31	Pilot Logbooks - Crediting Flight Time	5
61.33	Pilot Logbooks - Crediting Ground Time	6
61.35	Medical Requirements	6
61.37	Recent Flight Experience	7
61.39	Biennial Flight Review	8
61.41	Use of Lower Licence or Rating	8
61.43	Examination for Continued Fitness or Proficiency	8

Subpart B — Aircraft Type Ratings

61.51	Applicability	9
61.53	Eligibility Requirements	9
61.55	Aircraft Type Ratings	9

Subpart C — Student Pilots

61.101	Applicability	10
61.103	General	10
61.105	Solo Flight Requirements	10
61.107	Limitations	10

Subpart D — Private Pilot Licences

61.151	Applicability	11
61.153	Eligibility Requirements	11
61.155	Privileges and Limitations	11
61.157	Currency Requirements	12

Subpart E — Commercial Pilot Licences

61.201	Applicability	13
61.203	Eligibility Requirements	13
61.205	Privileges and Limitations	13
61.207	Currency Requirements	14

Subpart F — Airline Transport Pilot Licences

61.251	Applicability	15
61.253	Eligibility Requirements	15
61.255	Privileges	15
61.257	Currency Requirements	15

Subpart G — Flight Instructor Ratings

61.301	Applicability	16
61.303	Eligibility Requirements	16
61.305	Privileges and Limitations	18
61.307	Currency Requirements	20

Subpart H — Instrument Ratings

61.351	Applicability	21
61.353	Eligibility Requirements	21
61.355	Privileges and Limitations	21
61.357	Currency Requirements	21

Part 61 Pilot Licences and Ratings

Subpart A — General

61.01 Applicability

This Part prescribes the requirements for issuing pilot licences and ratings, the conditions under which they are necessary, and the privileges and limitations of those licences and ratings.

61.05 Requirement for Licence and Ratings

(a) **Pilot licence - New Zealand aircraft flown in New Zealand.** Subject to paragraphs (b) and (c), no person shall act as a pilot of a New Zealand registered aircraft within New Zealand unless that person holds —

(1) an appropriate current pilot licence issued to that person by the Director under this Part, or issued under the Civil Aviation Regulations 1953; or

(2) a foreign pilot licence validated by the Director.

(b) A pilot who complies with Subpart C (Student Pilots) is not required to hold a pilot licence.

(c) Pilots piloting microlight aircraft, gliders, powered gliders, or balloons, where the aircraft is not being flown for remuneration or used for hire or reward, are not required to hold pilot licences issued under this Part.

(d) **Pilot licence - New Zealand aircraft flown overseas.** Subject to paragraph (e), no person shall act as a pilot of a New Zealand registered aircraft within a foreign country unless that person holds —

(1) an appropriate current pilot licence issued to that person by the Director under this Part, or issued under the Civil Aviation Regulations 1953; or

(2) an appropriate current pilot licence issued or validated by the country in which the aircraft is operated.

(e) Paragraph (d) shall not apply to pilots piloting New Zealand registered microlight aircraft, gliders, powered gliders, or balloons within a foreign country.

(f) **Pilot licence - Foreign aircraft.** Subject to paragraphs (b) and (c), no person shall act as a pilot of a foreign registered aircraft within New Zealand unless that person holds —

(1) an appropriate current pilot licence issued to that person by the Director under this Part, or issued under the Civil Aviation Regulations 1953; or

(2) an appropriate current pilot licence issued or validated by the country of aircraft registry; or

(3) an appropriate current pilot licence issued by a country other than the country of aircraft registry, provided that the licence is validated by the Director.

(g) **Aircraft type rating.** No person, other than a person flying pursuant to Subpart C, shall act as a pilot of a New Zealand registered aircraft, or of a foreign registered aircraft within New Zealand, unless that person holds an appropriate aircraft type rating.

(h) **Flight instructor rating.** Subject to paragraph (i), no person shall give flight instruction in the piloting of aircraft unless that person is the holder of a current flight instructor rating of a category specified in this Part, that is appropriate for the flight instruction given.

(i) Pilots giving flight instruction in the piloting of microlight aircraft, gliders, powered gliders, or balloons, are not required to hold a flight instructor rating of a category specified in this Part, but are required to comply with all requirements prescribed under other Parts of these rules or under the Civil Aviation Regulations 1953 for pilots giving flight instruction in the piloting of those aircraft.

(j) **Instrument rating.** Subject to paragraph (k), no pilot shall engage in flight under IFR unless the pilot is the holder of a current instrument rating for the category of aircraft used for the flight.

(k) A person undergoing instrument flight instruction or an instrument flight test may engage in flight under IFR if the pilot-in-command of the aircraft is the holder of a current instructor rating and a current instrument rating meeting the requirements for single pilot operation for the category of aircraft used for the flight.

Part 61 Pilot Licences and Ratings

- (l) **Privileges, limitations and currency requirements.** The holder of a current licence or rating issued under this Part or the Civil Aviation Regulations 1953 shall have the privileges, and be subject to the limitations and currency requirements, specified for that licence or rating under this Part.

61.07 Licences and Ratings

- (a) The following licences and ratings are issued under this Part:
- (1) Private Pilot Licence (Aeroplane) or (Helicopter) with Flight Radiotelephone Operator rating:
 - (2) Commercial Pilot Licence (Aeroplane), (Helicopter), (Glider), or (Balloon):
 - (3) Instrument Rating (Aeroplane) or (Helicopter):
 - (4) Airline Transport Pilot Licence (Aeroplane) or (Helicopter):
 - (5) Aircraft type ratings:
 - (6) Flight instructor ratings Category E, D, C, B and A (Aeroplane) or (Helicopter).
- (b) Senior commercial pilot licences (previously issued under the Civil Aviation Regulations 1953) are not issued under the Civil Aviation Rules but may be exchanged under 61.09 for a lifetime senior commercial pilot licence.
- (c) Flight radiotelephone operator ratings, instrument ratings, and flight instructor ratings shall be shown on the pilot's licence. All other ratings shall be shown in the pilot's logbook but may additionally be shown on the pilot's licence.
- (d) Any endorsement on a pilot's licence or medical certificate that prohibits any particular activity shall override any other endorsement, or any change of endorsement, that appears to permit such activity.

61.09 Exchange of Terminating Licence for Lifetime Licence

- (a) Pilot licences issued before the date this Part comes into force remain valid until their normal expiry date.

- (b) The holder of a pilot licence expiring on or after 5 November 1987 who applies for a new licence under this Part, is granted a licence upon application without further examination or test.
- (c) The holder of a pilot licence expiring before 5 November 1987 who applies for a licence under this Part shall pass an approved air law examination paper and an issue flight test for that licence before it will be granted.
- (d) Ratings held on a licence issued before the date this Part comes into force carry over to a licence issued under this Part.

61.11 Application and Qualification

- (a) An application for a licence or rating issued under this Part shall be made on form CAA 24061/01 and as specified on that form.
- (b) An applicant for a licence or rating issued under this Part is required to be a fit and proper person.
- (c) An applicant for a pilot licence or rating issued under this Part must have sufficient ability in reading, speaking and understanding the English language to enable the applicant to adequately carry out his or her responsibilities as the holder of that licence or rating.
- (d) An applicant for any licence or rating shall comply with all of the eligibility requirements specified in the Subpart for that licence or rating.

61.13 Offences Involving Substances of Abuse

A conviction for any offence relating to alcohol or drugs, or a refusal to submit to any test for alcohol or drugs, shall be relevant for determining whether a person is or remains fit and proper to hold a licence or rating. Such a conviction may result in a refusal-to-grant, suspension or revocation of the licence or rating.

61.15 Duration of Licence and Ratings

- (a) Except as provided in paragraph (b), the Director shall grant licences issued under this Part for the lifetime of the holder.
- (b) The Director may, where he or she considers it necessary, issue a temporary licence or rating.

Part 61 Pilot Licences and Ratings

61.17 Written Examinations - Prerequisites and Grades

- (a) An applicant for a written examination under this Part shall produce written proof of his or her identity.
- (b) An applicant for a written examination under this Part must gain at least 70% of the possible marks in order to pass.
- (c) A pass in a written subject is valid for the lifetime of the holder except for written passes in Air Law which are valid for 5 years.

61.19 Cheating or Other Unauthorised Conduct

- (a) During any written examination under this Part, no person shall —
 - (1) copy from another person; or
 - (2) refer to any unauthorised source of information; or
 - (3) communicate in any way with another person, except the conducting officer; or
 - (4) take an examination on behalf of anyone else; or
 - (5) remove written or printed material from the examination room, unless authorised to do so.
- (b) Any person performing any of the acts specified in paragraph (a) is liable to all or any of the following:
 - (1) failure in that subject:
 - (2) disqualification of all or any subjects already passed:
 - (3) debarment from sitting further examinations for up to 12 months.
- (c) In addition, the performance of that act may result in the suspension or revocation of any licence or rating issued to that person under this or any other Part of these rules or under the Civil Aviation Regulations 1953.

61.21 Flight Tests - Prerequisites

To be eligible for a flight test for a licence or rating issued under this Part, an applicant shall —

- (1) have a logbook record of the required training; and
- (2) have a logbook record of the required flight experience; and
- (3) have proof of identity.

61.23 Flight Tests - General Procedures

The ability of an applicant for a pilot licence or rating to perform the required pilot operations shall be based on the following:

- (1) executing procedures and manoeuvres within the aircraft's performance capabilities and limitations, including use of the aircraft's systems:
- (2) executing emergency procedures and manoeuvres appropriate to the aircraft:
- (3) piloting the aircraft with smoothness and accuracy:
- (4) exercising judgement:
- (5) applying aeronautical knowledge:
- (6) showing complete control of the aircraft, with the successful outcome of a procedure or manoeuvre never seriously in doubt.

61.25 Flight Training and Testing - General Requirements

- (a) An applicant for a licence or rating issued under this Part shall provide an appropriate aircraft for the purpose of undertaking the required flight test and shall provide adequate and private facilities for briefing before and after the flight test.
- (b) Any dual flight instruction or flight testing shall be carried out in an aircraft equipped with —
 - (1) fully functioning dual flight controls; and

Part 61 Pilot Licences and Ratings

- (2) those instruments essential to the manoeuvres planned to be demonstrated during the flight visible to both pilots without excessive parallax error; and
- (3) at least three-point lap-sash harnesses.
- (c) A pilot shall not accumulate instrument flight experience in VMC toward the required instrument flight time for the issue or recent experience requirements of an instrument rating unless —
- (1) fully functioning dual flight controls are installed in the aircraft, unless otherwise approved; and
 - (2) an acceptable means of simulating instrument flight is used by the pilot gaining instrument flight experience; and
 - (3) a safety pilot, holding —
 - (i) a current pilot licence; and
 - (ii) a type rating for that aircraft type; and
 - (iii) if the aircraft is flying at night, a current instrument rating —occupies one control seat with adequate vision ahead and to both sides of the aircraft.
- (d) A pilot shall not accumulate instrument flight experience in IMC toward the required instrument flight time for the issue or recent experience requirements of an instrument rating, unless —
- (1) the aircraft is approved for IFR flight; and
 - (2) fully functioning dual flight controls are installed in the aircraft when 2 pilots are required to be carried; and
 - (3) that pilot is —
 - (i) the holder of a current instrument rating for the appropriate aircraft category; or
 - (ii) undergoing instrument flight instruction or test under a pilot-in-command who holds an appropriate current instructor rating and a current instrument rating for the appropriate aircraft category.

61.27 Status of Flight Examiners

- (a) Subject to paragraph (b), a flight examiner shall not be designated as pilot-in-command of an aircraft during a flight test.
- (b) A flight examiner shall be pilot-in-command under the following circumstances:
 - (1) during a flight test for the initial issue of an instrument rating;
 - (2) during a flight test for an aircraft type rating;
 - (3) when the flight examiner considers this to be necessary in the interests of safety.

61.29 Pilot Logbooks - General

- (a) Every pilot shall maintain a record in ink of their flight time and instrument time in an approved pilot's logbook in accordance with the provisions of this rule, 61.31 and 61.33. Flight time entered in a pilot's logbook that has been lost or destroyed shall only be accepted by the Director for crediting purposes if it can be substantiated by means acceptable to the Director.
- (b) Entries in pilots' logbooks shall be made within the following periods after the completion of the flight to be recorded:
 - (1) for private operations, flight training, domestic air transport operations, and special operations — 7 days;
 - (2) for international air transport operations and aerial work operations (other than flight training operations) — 14 days.

However if a pilot is engaged in flying away from base where the logbook would normally be expected to be kept, the specified periods may be extended to 48 hours after return to base.

- (c) Every pilot shall keep his or her pilot's logbook for at least 12 months from the date of the last flight time entry recorded in it.
- (d) Before a pilot submits his or her pilot's logbook to the Director for any required inspection, the pilot shall —
 - (1) on each page, total each column of entries; and

Part 61 Pilot Licences and Ratings

- (2) in the spaces provided, enter his or her total flight experience; and
 - (3) below the last entry, certify the correctness of the entries; and
 - (4) sign the certification.
- (e) Flight time during which —
- (1) a pilot is receiving dual instruction shall be logged as dual flight time and shall include a record of the air exercises undertaken:
 - (2) a pilot is receiving command practice under the supervision of a pilot-in-command designated by the operator to give command supervision shall be logged as command practice:
 - (3) a pilot is gaining instrument flight experience under actual or simulated instrument flight conditions shall be logged as instrument flight time.
- (f) A person acting as pilot of an aircraft while not complying with any requirement of this Part applicable to that pilot, shall not credit that flight time for any purpose.

61.31 Pilot Logbooks - Crediting Flight Time

- (a) Subject to paragraph (b), the holder of a current pilot licence, when acting as co-pilot in an aircraft required to be operated with a co-pilot, is entitled to be credited with not more than 50% of the co-pilot flight time towards the total flight time experience required for a higher grade of pilot licence.
 - (b) Co-pilot flight time credited towards the issue of a commercial pilot licence shall not exceed 50 hours.
 - (c) Subject to paragraph (d), the holder of a commercial pilot licence or senior commercial pilot licence when acting as co-pilot on air transport operations in aircraft required to be operated with a co-pilot, is entitled to be credited with the total flight time experience during which that co-pilot is performing the duties and functions of a pilot-in-command under the supervision of a pilot-in-command designated for that purpose by the operator, provided that during every such flight that co-pilot —
 - (1) is responsible for checking the accuracy of the proposed flight plan and the load sheet for the flight including the computation of fuel; and
 - (2) ensures that all checks are carried out in accordance with the check system established by the operator to be followed by the crew members of the aircraft —
 - (i) before take-off; and
 - (ii) on take-off; and
 - (iii) in flight; and
 - (iv) on landing; and
 - (v) in any emergency —so as to ensure that the procedures contained in the operations manual or other relevant documents have been complied with by each crew member; and
 - (3) carries out all the duties and functions of a pilot-in-command so far as is practical from the co-pilot flight station, except that for flights of more than 6 hours duration a lesser requirement is acceptable; and
 - (4) in the case of operations conducted by automatic means, takes all decisions relating to the use of the flight and ground systems involved; and
 - (5) ensures that all problems occasioned by meteorological conditions, communications and air traffic control procedures have been resolved —
- and provided also that for every such flight, the pilot-in-command designated to supervise that co-pilot has certified an appropriate entry in that co-pilot's logbook, or a permanent record of the flight has been made by the operator.
- (d) Flight time experience of the kind specified in paragraph (c) that is credited towards an airline transport pilot licence shall not exceed 500 hours.
- (e) A pilot manipulating the flight controls of an aircraft, under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points, is entitled to be credited with the instrument flight time thus acquired toward the total instrument flight time experience required for —

Part 61 Pilot Licences and Ratings

- (1) a higher grade of licence; or
 - (2) an instrument rating; or
 - (3) the recent experience requirement of an instrument rating already held.
- (f) A pilot-in-command, when supervising a co-pilot manipulating the flight controls of an aircraft under actual (but not simulated) instrument flight conditions, is entitled to be credited with the instrument flight time thus acquired towards the total instrument flight experience required as recent experience to maintain the currency of his or her instrument rating.
- (g) A flight instructor, when supervising a pilot manipulating the flight controls of an aircraft under actual or simulated instrument flight conditions, is entitled to be credited with the instrument flight time thus acquired towards maintaining the currency of his or her instrument rating. This credit shall not exceed 3 hours in any three-month period.
- (h) A flight examiner is entitled to be credited with flight time during which he or she is carrying out a flight test. This shall be recorded as being in the capacity of *Flight Examiner* and shall be deemed to be pilot-in-command time.

61.33 Pilot Logbooks - Crediting Ground Time

An applicant for the issue of a licence or rating, or renewal of a rating, is entitled to be credited with the instrument ground time during which he or she is under the supervision of an appropriately qualified instructor in an approved synthetic flight trainer, provided the instructor certifies the time in the pilot's logbook.

61.35 Medical Requirements

- (a) A person holding a pilot licence issued under this Part or under the Civil Aviation Regulations 1953 shall not exercise the privileges of that licence and a person acting as pilot of an aircraft under Subpart C (Student Pilots) shall not fly an aircraft solo, unless —

- (1) that person holds an appropriate current medical certificate issued under Part 67 of these rules or an appropriate current licence validity certificate issued under the Civil Aviation Regulations 1953; or
- (2) if that person has been issued a private pilot licence by the Director under 61.153(b) on the basis of a foreign pilot licence and is exercising the privileges of that private pilot licence or flying solo under Subpart C, the medical certification period applying to the foreign pilot licence (at the time the foreign pilot licence was used by the Director as a basis for issuing the private pilot licence) has not expired —

and that person is complying with all medical endorsements on the medical certificate or on the pilot licence, as the case may be.

- (b) A person holding a pilot licence issued under this Part or under the Civil Aviation Regulations 1953 shall not exercise the privileges of that licence, and a person acting as pilot of an aircraft under Subpart C shall not fly an aircraft solo, -

- (1) while that person has a known medical deficiency, or increase of a known medical deficiency, that would make that person unable to meet the medical standards for his or her medical certificate, licence validity certificate or foreign medical certification, as the case may be; or

- (2) after -

- (i) any medical procedure which involves that person being subjected to general anaesthesia; or
- (ii) other major surgery; or
- (iii) in the case of that person being a female who becomes pregnant, the end of the second trimester of pregnancy or after delivery or termination —

until that person is assessed fit again by an Aviation Medical Assessor.

Part 61 Pilot Licences and Ratings

(c) Every person who exercises the privileges of a pilot licence issued under this Part or under the Civil Aviation Regulations 1953, or who flies solo under Subpart C, and who —

(1) does not hold an appropriate current licence validity certificate issued under the Civil Aviation Regulations 1953; or

(2) is not flying under a foreign medical certification in the circumstances specified in paragraph (a)(2) —

shall, on demand by the Director, any employee of the Authority duly authorised by the Director, or any sworn member of the Police, produce an appropriate current medical certificate issued under Part 67, and shall on demand by any such person surrender such medical certificate to that person.

(d) In any prosecution for a breach of paragraph (a) where a demand made on a person under paragraph (c) has not been satisfied by that person, the failure to satisfy that demand shall be *prima facie* evidence that no appropriate current medical certificate was held by that person at the time the privileges of the pilot licence were exercised by that person or at the time the person flew solo under Subpart C, as the case may be.

61.37 Recent Flight Experience

(a) **Airline transport pilot.** The holder of an airline transport pilot licence shall not act as pilot-in-command of an aircraft on an air transport operation unless —

(1) within the immediately preceding 90 days that person has carried out, as pilot-in-command of an aircraft of the same type or of a Zero Flight Time (ZFT) simulator, not less than 3 take-offs and 3 landings; or

(2) that person has satisfactorily demonstrated, to a flight examiner, continued proficiency in an aircraft of the same type:

Except that one of the landings required by paragraph (a)(1) may be a monitored landing using the automatic landing facility of the autopilot.

(b) **Senior commercial pilot, commercial pilot, private pilot - day flight.** The holder of a senior commercial pilot licence or commercial pilot licence shall not act as pilot-in-command of an aircraft on an air transport operation by day, and the holder of a commercial pilot licence or private pilot licence shall not act as pilot-in-command of an aircraft carrying passengers by day, unless —

(1) subject to paragraph (f), within the immediately preceding 90 days, that person has carried out as pilot-in-command of an aircraft of the same type, or of a ZFT simulator, not less than 3 take-offs and 3 landings by day; or

(2) that person has satisfactorily demonstrated, to a flight examiner, continued proficiency by day in an aircraft of the same type.

(c) **Senior commercial pilot, commercial pilot, private pilot - night flight.** The holder of a senior commercial pilot licence or commercial pilot licence shall not act as pilot-in-command of an aircraft on an air transport operation at night, and the holder of a commercial pilot licence or private pilot licence shall not act as pilot-in-command of an aircraft carrying passengers at night, unless —

(1) subject to paragraph (f), within the immediately preceding 90 days, that person has carried out as pilot-in-command of an aircraft of the same type or of a ZFT simulator, not less than 3 take-offs and 3 landings by night; or

(2) that person has satisfactorily demonstrated, to a flight examiner, continued proficiency by night in an aircraft of the same type:

Except that if compliance with paragraph (b) can be shown, the experience by night need not be in an aircraft of the same type.

(d) To comply with paragraphs (a)(1), (b)(1) and (c)(1), a helicopter pilot shall fly translation circuits between liftoffs and landings.

Part 61 Pilot Licences and Ratings

- (e) To comply with paragraph (b)(1), a balloon pilot shall ascend to at least 500 feet between liftoffs and landings.
- (f) For the purposes of accumulating the 3 take-offs and 3 landings required in paragraphs (b)(1) and (c)(1), the holder of a current Category A flight instructor rating may count take-offs and landings whether by day or by night.
- (g) Where the privileges of a licence issued under this Part have not been exercised for 5 years or more, the licence holder shall pass an approved air law examination and pass an appropriate issue flight test before the privileges of that licence may be exercised again.

61.39 Biennial Flight Review

- (a) The holder of a pilot licence issued under this Part or the Civil Aviation Regulations 1953, shall not exercise the privileges of that licence for longer than 2 years from the date of the issue or renewal flight test for that licence unless the holder has, in accordance with paragraph (b), successfully completed a flight review within the immediately preceding 2 years, and a record to that effect in the form required by paragraph (c) has been endorsed in the holder's log book.
- (b) A biennial flight review shall be conducted by an appropriately qualified flight instructor and shall consist of —
 - (1) A review of the current general operating and flight rules applicable to the use of the licence under review, with particular emphasis upon applicable changes introduced within the immediately preceding 2 year period; and
 - (2) flight instruction to review those manoeuvres and procedures applicable to the use of the licence under review.
- (c) When a flight instructor is satisfied that a flight review has been successfully completed, the flight instructor shall certify the pilot's logbook to that effect.

61.41 Use of Lower Licence or Rating

The holder of a licence or rating issued under this Part or the Civil Aviation Regulations 1953, who does not meet the currency requirements of 61.35 and 61.39 for that licence or rating, but who meets those requirements for a lower licence or rating, may exercise the privileges of that lower licence or rating.

61.43 Examination for Continued Fitness or Proficiency

- (a) The holder of a licence or rating issued under this Part or the Civil Aviation Regulations 1953 shall, when required by the Director and within such period as the Director may determine, undergo a medical or other examination or test to demonstrate his or her continued fitness or proficiency in the capacity for which the licence or rating is held.
- (b) Any medical or other examination or test required by the Director under paragraph (a) shall consist of such part or parts of the medical or other examination or test required by this Part as the Director may determine.
- (c) A person who undergoes a medical or other examination or test under paragraph (a) and who fails to comply with the requirements prescribed for the grant of the licence or rating held, shall not exercise the privileges of that licence or rating.

Subpart B — Aircraft Type Ratings

61.51 Applicability

This Subpart prescribes the requirements for the issue of aircraft type ratings.

61.53 Eligibility Requirements

- (a) To be eligible for an aircraft type rating, a person shall —
- (1) hold a current pilot licence; and
 - (2) have conversion instruction flight experience acceptable to the Director; and
 - (3) for a turbine powered aircraft, have a Basic Gas Turbine rating; and
 - (4) demonstrate to an appropriately qualified flight instructor a satisfactory technical knowledge of the aircraft type for which the rating is required; and
 - (5) demonstrate to an appropriately qualified flight instructor the ability to perform competently all normal, abnormal and emergency manoeuvres appropriate to the aircraft type for which the rating is required; and
 - (6) if applying for an aircraft type rating for an aircraft exceeding 5700 kg MCTOW or for a multi-engined helicopter, —
 - (i) have completed an approved course of technical training on the aircraft for which the type rating is required; and
 - (ii) have passed an approved written examination in the normal, abnormal and emergency procedures for the operation of the aircraft's systems and in the aircraft's performance and weight and balance; and

- (7) if applying for an aircraft type rating for a single-engined helicopter not exceeding 5700 kg MCTOW, have passed an approved written examination in the normal, abnormal and emergency procedures for the operation of the aircraft's systems and in the aircraft's performance and weight and balance. Except that, for helicopters of not greater than 1500 kg MCTOW, an oral examination is acceptable.

61.55 Aircraft Type Ratings

- (a) Aircraft type ratings shall be entered in the pilot's logbook, in a form acceptable to the Director, by a flight examiner or by the flight instructor responsible for the conversion instruction.
- (b) Upon application to the Director and payment of the appropriate fee, pilots may, in addition, have their type ratings printed on their pilot's licence.
- (c) An aircraft type rating shall include any variant, any alternatively named aircraft, or any other aircraft approved as being so similar to the type rated aircraft as to require no further conversion instruction.

Subpart C — Student Pilots

61.101 Applicability

This Subpart prescribes the requirements and limitations for a person wishing to act as pilot of an aircraft (other than a microlight aircraft, glider, powered glider or balloon) while that person does not hold a current pilot licence issued under this Part.

61.103 General

Any person, whether or not the holder of a current pilot licence, may fly dual with an appropriately qualified flight instructor and log those hours as dual flight time.

61.105 Solo Flight Requirements

A person who does not hold a current pilot licence issued under this Part shall not fly an aircraft solo unless —

- (1) that person is at least 16 years of age; and
- (2) that person holds at least a current Class 2 medical certificate issued under Part 67, or a current licence validity certificate issued under the Civil Aviation Regulations 1953; and
- (3) that person has sufficient ability in reading, speaking and understanding the English language to enable him or her to adequately carry out his or her responsibilities as a student pilot; and
- (4) the flight is carried out under the supervision of the holder of a Category C, B or A flight instructor rating who is directly responsible for the actions of that person; and
- (5) the holder of a Category B or A flight instructor rating has certified in that person's logbook that he or she has received instruction and demonstrated competence in the following:

- (i) preparation for flight;
- (ii) starting and run-up procedures;
- (iii) taxiing;
- (iv) straight and level flight;
- (v) climbing and descending;
- (vi) level, climbing and descending turns;

(vii) takeoff, circuit and landing in that type of aircraft;

(viii) practical flight radiotelephony;

(ix) for aeroplanes - stall recognition and recovery, in that type;

(x) for aeroplanes - missed approach;

(xi) for aeroplanes - emergency procedures, in event of engine failure, during and after take-off;

(xii) for helicopters - hovering upwind, downwind and crosswind;

(xiii) for helicopters - autorotative approach and landing, in that type; and

- (6) that person has received dual instruction within the last 5 hours of flight experience unless otherwise authorised by the holder of a Category B or A flight instructor rating; and
- (7) that person has had piloting experience in appropriate aircraft within the immediately preceding 30 days; and
- (8) if the flight is a solo cross country flight, —
 - (i) that flight is authorised by the holder of a Category B or A flight instructor rating; and
 - (ii) that person holds current written examination credits for a private pilot licence in air law, air navigation and flight planning, meteorology, and flight radiotelephony.

61.107 Limitations

A person who does not hold a current pilot licence issued under this Part shall not act as pilot-in-command of an aircraft —

- (1) for remuneration; or
- (2) if the aircraft is being operated for hire or reward; or
- (3) if any other person is being carried on the aircraft other than a flight examiner.

Subpart D — Private Pilot Licences

61.151 Applicability

This Subpart prescribes the requirements for the issue of private pilot licences and the privileges, limitations and currency requirements of those licences.

61.153 Eligibility Requirements

(a) Except as provided in paragraph (b), to be eligible for a private pilot licence a person shall —

- (1) be at least 17 years of age; and
- (2) hold at least a current Class 2 medical certificate issued under Part 67; and
- (3) have at least —
 - (i) 50 hours flight time experience as a pilot in appropriate aircraft comprising solo flight time, dual flight time, instrument time and cross-country flight time acceptable to the Director; or
 - (ii) if the person is not seeking to exercise private pilot privileges on a cross-country flight, have at least 40 hours flight time experience as a pilot in appropriate aircraft comprising solo flight time and dual flight time acceptable to the Director; and
- (4) if the person seeks to exercise private pilot privileges by night, have night flight experience acceptable to the Director; and
- (5) if the person seeks to exercise private pilot (helicopter) privileges in the carriage of sling loads, have flight training on the carriage of sling loads acceptable to the Director; and
- (6) have passed approved written examinations, or approved equivalents, relevant to the VFR operation of light aircraft within New Zealand by private pilots, in the following subjects areas:
 - (i) Air law:
 - (ii) Air navigation and flight planning:
 - (iii) Meteorology:

(iv) Aircraft technical knowledge (Aeroplane) or (Helicopter), as appropriate:

(v) Human factors (as from 1 July 1993):

(vi) Flight radiotelephony; and

(7) demonstrate to a flight examiner general knowledge of and ability to perform competently, those normal and emergency flight manoeuvres applicable to the type of aircraft in which the applicant is being flight tested; and ability to comply with air traffic services practices and procedures.

(b) The Director may issue a private pilot licence to the holder of a current pilot licence issued by a foreign contracting State to the Convention on the basis of that foreign pilot licence.

61.155 Privileges and Limitations

(a) Subject to paragraph (b), a current private pilot licence authorises the holder to —

(1) act, but not for remuneration, as pilot-in-command of an aircraft of the category for which the licence is granted, and for which the pilot holds a type rating, and that is not operated for hire or reward, and to carry passengers in that aircraft; and

(2) act, but not for remuneration, as co-pilot of an aircraft of the category for which the licence is granted, and for which the pilot holds a type rating, and that is not operated for hire or reward, and which is required to be operated with a co-pilot.

(b) The holder of a private pilot licence shall not act as pilot-in-command or as co-pilot of an aircraft —

(1) at night; or

(2) on a cross-country flight; or

(3) in the helicopter carriage of sling loads —

unless an appropriately qualified flight instructor has certified in that holder's logbook that the holder has satisfactorily completed the flight training required to perform that activity.

Part 61 Pilot Licences and Ratings

(c) Notwithstanding paragraph (a)(1), the holder of a current private pilot licence may act, but not for remuneration, as pilot-in-command of an aircraft that is operated for hire or reward in order to:

- (1) tow a glider in flight, provided that the licence holder also holds a glider tow rating and provided that the operation is under the direct control of an organisation affiliated with a gliding organisation certificated under Part 104:

[Until the certification of a gliding organisation under Part 104, an organisation affiliated with the New Zealand Gliding Association is deemed to be an organisation affiliated with a gliding organisation certificated under Part 104 for the purpose of paragraph (c)(1)]

- (2) carry persons intending to make a parachute descent, provided that the licence holder also holds a parachute drop rating and provided that the operation is under the direct control of an organisation affiliated with a parachuting organisation certificated under Part 105:

[Until the certification of a parachuting organisation under Part 105, an organisation affiliated with the New Zealand Parachuting Federation Incorporated is deemed to be an organisation affiliated with a parachuting organisation certificated under Part 105 for the purposes of paragraph (c)(2)]

61.157 Currency Requirements

Holders of private pilot licences are required to comply with the requirements of 61.35 (Medical Requirements), 61.37 (Recent Flight Experience) and 61.39 (Biennial Flight Review) before exercising the privileges of their private pilot licences. In addition, the holder of a private pilot licence (Helicopter) shall not act as pilot-in-command of a helicopter on a VFR flight beyond 5 nautical miles from an aerodrome by night unless one hour of instrument flight time has been completed within the immediately preceding 3 months.

Subpart E — Commercial Pilot Licences

61.201 Applicability

This Subpart prescribes the requirements for the issue of commercial pilot licences and the privileges, limitations and currency requirements of those licences.

61.203 Eligibility Requirements

To be eligible for a commercial pilot licence a person shall —

- (1) be at least 18 years of age; and
- (2) for aeroplane and helicopter applicants, hold a current private pilot licence for that aircraft category; and
- (3) hold a current Class 1 medical certificate issued under Part 67; and
- (4) have at least the following general flight time experience as a pilot, for the category of commercial pilot licence applied for, comprising specific flight experience that is acceptable to the Director for the aircraft category:
 - (i) for aeroplanes — 200 hours, or 150 hours if undertaking a full course of approved training;
 - (ii) for helicopters — 150 hours, or 125 hours if undertaking a full course of approved training;
 - (iii) for gliders — 150 hours;
 - (iv) for balloons — 50 hours; and
- (5) if the person seeks to exercise commercial pilot privileges by night, have night flight experience acceptable to the Director; and
- (6) have passed approved written examinations, or approved equivalents, relevant to the VFR operation of aircraft within New Zealand by commercial pilots, in the following subject areas:
 - (i) Air law;
 - (ii) Flight navigation general;
 - (iii) Meteorology;

(iv) Principles of flight and aircraft performance (Aeroplane), (Helicopter), or (Glider), as appropriate;

(v) General aircraft technical knowledge (Aeroplane), (Helicopter) or (Glider), as appropriate;

(vi) Balloon technical knowledge and aerostatics, if the application is for a commercial pilot licence (Balloon);

(vii) Human factors (as from 1 July 1993); and

(6) demonstrate to a flight examiner general knowledge of and ability to perform competently, those normal and emergency flight manoeuvres applicable to the category of aircraft in which the applicant is being flight tested; and ability to comply with air traffic services practices and procedures.

61.205 Privileges and Limitations

- (a) Subject to paragraph (b), a current commercial or senior commercial pilot licence authorises the holder to —
- (1) exercise any of the privileges of the private pilot licence; and
 - (2) act as pilot-in-command of an aircraft of the category for which the licence is granted, and for which the pilot holds a type rating, that is certificated for single pilot operation, and that is engaged on an operation for hire or reward; and
 - (3) act, until 15 November 1994, as pilot-in-command of an aircraft of the category for which the licence is granted, and for which the pilot holds a type rating, that is required to be operated with a co-pilot and that —
 - (i) is engaged on an aerial work operation; or
 - (ii) if the licence held is a commercial pilot licence, does not exceed 5700 kg MCTOW and is engaged on an air transport operation; or

Part 61 Pilot Licences and Ratings

- (iii) if the licence held is a senior commercial pilot licence, does not exceed 20,000 kg MCTOW and is engaged on an air transport operation —

provided that the holder was acting as pilot-in-command on aircraft of the same type before 5 November 1992; and

- (4) act as co-pilot of an aircraft of the category for which the licence is granted, and for which the pilot holds a type rating, that is required to be operated with a co-pilot, and that is engaged on an operation for hire or reward.

- (b) The holder of a commercial pilot licence shall not act as pilot-in-command or as co-pilot of an aircraft at night unless an appropriately qualified flight instructor has certified in that holder's logbook that the holder has satisfactorily completed the required night flight training.

61.207 Currency Requirements

Holders of commercial and senior commercial pilot licences are required to comply with the requirements of 61.35 (Medical Requirements), 61.37 (Recent Flight Experience) and 61.39 (Biennial Flight Review) before exercising the privileges of their commercial or senior commercial pilot licence. In addition, the holder of a commercial pilot licence (Helicopter) shall not act as pilot-in-command of a helicopter on a VFR flight beyond 5 nautical miles from an aerodrome by night unless one hour of instrument flight time has been completed within the immediately preceding 3 months.

Subpart F — Airline Transport Pilot Licences

61.251 Applicability

This Subpart prescribes the requirements for the issue of airline transport pilot licences and the privileges and currency requirements of those licences.

61.253 Eligibility Requirements.

To be eligible for an airline transport pilot licence a person shall —

- (1) be at least 21 years of age; and
- (2) hold a current commercial or senior commercial pilot licence for that aircraft category; and
- (3) hold a current instrument rating; and
- (4) have at least the following general flight time experience as a pilot, for the category of airline transport pilot licence applied for, comprising specific flight experience that is acceptable to the Director for the aircraft category:
 - (i) for aeroplanes — 1500 hours:
 - (ii) for helicopters — 1000 hours; and
- (5) have passed approved written examinations, or approved equivalents, relevant to the operation of air transport aircraft, in the following subject areas:
 - (i) Air law:
 - (ii) Flight navigation general:
 - (iii) Flight planning:
 - (iv) Meteorology:
 - (v) Instruments and navigation aids:
 - (vi) Human factors (as from 1 July 1993):
 - (vii) Advanced aerodynamics, performance, and systems knowledge (Aeroplane) or (Helicopter) as appropriate (as from 1 July 1993); and

- (6) demonstrate to a flight examiner general knowledge of and ability to perform competently, those normal and emergency flight manoeuvres applicable to the category of aircraft in which the applicant is being flight tested; and ability to comply with air traffic services practices and procedures.

61.255 Privileges

A current airline transport pilot licence authorises the holder to —

- (1) exercise any of the privileges of the commercial and senior commercial pilot licences; and
- (2) act as pilot-in-command of an aircraft of the category for which the licence is granted, and for which the pilot holds a type rating, that is required to be operated with a co-pilot, and that is engaged on an operation for hire or reward.

61.257 Currency Requirements

Holders of airline transport pilot licences are required to comply with the requirements of 61.35 (Medical Requirements), 61.37 (Recent Flight Experience) and 61.39 (Biennial Flight Review) before exercising the privileges of their airline transport pilot licence.

Subpart G — Flight Instructor Ratings

61.301 Applicability

This Subpart prescribes the requirements for the issue of flight instructor ratings and the privileges, limitations and currency requirements of those ratings.

61.303 Eligibility Requirements

(a) To be eligible for the issue of a **Category E flight instructor rating** a person shall —

- (1) be the holder of at least a current commercial pilot licence for the appropriate aircraft category; and
- (2) be the holder of an agricultural rating for the appropriate aircraft category and which is valid for topdressing or spraying as appropriate; and
- (3) have at least 2000 productive hours flight time experience as an agricultural pilot; and
- (4) if the person seeks to instruct in topdressing, have at least 100 hours of topdressing operations flight time experience as a pilot in the appropriate category of aircraft; and
- (5) if the person seeks to instruct in spraying, have at least 100 hours of spraying operations flight time experience as a pilot in the appropriate category of aircraft; and
- (6) demonstrate to a flight examiner adequate technical knowledge of agricultural aviation by passing an oral examination and a flight test that are acceptable to the Director. The applicant shall pass those parts of the oral examination and flight test that are relevant to the instruction to be undertaken — topdressing, spraying or both as appropriate.

(b) To be eligible for the issue of a **Category D flight instructor rating** a person shall —

- (1) be the holder of at least a current commercial pilot licence for the appropriate aircraft category except that, for aeroplane instruction, a person may be the holder of a current private pilot licence (Aeroplane) provided

that person has complied with the written examination, training, and experience requirements prescribed for the initial issue of a commercial pilot licence (Aeroplane); and

- (2) have at least 700 hours flight time experience as a pilot including pilot-in-command experience acceptable to the Director; and

- (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and

- (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine experience acceptable to the Director; and

- (5) if the person seeks to instruct in instrument flight, have an appropriate current instrument rating; and

- (6) demonstrate to a flight examiner the ability to competently instruct for aircraft type conversion by passing an oral examination and a flight test that are acceptable to the Director; and

- (7) if not already the holder of an instructor rating, have satisfactorily completed an approved course with examination in the practice and theory of flight instruction.

(c) To be eligible for the issue of a **Category C flight instructor rating** a person shall —

- (1) be the holder of at least a current commercial pilot licence for the appropriate aircraft category except that, for aeroplane instruction, a person may be the holder of a current private pilot licence (Aeroplane) provided that person has complied with the written examination, training, and experience requirements prescribed for the initial issue of a commercial pilot licence (Aeroplane); and

- (2) have at least 200 hours flight time experience as a pilot in the appropriate aircraft category comprising specific flight experience that is acceptable to the Director; and

- (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and

Part 61 Pilot Licences and Ratings

- (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine experience acceptable to the Director; and
 - (5) if the person seeks to instruct in aerobatic manoeuvres in aeroplanes, have aerobatic experience acceptable to the Director; and
 - (6) have satisfactorily completed an approved course with examination in the practice and theory of flight instruction; and
 - (7) have passed approved examinations in the following subject areas:
 - (i) Helicopter general aerodynamics and performance or Aeroplane principles of flight as appropriate:
 - (ii) Meteorology:
 - (iii) Cross-country navigation techniques:
 - (iv) The practice and theory of flight instruction; and
 - (8) have at least 25 hours dual flight instructor training; and
 - (9) demonstrate to a flight examiner the ability to give flight instruction in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.
- (d) To be eligible for the issue of a **Category B flight Instructor rating** a person shall —
- (1) be the holder of at least a current commercial pilot licence for the appropriate aircraft category except that, for aeroplane instruction, a person may be the holder of a current private pilot licence (Aeroplane) provided that person has complied with the written examination, training, and experience requirements prescribed for the initial issue of a commercial pilot licence (Aeroplane); and
 - (2) be the holder of a **Category C flight instructor rating** for the appropriate aircraft category; and
 - (3) have at least 500 hours flight time experience as a pilot in the appropriate aircraft category comprising specific flight experience that is acceptable to the Director; and
- (4) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
 - (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine experience acceptable to the Director; and
 - (6) if the person seeks to instruct in aerobatic manoeuvres in aeroplanes, have aerobatic experience acceptable to the Director; and
 - (7) have passed approved examinations in the following subject areas:
 - (i) Helicopter general aerodynamics and performance or Aeroplane principles of flight as appropriate:
 - (ii) Meteorology:
 - (iii) Cross-country navigation techniques:
 - (iv) The practice and theory of flight instruction; and
 - (8) demonstrate to a flight examiner the ability to give flight instruction in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.
- (e) To be eligible for the issue of a **Category A flight Instructor rating** a person shall —
- (1) be the holder of at least a current commercial pilot licence for the appropriate aircraft category except that, for aeroplane instruction, a person may be the holder of a current private pilot licence (Aeroplane) provided that person has complied with the written examination, training, and experience requirements prescribed for the initial issue of a commercial pilot licence (Aeroplane); and
 - (2) be the holder of a **Category B flight instructor rating** for the appropriate aircraft category; and
 - (3) for aeroplanes, be the holder of a current instrument rating; and
 - (4) have at least 1250 hours experience in the appropriate aircraft category comprising specific flight experience that is acceptable to the Director; and

Part 61 Pilot Licences and Ratings

- (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine experience acceptable to the Director; and
- (6) have passed approved examinations in the following subject areas:
- (i) Helicopter general aerodynamics and performance or Aeroplane principles of flight, as appropriate:
 - (ii) Meteorology:
 - (iii) Cross-country navigation techniques:
 - (iv) The practice and theory of flight instruction; and
- (7) demonstrate to a flight examiner an above average ability to give flight instruction by day and by night in all normal and emergency flight manoeuvres, and, for aeroplanes, flight instruction in basic aerobatic manoeuvres, by passing an oral examination and a flight test that are acceptable to the Director.
- Provided that the instructor holds a rating for the type of aircraft being used for such instruction or assessment.
- (b) The holder of a Category E flight instructor rating shall not instruct in topdressing or in spraying unless a flight examiner has certified in that holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.
- (c) Subject to paragraph (d), an appropriate current **Category D flight instructor rating** authorises the holder to —
- (1) give the holder of a pilot licence instrument flight instruction to the standard required for an instrument rating using radio aids to navigation; and
 - (2) conduct type ratings; and
 - (3) conduct biennial flight reviews, provided that the instructor is employed by an airline in a training role for that type of aircraft and that the biennial flight review is being conducted as an employee of that airline:

61.305 Privileges and Limitations

- (a) Subject to paragraph (b), an appropriate current **Category E flight instructor rating** authorises the holder to —
- (1) give technical and flight instruction in spraying or topdressing, (including seed sowing, dusting, dropping of poison baits and laying of poison), to the holder of a current pilot licence; and
 - (2) authorise solo practice in spraying or topdressing (including seed sowing, dusting, dropping of poison baits and laying of poison), by the holder of a current pilot licence who does not hold an agricultural rating; and
 - (3) conduct aircraft type ratings on agricultural aircraft; and
 - (4) conduct biennial flight reviews for agricultural pilots:
- Provided that the instructor —
- (1) holds a rating for the type of aircraft being used for such instruction or assessment; and
 - (2) does not give instrument flight instruction unless the instructor is the holder of a current instrument rating for the appropriate aircraft category and for the radio aids used for instruction.
- (d) The holder of a Category D flight instructor rating shall not instruct —
- (1) at night; or
 - (2) in multi-engined aircraft; or
 - (3) in instrument flight —
- unless a flight examiner has certified in that holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

Part 61 Pilot Licences and Ratings

(e) Subject to paragraph (f), an appropriate current **Category C flight instructor rating** authorises the holder, when under the supervision of the holder of an appropriate current Category B or A flight instructor rating, to —

- (1) give flight instruction; and
- (2) authorise solo flight other than a first solo flight by a student pilot; and
- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
- (4) conduct type ratings:

Provided that the Category C flight instructor —

- (1) holds a rating for the type of aircraft being used for such instruction or assessment; and
- (2) does not give instrument flight instruction unless the instructor is the holder of a current instrument rating for the appropriate aircraft category and for the radio aids used for instruction; and
- (3) for at least the first 6 consecutive months and for at least the first 100 hours of instructional flying, is under the direct supervision of the holder of a Category B or A flight instructor rating who is on the same aerodrome, at the same time, and directly responsible for the actions of the person under supervision.

(f) The holder of a Category C flight instructor rating shall not instruct —

- (1) at night; or
- (2) in multi-engined aircraft; or
- (3) for aeroplanes, in aerobatics —

unless a flight examiner has certified in that holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

(g) Subject to paragraph (h), an appropriate current **Category B flight instructor rating** authorises the holder to —

- (1) give flight instruction; and
- (2) authorise solo flight; and
- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
- (4) conduct type ratings; and
- (5) conduct biennial flight reviews:

Provided that the instructor —

- (1) holds a rating for the type of aircraft being used for such instruction or assessment; and
- (2) does not give instrument flight instruction unless the instructor is the holder of a current instrument rating for the appropriate aircraft category and for the radio aids used for instruction.

(h) The holder of a Category B flight instructor rating shall not instruct —

- (1) at night; or
- (2) in multi-engined aircraft; or
- (3) for aeroplanes, in aerobatics —

unless a flight examiner has certified in that holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

(i) Subject to paragraph (j), an appropriate current **Category A flight instructor rating** authorises the holder to —

- (1) give flight instruction; and
- (2) authorise solo flight; and

Part 61 Pilot Licences and Ratings

- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
- (4) conduct type ratings; and
- (5) conduct biennial flight reviews:

Provided that the instructor —

- (1) holds a rating for the type of aircraft being used for such instruction or assessment; and
 - (2) does not give instrument flight instruction unless the instructor is the holder of a current instrument rating for the appropriate aircraft category and for the radio aids used for instruction.
- (j) The holder of a category A flight instructor rating shall not instruct in multi-engined aircraft unless a flight examiner has certified in that holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

- (d) The holder of a Category C or B flight instructor rating shall not give flight instruction unless within the immediately preceding 13 months the holder has demonstrated to a flight examiner competency in accordance with the appropriate category flight instructor flight test syllabus.
- (e) The holder of a Category A flight instructor rating shall not give flight instruction unless within the immediately preceding 2 years the holder has demonstrated to a flight examiner competency in accordance with the category A flight instructor flight test syllabus.

61.307 Currency Requirements

- (a) The holder of a Category E flight instructor rating shall not give agricultural flight instruction unless within the immediately preceding 90 days the holder has carried out at least 10 productive hours of the same type of agricultural flying (topdressing or spraying) in the same aircraft category.
- (b) The holder of a Category D flight instructor rating shall not give instrument flight instruction unless his or her instrument rating is current.
- (c) The holder of a Category D, C, B or A flight instructor rating shall not give IFR cross-country navigation instruction unless he or she holds a current instrument rating and have completed at least 50 hours as pilot-in-command on IFR operations.

Subpart H — Instrument Ratings

61.351 Applicability

This Subpart prescribes the requirements for the issue of instrument ratings and the privileges, limitations and currency requirements of those ratings.

61.353 Eligibility Requirements

To be eligible for an instrument rating, a person shall —

- (1) hold a current pilot licence which includes night flying privileges; and
- (2) hold at least a current Class 2 medical certificate issued under Part 67 which includes meeting the Class 1 hearing requirement; and
- (3) have at least the following flight time experience as a pilot, or an equivalent which is acceptable to the Director:
 - (i) 50 hours of cross-country navigation flight time as pilot-in-command, of which not less than 10 hours are in the appropriate category of aircraft;
 - (ii) 10 hours dual instrument cross-country flight time under an IFR flight plan;
 - (iii) 40 hours instrument time. Not less than 20 hours shall be instrument flight time, of which not less than 10 hours shall be dual flight time in the appropriate category of aircraft; and
- (4) have passed approved written examinations, or approved equivalents, relevant to the IFR operation of aircraft, in the following subject areas:
 - (i) Air law;
 - (ii) Flight navigation — IFR;
 - (iii) Meteorology;
 - (iv) Instruments and navigational aids; and

- (5) demonstrate to a flight examiner the ability to perform competently, either in an aircraft or in a ZFT simulator, those normal and emergency flight manoeuvres applicable to —

- (i) the category of aircraft in which the applicant is being flight tested; and

- (ii) the radio aids on which the applicant is being tested.

61.355 Privileges and Limitations

A current instrument rating for the appropriate category of aircraft authorises the holder to —

- (1) act as a pilot-in-command or co-pilot of an aircraft under IFR; and
- (2) supervise a pilot who is gaining recent instrument flight experience in order to comply with the currency requirements of an instrument rating;

Provided that the holder of the instrument rating —

- (1) holds a type rating for the aircraft used; and
- (2) if in a non-centrelines-thrust multi-engined aeroplane, has passed an instrument flight test on a non-centrelines-thrust multi-engined aeroplane; and
- (3) if carrying out a let-down procedure under IFR using ADF, VOR, DME arc, or any other radio aid, has certified in his or her pilot's logbook by a flight examiner that the holder has satisfactorily demonstrated competency on that approach aid.

61.357 Currency Requirements

The holder of an instrument rating shall not exercise the privileges of the rating unless --

- (1) within the immediately preceding 13 months, the rating holder has successfully demonstrated to a flight examiner competency in accordance with the instrument rating flight test syllabus for the appropriate category of aircraft; and

Part 61 Pilot Licences and Ratings

- (2) unless a successful demonstration of the kind referred to in subparagraph (1) was performed within the immediately preceding 3 months, the rating holder has within the immediately preceding 3 months completed not less than 6 hours instrument time, of which at least 2 hours were instrument flight time, or instrument time in a ZFT simulator, in the appropriate category of aircraft:

Except that the holder of an instrument rating who has not completed this instrument time, but who complies with subparagraphs (1), (4) and (5), may act as co-pilot of an aircraft on an IFR flight if the aircraft is not carrying passengers or goods for hire or reward; and

- (3) if the rating holder acts as a single-pilot under IFR, the holder has demonstrated competency as specified in subparagraph (1) as a single-pilot; and
- (4) if the rating holder acts as pilot of a non-centrelines-thrust multi-engined aircraft under IFR, the holder has demonstrated competency as specified in subparagraph (1) in non-centrelines-thrust multi-engined aircraft; and
- (5) if the rating holder carries out an instrument approach procedure under IFR, the holder has, within the immediately preceding 3 months, performed in flight or in an approved flight procedure trainer or approved flight simulator, an authorised instrument approach procedure using a similar type of radio aid. ILS and LLZ are regarded as similar types of radio aids, and VOR and NDB are regarded as similar types of radio aids. This recent experience is not required in the case of PRA provided this recent experience is held on at least one other instrument approach radio aid.

CONSULTATION DETAILS AND TRANSITIONAL ARRANGEMENTS

(This statement does not form part of the rule contained in Part 61. It provides details of consultation undertaken in making the rules and also explains transitional arrangements.)

Background to the Rules

In April 1988 the Swedavia - McGregor Report on Civil Aviation Regulation in New Zealand was completed. Following the recommendations contained in that report the Air Transport Division of the Ministry of Transport is undertaking a complete review of all existing civil aviation legislation.

Considerable research was carried out to determine the format for the new legislation. It was decided that the most suitable legislative framework should incorporate the advantages from the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR), and from the Federal Aviation Regulations (FAR) developed by the Federal Aviation Administration (FAA) of the United States of America.

New Zealand's revised legislation will be published as Civil Aviation Rules (CAR) divided into several Parts. Each Part will enunciate a series of individual rules which relate to a particular aviation activity. As with this rule, some Parts may be developed by using a number of smaller units called Subparts. Part 61 comprises eight such Subparts.

Accompanying the CAR there will be an associated Advisory Circular (AC) which will explain, where necessary, how the specific requirements of the CAR can be achieved. The information will offer an acceptable means of compliance.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a Rule Part or Subpart will be the same or similar to the FAR, although the title may differ to suit New Zealand terminology. Where a CAR does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The FAR has been used as the start point for the development of many of the CAR, but there are likely to be significant differences in the content of each Part of the rules. Changes have been made to conform to New Zealand legal practices and terminology.

The Swedavia - McGregor Report concluded that the objective of the new rules system must be to strike a balance of responsibility between the Civil Aviation Authority and those provide services and who exercise privileges in the civil aviation system. This balance must enable the Civil Aviation Authority to maintain continuing regulatory control and supervision whilst providing the maximum flexibility for participants to develop their means of compliance.

Section 7 of the Civil Aviation Act 1990 (the Act) provides for the requirement to hold an aviation document to carry out particular civil aviation activities. Section 12 of the Act requires the holders of such documents to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Notice of Proposed Rule Making

The Air Transport Division, on 8 April 1992, issued Notice of Proposed Rule Making 92-3 under Docket Number 1005 NR. This was done to provide public notice of, and opportunity

Part 61 Pilot Licences and Ratings

for comment on, the proposed new rule. The notice proposed the introduction of Civil Aviation Rule Part 61 to provide a regulatory boundary for pilot licences and ratings.

Supplementary Information

All comments made on the Notice of Proposed Rule Making are available in the Rules Docket for examination by interested persons.

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from the Air Transport Division, P.O. Box 31-441, Lower Hutt 6300, Attn: Docket Clerk.

Communications must identify the Docket Number of this rule.

Summary of Comments to Docket Number 1005 NR NPRM

Thirty seven written replies were received to the NPRM. There were also three verbal replies. Seven of the written replies were from organisations representing significant areas of the aviation industry. The 40 replies made a total of approximately 219 comments - all of which have been carefully considered through the rule rewrite process. As a result of amendments some of the paragraph headings in the final rule differ slightly from those referred to in this summary of comments.

A full list of commenters on Docket 1005 NR, with the number of comments each made, is given below:

Russell Begley, Operations Manager/Chief Pilot, Fiordland Travel. (5)
Evan Belworthy, President, Amateur Aircraft Constructors Association. (1)
Harry Bielby, Pakuranga. (1)
Warrick Bleakly, Bay of Islands Aero Club. (4)
Richard C. Broussard, Attorney at Law, Lafayette, USA. (1)
Alister Buckingham, Transport Accident Investigation Commission. (3)
Martin Butler, Director, SImuflight. (4)
Carleton Campbell, Manager/CFI, Wakatipu Aero Club Inc. (9)
Robin Campbell, Chairman, Balloon Association of New Zealand Inc. (1)
Marla Cassin, Palmerston North. (1)
Roger Crosthwaite, Massey School of Aviation. (36)
Rex J. Dovey, Chief Pilot, Mount Cook Airline. (4)
Dr Ross L Ewing, Consultant in Aviation Medicine. (1)
Jenny Frame, Secretary, Instructor Council. (13)
Phil J. Galloway, Mt Cook. (6)
Dr Ross St George, Dept of Psychology, Massey University. (1)
Phil Hartnell, AVKAIR, Aircraft and Helicopter Maintenance. (3)
Bob Henderson, President, New Zealand Gliding Association. (4)
Prof Graham Hunt, Massey School of Aviation. (3)
Peter L. H. Kidd, CFI, Hawke's Bay and East Coast Aero Club. (17)
Irene King, Manager Government Affairs, Air New Zealand. (2)
Graeme McCleary, Timaru. (1)
Kerry Morters, Manurewa. (2)
The New Zealand Air Line Pilots' Association. (8)

Part 61 Pilot Licences and Ratings

Dr David O'Hare, Dept of Psychology, University of Otago. (3)
Cathy Penney, CFI, Helflight Wairarapa. (1)
Julian Price, Specialist Training Services. (1)
Andrew Ragg, Takapuna. (1)
Capt Marty Reeves, Regional Flight Manager, Ansett New Zealand. (11)
David M. Rossiter, Christchurch. (1)
John M. Scott. (5)
The Secretary, South Canterbury Gliding Club. (1)
Brian Shanahan, President, New Zealand Parachute Federation. (2)
Errol D. Smart, Air NZ, and Wigram Sports, Flying Clubs. (1)
Andrea Tapsell, CFI, Marlborough Aero Club. (3)
Gordon Thompson, Chairman, Guild of Air Pilots and Air Navigators. (5)
Dennis Tindall, CFI, Wellington Aero Club. (2)
Peter R. Washbourn, Aircraft Owners' and Pilots' Association. (12)
Ken Wells, Assistant Chief Pilot, Helicopters (NZ) Ltd. (33)
Michael Young, General Manager, Flightline Aviation. (6)

61.01 Applicability

No comments.

61.03 Definitions and abbreviations

The Aircraft Owners' and Pilots' Association commented "should the word 'significant' be inserted before the word 'change'" in the definition of "aircraft of the same type". They continue "we are considering the case of a standard aircraft, say a Cessna 172, with a STOL modification fitted. This changes the handling and flight characteristics, but not, we would submit, to the extent to be 'not of the same type'".

CAA reply: This amendment has been made. Using the AOPA example to clarify the definition, the very reason for fitting a STOL modification is to alter the aircraft's handling and performance characteristics, and thus it would definitely require being signed off in the logbook as a different type. A useful guide here would be that if a pilot even has to consider whether an aircraft is of a different type for any reason, then it should be treated as such, that is, if in doubt - check it out!

Mount Cook Airline commented that pilot licence privileges "have not been written up in accordance with the ICAO recommendation, ie. 'requires only one pilot' and 'requires more than one pilot' has been used instead of ICAO ... 'certificated for single pilot operation'" and "these subtle differences alter the intent of the ICAO recommendation to the detriment of commercial pilot licence holders".

CAA reply: The ICAO Annex 1 definition of "aircraft certificated for single-pilot operation" has now been inserted into 61.03 and the licence privileges amended accordingly.

Massey University School of Aviation commented proposing the definition "command practice means the performance by a copilot, or pilot-in-command under supervision, of the duties of a pilot-in-command during a flight under the supervision of a pilot-in-command designated for the purpose by the operator."

CAA reply: The present definition of "Command Practice" does not require any extension because we do not have a pilot-in-command under supervision option.

Part 61 Pilot Licences and Ratings

Helicopters (NZ) Ltd commented "'Cross-country Flight' - widen the definition to cover the helicopter case. The helicopter may not have departed from an aerodrome."

CAA reply: It was decided to leave this definition remain as it is because; it is an ICAO definition, the ICAO Lexicon already allows it to be interpreted wider in certain circumstances, and because the circumstances in which it would be relevant did not seem to justify such a change.

The Aircraft Owners' and Pilots' Association commented about "Flight Time" stating that "the definition here is a mixture of the 'block to block' system used by many aero clubs and the 'take off to landing' of others. We would submit that a long taxi at say, Christchurch airport can not be practically classified as 'flight time' except in terms of your definition. We suggest it should be amended by deleting after 'comes' and 'to the end of its final landing roll' being inserted in its place."

CAA reply: The present definition actually is the ICAO "block to block".

The Hawke's Bay and East Coast Aero Club commented that "the 'flight time' definition needs to be changed to - 'the beginning of the T/O roll to the end of the landing run'. This is more realistic and practical and easy to interpret."

CAA reply: The definition offered is similar to that for "air time" and not to "flight time".

Massey University School of Aviation commented about "flight time" and proposed the definition "flight time means the total time from the moment the aircraft moves under its own power for the purpose of preparing for take off until the moment it comes to rest at the end of the flight" because "there exists a discrepancy in the method of recording flight time varying from the time the aircraft starts engines, leaves the dispersal area preparing for flight to immediately prior to positioning for take-off to actual take-off. This revised definition attempts to remove any ambiguity stating the flight time commences from that time when the aircraft first moves with the intention of commencing a flight, and includes that time preparing for the flight."

CAA reply to the above three comments: No change is necessary here because the definition of flight time in use is the ICAO Annex 1 definition of "the total time from the moment the aircraft first moves under its own power for the purpose of taking off until the moment it comes to rest at the end of the flight". ICAO states this is synonymous with the term "block to block". It may well date from the days of brakeless aircraft which were run-up against their chocks, and is obviously not perfect, but it is the standard definition - and as long as we all know what it means we can work with it. Take-off to touch-down is "air time". If operators wish to use other times for their own charging purposes that is up to them.

Air New Zealand commented with a submission relating "to recognition of the capabilities of a fully accredited, Level 5, Zero Flight Time Simulator."

CAA reply: While incorporating this submission it was necessary to add definitions of both "Zero Flight Time Simulator" and of "ZFT".

All definitions in 61.03 have now been transferred to Part 1

61.05 Requirement for licence, ratings and medical certificate

The New Zealand Air Line Pilots' Association commented that "for the avoidance of doubt, and for the purposes of alignment ..., the Association recommends that" in four places "by the Civil Aviation Authority of New Zealand" should be spelled out in full as being the issuers of New Zealand aviation licences and ratings.

Part 61 Pilot Licences and Ratings

CAA reply: The power to issue aviation documents lies with the Director so it was not possible to make this suggested amendment.

Ansett New Zealand commented that "the requirements for the validation of foreign instrument ratings needs to be addressed under this Part".

CAA reply: This has been noted for inclusion in an AC covering the validation of overseas licences and ratings.

An overseas pilot commented in a full letter that "I would like to reiterate my request for New Zealand to adopt a practice similar to that contained in FAR 61.75. If this procedure is safe in the context of a New Zealand airman operating within the United States, the reciprocal should also be true." He had previously written "as an American who has visited New Zealand on many occasions, I wish to request an improvement in the manner in which American airman certificates are validated for use in New Zealand."

CAA reply: An addition has been made to the rule to allow this provision. Details of which foreign licences may be accepted as a basis for the issue of a New Zealand PPL will be given in the AC covering the validation and recognition of overseas licences and ratings.

Helicopters (NZ) Ltd commented that it "at times uses foreign licensed pilots to fly New Zealand registered helicopters in countries such as Burma, Laos and Antarctica." and put a detailed case asking that New Zealand be able to issue appropriate validations.

CAA reply: Validating overseas pilots in a different overseas country, even though they are flying NZ registered aircraft, is not a responsibility of the NZ CAA. The rule does not control who can fly a New Zealand registered aircraft outside of New Zealand. Operators should ensure that they comply with the law of the territory in which they are operating.

Ansett New Zealand commented that "it is gratifying to see that industry doctors will now issue medical certificates. Has allowance been made for the medical centres need for plastic sealing equipment for the certificate?".

CAA Reply: This detail is addressed in Part 67.

61.07 Licences and ratings

A flight instructor commented at length that "The minimum ICAO Experience requirements should apply to all issues of NZ Licences and Ratings - WITHOUT EXCEPTION."

CAA reply: That point is already one of the guiding principles behind this rewrite of the rules.

The Instructor Council commented "we presume the birth date would be shown on the licence."

CAA reply: This is not a detail for Part 61, and is not an ICAO requirement, but it is a present practice which is expected to continue.

The Hawke's Bay and East Coast Aero Club commented "the removal of SPL is supported."

CAA reply: This is an integral part of the lifetime licence package.

The Amateur Aircraft Constructors' Association commented "I would like to see the creation of a Recreational Licence to allow people who cannot afford their PPL to enjoy the undoubted benefits of building their own aircraft".

Part 61 Pilot Licences and Ratings

The Hawke's Bay and East Coast Aero Club commented "It is important that the Restricted PPL is retained. It creates a targeted PPL for local flyers. Makes the PPL more attractive with a readily obtainable goal." They also commented that "the introduction of lifetime licences is a positive and welcome improvement."

The Instructor Council commented "Members of the Council would still like to have a Restricted Private Pilot Licence."

A flight instructor also commented verbally that he favoured some form of restricted private pilot licence.

CAA reply to the above four comments: The whole matter of the RPPL has been considered very thoroughly and we believe that what is offered meets both the needs for an equivalent to the RPPL, and also meets the needs of the overall lifetime licence package. What it does is to offer two routes to the lifetime PPL. One is the standard 50 hour PPL. The other is a 40 hour PPL, this 40 hours being the minimum to meet ICAO requirements, but which does not include instrument and cross-country experience requirements and which therefore does not allow PPL cross-country privileges. It serves the purpose of the old RPPL. An improvement, however, is that once the pilot does meet the PPL cross-country requirements, and has them signed off in the logbook by an appropriately qualified flight instructor, then they will be able to exercise those full PPL privileges.

A pilot commented with regard to the Flight Radiotelephony Rating suggesting that:

- "1. FRTO is a Logbook Certificate.
2. Can be added to Licence if so wish.
3. FRTO written paper same for all aviation applications.
4. Certified Flight Instructor A, B, or C will certify practical use of equipment.
5. Part of practical test includes Oral/Written paper specialising in regime the certificate is required for (Power, Glider, Micro or Balloon)."

and summarised "The above set-up would line all of Aviation up the same".

CAA reply: Point 1 is not an option under ICAO Annex 1, and that carries over into point 2. Point 3 is said to be current practice. Point 4 will appear under privileges of Flight Instructors. Point 5 is a valid point, and remains compatible with point 3, but this Part can only address those licences issued under Part 61.

A Chief Flying Instructor commented in detail about the SCPL that "we should be allowed to retain the status of the Senior Commercial Licence, however, our privileges would be equivalent to the Commercial Pilot." A letter from the **Marlborough Aero Club commented** further on this.

Another pilot commented in detail that "the SCPL was a way pilots like myself could validate the ATPL subjects".

CAA reply to the above three comments: Considerable thought has been given as to how to phase out the SCPL in accordance with ICAO recommendations and ATD policy, and at the same time to protect the interests of SCPL holders. No new SCPL will be issued, but existing SCPL holders will be able to exchange their licences for lifetime SCPL. Privileges of the SCPL will merge with those for the CPL under the new one pilot/two pilot rules, but existing privileges will be preserved until 15 November 1994.

Bay of Islands Aero Club commented in detail that they thought the Agricultural Rating "should appear on the pilot licence along with the Instructor and Instrument Rating, as it is such a different and specialised Rating."

Part 61 Pilot Licences and Ratings

CAA reply: The reason it is not required to be on the licence is to minimise the number of times the licence would have to be returned to the CAA for amendment, and thus to make the lifetime licence as much a single lifetime issue as possible. The Agricultural Rating was one of several ratings considered borderline for being made mandatory and thus, as a matter of principle, were made optional. It is therefore up to the holder of an Agricultural Rating to decide whether they want it shown on the licence and, if they do want it shown, the CAA will do so. There would be no extra charge if done at the time of a licence change but there would be a re-issue fee if added separately.

Bay of Islands Aero Club commented "that there was also some sort of proposal to reduce or do away with the Ag Rating as such." and said "don't let them do that!"

CAA reply: This misunderstanding may have stemmed from the Swedavia - McGregor recommendation to discontinue the chemical rating by incorporating it into the Agricultural Rating, but this will not now be done as there is still a need for a stand-alone chemical rating.

The Balloon Association of New Zealand commented with a very comprehensive draft of a full licence system for balloon pilots modelled on the Part 61 SP/PPL/CPL structure.

CAA reply: Policy is for as much responsibility as possible for CPL(B) to be devolved to the Balloon Association, rather than the CAA take the new responsibilities of SP(B) and PPL(B). Any further action on this submission will be taken under Part 107, Crewed Balloons.

The Hawke's Bay and East Coast Aero Club commented "the proposed use of the pilot logbook is supported. At the time of the transition to Lifetime Licences pilots should have the option of putting any type rating currently held, on to his/her Lifetime Licence. This is to include any aircraft, including Group A to G aircraft."

CAA reply: The option will be there, space permitting, to record ratings held on the new lifetime licence. However the changes to the type rating system will mean that the previous group system will become meaningless.

61.09 Exchange of terminating licence for lifetime licence

The Aircraft Owners' and Pilots' Association commented that "para (a) must include a statement such as 'upon application, a lifetime licence will be granted without further examination or test'."

CAA reply: This statement is a misunderstanding of para (a). What is requested is already there in (b), and that what (a) is saying is that existing licences continue to be valid until their stated expiry date.

The Hawke's Bay and East Coast Aero Club commented "the introduction of Lifetime Licences is a positive and welcome improvement. The extra fee should only be \$30 or less for the routine processing of the transition to Lifetime Licences."

CAA reply: Fees are set in Civil Aviation Charges Regulations 1991 as amended from time to time. Part 61 does not prescribe fees and charges.

61.11 Application and qualification

The New Zealand Air Line Pilots' Association commented that stating an applicant for a licence "shall be a fit and proper person" implied that the act of applying made a person fit and proper.

Part 61 Pilot Licences and Ratings

CAA reply: This point had already been noted and corrected both here and in several other places.

Ansett New Zealand commented that "a fit and proper person' needs to be objective and clearly spelt out. The least opportunity for misinterpretation is essential in the writing of these requirements. A system of appeal with clearly delineated steps must also be put in place".

CAA reply: It is not the place of Part 61 to do this, as it is merely referring to a requirement in the Act, which itself was carried over from the previous Act. The administrative application of the fit and proper person test will be objective, documented and transparent.

61.13 Offences involving substances of abuse

The Aircraft Owners' and Pilots' Association commented that "our Association views this section with extreme alarm and distaste. Why not a conviction for fraud as well? May be the person lied somewhere in getting a licence. Why select alcohol? We believe this section should not be included."

The New Zealand Air Line Pilots' Association also commented in detail that "in the Association's submission, 61.13 ought be deleted."

CAA reply to the above two comments: It is both practically and legally necessary for this section to remain in Part 61 to allow the CAA to consider the relevance of such offences. This is similar to the provisions of USA FAR Part 61.

61.15 Temporary licence or rating

No comments.

61.17 Duration of licence and ratings

No comments.

61.19 Written examinations - prerequisites and grades

Massey University School of Aviation commented "the syllabi of training hasn't been written in objective terms; can therefore, a 70% pass mark be reasonably expected?"

CAA reply: Rewriting syllabi in specific objective format is a huge task which will be addressed separately to the present project of a rule-rewrite, however this does not affect the well established 70% pass mark. It should also be acknowledged that regardless of what pass percentage is stated, exams are set and marked accordingly.

Ansett New Zealand commented that "written examination credits for professional licences, for active licence holders, should be for life. Would suggest the 'rider' that the pass has been from an approved course and syllabus".

CAA reply: All written credits, except for Air Law, will now be for life, and without restrictions. There are several reasons for lifetime credits; they conform to the lifetime licence concept; they reduce administration; they conform to the norm of exam credits being for life; they should encourage more pilots to study and sit exams and thus improve industry knowledge and safety; and the BFR will ensure that practising pilots are current on what they need to know.

Three other people also commented in favour of lifetime written credits.

Part 61 Pilot Licences and Ratings

Bay of Islands Aero Club commented against lifetime written examination credits that "I can't see anybody remembering the contents of those exams for 1 year, let alone a lifetime - better to make the exams valid for reasonable periods and reduce the contents to accurately reflect the knowledge a pilot needs and uses during a flying career."

CAA reply: The comment about remembering is valid regardless of whether one consolidates credits into a licence or not. Lifetime credits are normal exam practice, and the essentials hopefully will stick. With regard to the second point, the HURDA process will be used to achieve that.

61.21 Cheating or other unauthorised conduct

The New Zealand Air Line Pilots' Association commented that this "is completely inappropriate to include in a mandatory rule" and "In the Associations' submission, 61.21(c) ought be deleted."

CAA reply: It is both practically and legally necessary for this section to remain in Part 61.

61.23 Flight tests - prerequisites

Massey University School of Aviation commented they "suggest the inclusion of a paragraph which deals with the validity period of a flight test. I recommend this period be 90 days."

CAA reply: Part 61 is not the place for this.

61.25 Flight tests - procedures

No comments.

61.27 Flight tests - general

Massey University School of Aviation commented twice that the conditions for accepting simulated instrument flight experience "is misplaced as it doesn't relate to the heading 'Flight Tests'".

CAA reply: This comment is accepted and the headings has been altered. It is recognised that some of the detail has wider application in that it brings together several interrelated aspects of training, BFR, and logging of flight time as well as the flight tests themselves.

Massey University School of Aviation commented with reference to a safety pilot during the logging of instrument flight experience towards a rating that "in the case of an aircraft operating at night in VMC, there is no operational requirement for any of the flight crew to be instrument rated in certain circumstances. Where the nature of the operation requires an instrument rating, this would be covered in other areas."

CAA reply: The Authority considers that this should remain as a general requirement for safety reasons.

61.29 Status of flight examiners

No comments.

61.31 Pilot logbooks - general

Wakatipu Aero Club commented "Is there any provision for carrying over the record of privileges from one logbook to another, ie. when a logbook is completed." Carrying over privileges from lost logbooks is also commented on.

CAA reply: There may be a number of acceptable ways to do this. One way would be to simply list all carried-over privileges from previous logbooks to the front of the new logbook and have it certified by a CAA officer, Category A or B flight instructor, or someone of similar standing. Basic rule would be that if someone had the authority to certify something in a logbook as an original entry, then they would have the authority to carry over similar privileges to a new logbook.

The Aircraft Owners' and Pilots' Association commented that totalling each column of the logbook should be reworded as "...total each flight time column ..."

CAA reply: The word "time" has been added but not "flight" because one column is for instrument ground time.

The Instructor Council commented on the following provision "flight time undertaken while an appropriate current medical certificate is not held ... shall not be credited" that "we would like this clause to be altered to include some ab initio training hours to be able to be counted towards the private pilot licence."

CAA reply: The intention was to allow potential student pilots to commence training as soon as they wished. The discrepancy in this clause had already been noticed and amended by inserting the phrase "other than as a student pilot".

Wakatipu Aero Club also commented "can any exemption ... be made to allow a new student pilot keen and eager to get started to do so for a period of say five hours rather than keep him/her out of the plane until such time as their medical comes through. A minimum time to permit this encouragement would be common sense but not unlimited time as it is counter productive if after many hours the student finds medical standards cannot be met".

CAA reply: Under Part 61 student pilots may commence flying dual before receiving a medical certificate. The second point is recognised but it will be the flight instructor's responsibility to advise potential students of this.

Helicopters (NZ) Ltd commented that 61.31(e) "appears to conflict with the ability (allowed for in Sub-Part C) to receive and log dual instruction if you have a current medical but have not had a biennial flight review."

CAA reply: This situation is comparable to the previous two comments and again will be allowed by the same phrase "other than as a student pilot."

61.33 Pilot logbooks - crediting flight time

Massey University School of Aviation commented that the following additional requirement be inserted "the holder of a current pilot licence, when acting as pilot-in-command under the supervision of a nominated supervisory pilot, in an aircraft normally required to be operated by a single pilot, is entitled to be credited with the total flight experience, provided that during the flight the pilot-in-command under supervision performs all the duties and functions of a pilot-in-command."

Part 61 Pilot Licences and Ratings

CAA reply: This is based on a direct carry over from the CASO 12 option for pilot in command under supervision on air transport operations. However the command under supervision provision was intended for airline operations with a co-pilot situation. In all other situations the existing options of PIC or dual are considered sufficient.

Massey University School of Aviation commented that "the relevance of gaining a CPL issue by accruing co-pilot time seems to be inapplicable to normal operations."

CAA reply: This is agreed, but there could be exceptions and because of that it has been left in.

Massey University School of Aviation commented that "co-pilot flight time credited towards a commercial pilot licence shall not exceed fifty hours" should read "towards the issue of a Commercial Pilot Licence shall not exceed fifty hours".

CAA reply: This amendment has been made.

Massey University School of Aviation commented that when a co-pilot is receiving command practice in two pilot operations they would not "resolve all problems occasioned by meteorological conditions, communications and air traffic control procedures" completely by themselves but would correctly use the supervising pilot or another pilot as a co-pilot.

CAA reply: This wording has now been changed to "has ensured that all problems ... have been resolved."

The Instructor Council commented with regard to crediting flight time that 61.33(d), where a pilot-in-command is supervising a "co-pilot", should read supervising a "pilot".

CAA reply: This paragraph relates to the airline situation rather than an instructing situation and should remain as is.

The Aircraft Owners' and Pilots' Association commented "we question the instructor being able to gain the credit of instrument flight time when in VMC - he is in effect no more than a safety pilot."

CAA reply: The instructor is not merely a safety pilot but is actively instructing, and since that instruction is being done on instruments it is considered that no change is necessary.

61.35 Pilot logbooks - crediting ground time

No comments.

61.37 Compliance with medical standards

The Aircraft Owners' and Pilots' Association commented on "fitness", "Who is to be the judge of this and on what 'standard'. Does the 'person' need to work out at a gym to meet a 'fitness' criteria? We believe the deletion of this word leaves a more easily determinable criteria 'health', which should cover any doubts as to the person's fitness, whatever that might be."

CAA reply: Detailed advice on this is given in Part 67. The Part 61 philosophy here is that you must meet the medical standard in order to obtain the medical certificate. Subsequent to the issue you must not exercise the privileges of your licence if you undergo a significant change in health. At this point your licence is no longer current and clearance by your DME or AMA will be required.

Part 61 Pilot Licences and Ratings

Ansett New Zealand commented that "the premise of this requirement is good, however the ability to police such a requirement is impossible. Remove this requirement on practical grounds".

CAA reply: The difficulty is noted, but the ongoing health requirement places a legal obligation upon the pilot. This is part of the lifetime licence concept, and thus must remain.

61.39 Recent flight experience

Air New Zealand commented in relation "to recognition of the capabilities of a fully accredited, Level 5, Zero Flight Time Simulator and our wish to be able to use the simulator in any area of testing or demonstration of pilot skill where an aircraft would otherwise be required." They identified 8 areas where Part 61 would need to be amended.

CAA reply: This recognises an existing satisfactory situation and the amendments have been made in several of those cases, the remaining cases being either not relevant or having been removed.

Ansett New Zealand commented that "an Approved Flight Simulator, to an agreed level, should be acceptable for demonstration of continued proficiency."

CAA reply: This is accepted and a ZFT simulator option has already been given.

Helicopters (NZ) Ltd commented that "there is an inconsistency in that an ATPL holder may do three take-offs and landings by day or night and in so doing fulfil his recent experience requirements. Other licence holders must do six take-offs and landings (three by day and three by night) to gain day and night privileges."

CAA reply: This is a carry-over from CASO 12 and presumably is a privilege of the higher licence. It has now been extended to Category A flight instructors as a similar privilege.

61.41 Biennial flight review

Massey University School of Aviation commented that "the CAR or AC is not specific on who is qualified to conduct BFR".

CAA reply: At the time of the NPRM draft this had not yet been decided. It has now been detailed under 61.305 - Privileges of Flight Instructor Ratings.

The Aircraft Owners' and Pilots' Association commented that "we consider that whilst this section has merit in many situations, for pilots of many years of experience and still doing a reasonable number of hours a year, flight instruction is a waste of time and economically untenable. As worded, the flight review has two parts and a flight is one of these requisite parts. We believe the flight instructor should be best qualified and should be allowed to determine the necessity of flight instruction from knowledge of the pilot and of logged records since the last review. We strongly recommend that the words 'if deemed necessary' be inserted at the commencement of this section."

CAA reply: This point is non-negotiable. BFR are required across the board for all pilots, and are far more user-friendly for PPL than the previous renewal flight tests. We did consider a currency option here at an early stage of drafting, but received strong representations from both flight instructors and from FTO of the necessity of some control, especially for pilots outside the flying club/school environment. The BFR should be seen as a positive, useful, learning experience and a separate AC will be issued to give guidance on BFR.

Part 61 Pilot Licences and Ratings

The Transport Accident Investigation Commission commented, for comparison, that "we seem to lack provision in some areas ... that the Australians have in all their licensing CAOs, for a check flight to be acceptable in lieu of recent experience requirements."

CAA reply: Because of the large number of possible options, it was better not to allow any alternatives to a BFR. However it is in order to combine a BFR with any other flight or flight test, provided this is planned in advance and the full requirements of the BFR are also met during that flight.

Wakatipu Aero Club commented they "agree with the requirement for BFR for the CPL to ensure a minimum period training. A good Move."

The Hawke's Bay and East Coast Aero Club commented "the biennial flight Review is supported".

CAA reply to the above two comments: The BFR is an integral part of the new lifetime licence package.

61.43 Use of lower licence or rating

AVKAIR commented that this should say "A Class 1 medical certificate allows a CPL/ATPL to exercise PPL privileges up to Class 2 currency periods."

CAA reply: This is one just example of what is allowed. The AC will now give all the options in full.

61.51 Type Ratings - Applicability

No comments.

61.53 Eligibility requirements

Helicopters (NZ) Ltd commented that it should be flight instructors and not flight examiners who test for type rating requirements. They made this point in three places.

CAA reply: The change to flight instructors has been made.

An industry pilot commented in detail with regard to the Basic Turbine Knowledge examination that "I have great difficulty equating this examination requirement with the year 1992" "Today probably in excess of 75% of CPL's will have to operate a turbine engine at some time in their career. This must surely warrant it being included in the Aircraft Technical Knowledge CPL examination." "However I do believe that to gain a valid turbine rating requires more than the completion of one start-stop cycle carried out in a simulator." "Any operating principles and theories should be incorporated into an updated ATK exam, and the current BGT should be dropped." "The turbine rating should still exist, but it should be part of any aircraft type rating that requires it."

An airline training captain commented verbally that the BGT should be upgraded to make it more directly relevant to his Company's needs.

Simuflight commented suggesting "prior to an initial type rating on a turbine powered aircraft a practical demonstration through simulation encompassing recognition of starting malfunctions and demonstration of corrective action. This insertion would bring the General Aviation standard in to line with that currently required by type ratings in an airline environment and now realistically achieved by access to such simulators by General Aviation."

Part 61 Pilot Licences and Ratings

CAA reply to the above three comments: The BGT merits more than merely being a few question in an ATK paper where it would also dilute what was more relevant for most pilots sitting ATK. However it is also not intended to qualify a pilot for a turbine aircraft type rating. It is the step up from ATK in this specialised subject, and is a general base from which pilots go on to the more specific type ratings. However because of the points raised it is intended to continue to assess and develop the BGT rating.

Helicopters (NZ) Ltd commented that one "subparagraph seems to require all helicopter type rating courses to be approved even though sub-paragraph (1) is preceded by the words 'for aeroplanes'. The whole subparagraph needs rewording".

CAA reply: This has been done.

Helicopters (NZ) Ltd commented that "I would recommend that the aeroplane option of oral examinations be extended to helicopters up to 5700 kg. Alternatively have the 1500 kg cut-off for oral examinations extended to aeroplanes."

CAA reply: This is a carry over from CASO 12 and has been left as it is.

Helicopters (NZ) Ltd commented that the type rating certificate form shown should be for aircraft and not just for aeroplanes.

CAA reply: This has been changed, but it should be noted that this may just be one acceptable method of recording type ratings.

Massey University School of Aviation commented about aircraft type ratings that "there is no provision for human factors instruction where as it is identified in PPL and CPL requirements. As an example, human factors issues such as those relating to pressurisation and hypoxia should be dealt with in aircraft type ratings rather than being onerous requirements in the PPL. Type specific human factors should be dealt with in a specific manner in aircraft type ratings where the subject matter has real application."

CAA reply: General human factors are covered by the licence to which the type rating is attached. However human factors specific to a particular aircraft type should certainly be addressed in the AC syllabuses for individual type ratings.

61.55 Aircraft type ratings

No comments.

61.101 Student Pilots - Applicability

No comments.

61.103 General

No comments.

61.105 Eligibility requirements for flying solo

No comments.

61.107 Solo flight requirements

The Instructor Council commented that they "do not agree that the student needs to have the examinations listed before carrying out solo cross countries. Quite often students are unable to sit examinations for a variety of reasons, but the instructor may feel they are adequately prepared for a solo cross country. The weather plays such an important factor

Part 61 Pilot Licences and Ratings

with cross country flying, and sometimes there is a need to take advantage of a spell of good weather, rather than wait too long. If there is a strong need for examination passes, then it seems strange that the human factors, with all its decision making questions, is not included. There have been tragedies with students on cross countries, but I doubt whether these examination requirements would totally eliminate them."

CAA reply: Other points such as the relative stages in training at which ground studies could be done and at which a SP is ready for first cross-country solo, and the fact that most of the PPL written exam material will already have had to be learnt before a student is ready for solo cross-country, justify requiring the listed PPL written exams to be passed first. Regarding the second point, there is a case for requiring a human factors pass, or indeed for requiring all the PPL subjects to be passed first, but it is felt to be too late in the consultative process to introduce this.

61.109 Limitations

No comments.

61.151 Private Pilot Licence - Applicability

No comments.

61.153 Eligibility requirements

AVKAIR commented that the eligibility requirements for PPL should allow a Class 1 as an alternative to a Class 2 medical certificate.

CAA reply: This was already allowed because a Class 1 includes the rights of Class 2, but the wording has now been changed to make this clear. The option was not spelt out in the NPRM draft because the requirements went on to say that the medical standards necessary for the issue of the certificate must be maintained, and the standards referred to were only those of the Class 2. This still remains a requirement, although it is no longer specified in this paragraph.

Massey University School of Aviation commented that examination requirements which are required "in the following subjects" be amended to "in the following subject areas". "This will provide for adequate flexibility for curriculum development such as in the case of the HURDA curriculum which would include subject matter contained under different terms, but fall into these traditional subject categories."

CAA reply: This has been done both here and in several corresponding places.

Hawke's Bay and East Coast Aero Club commented with reference to the new Human Factors examination "are you aware that in proposing 6 exams for the PPL/FRTO you are virtually making it impossible to sit all the PPL exams on one day. So with proposed reduced exam centres a distant candidate will have to pay for an overnight as well as the exam fee."

CAA reply: The examination system is not part of the rules system. However the choice of options now allowed in the Rules for PPL Human Factors would offer a solution to this problem.

61.155 Privileges and limitations

The Hawke's Bay and East Coast Aero Club commented "in the privileges of the PPL the phrase 'not for hire or reward' has been replaced by 'remuneration'. Is there any significance in this?"

Part 61 Pilot Licences and Ratings

CAA reply: "Hire or reward" refers to the aircraft, whilst "remuneration" refers to the pilot.

The New Zealand Gliding Association commented on the privilege of PPL towing gliders that "the wording of this subparagraph is too restrictive. As far as the NZGA is concerned the PIC of the Towplane and the Glider need to be members of the Association. Also the new provisions of CASO 17, paras 2.5 and 2.6 need to be considered in this rule." Those provisions relate to foreign registered gliders and visiting foreign pilots.

The South Canterbury Gliding Club commented "we suggest that the words after New Zealand Gliding Association Incorporated should be deleted. As it reads at the moment if any of our club members wishes to take friends or family etc. for a passenger flight they must be members of the club".

An industry pilot commented "please delete if possible the requirement for the aircraft towing the glider to be owned or operated by a club affiliated to the NZGA" and "please use the word organisation instead of club when referring to NZ Gliding Association Affiliates as they are not all 'clubs'".

CAA reply to the above three comments: There have been considerable discussions over the last couple of years as to how to best ease the PPL glider towing requirements for bona fide club operations yet at the same time best protect members of the public who may be attracted by trial flights. The wording in the NPRM draft was a stage in trying to balance these two requirements. The restriction on rated PPL towing gliders has now been simplified to "provided that the entire operation is under the control of an organisation affiliated with a gliding organisation certificated under Part 104 of these rules".

Wakatipu Aero Club commented that "on behalf of local parachuting interests I would like to submit" that under privileges of a PPL the word "club" be changed to "organisation" and the word "persons" be changed to "parachutists".

The New Zealand Parachute Federation commented that "the NZPF is made up of ordinary members (approximately 320) plus seventeen associate organisations which consist of clubs (incorporated societies) and commercial parachute companies. Therefore, I recommend that the word 'club' be replaced with 'organisation'".

The New Zealand Parachute Federation commented also "Am I to assume that now the pilot is required to be a member of the NZPF? Also, how does this affect the tandem rider ... as the tandem rider at the present time is not a member of the NZPF, nor are any observers carried in the aircraft." "the NZPF may have to look at the membership categories to include non parachutists in our organisation."

CAA reply to the above three comments: The parachute dropping situation is very similar to that for glider towing in that the needs of bona fide club operations have to be balanced against the need to best protect members of the public who may be involved. The restriction on rated PPL dropping parachutists has now been simplified to "provided that the entire operation is under the control of an organisation affiliated with a parachuting organisation certificated under Part 105 of these rules".

61.157 Currency requirements

Helicopters (NZ) Ltd commented that for both PPL and CPL, "the requirement for one hour of instrument flight within the preceding three months should apply equally to aeroplane pilots who wish to operate at distances greater than five nautical miles from an airfield at night. Additionally this subparagraph should make it more clear that it refers to VFR flight."

Part 61 Pilot Licences and Ratings

CAA reply: The first point has been left as is because of the operating differences between the different aircraft but an amendment has been made to clarify the second point.

61.201 Commercial Pilot Licence - Applicability

No comments.

61.203 Eligibility requirements

Massey University School of Aviation commented that "there should be provision for a candidate to obtain some credit from previous experience prior to commencing an approved course of training to be counted towards the minimums to be completed on that approved course." "It is recommended that a candidate be allowed up to 50% of the total flight experience up to a maximum equal to the minimum flight experience requirements for the issue of a PPL."

CAA reply: Present policy is that approved courses are zero-based integrated courses and that there should be no intermediate options.

Massey University School of Aviation commented that "a candidate who commences a full time approved course of training, but fails to complete that course, should not be credited with theory examinations prerequisites as meeting the requirements for 'external' examinations".

CAA reply: This is not a point for Part 61. It is up to the training organisation to determine at which point they consider they are justified in issuing examination pass credits to their students, and up to the Authority to decide what alternative examination credits they would accept.

Wakatipu Aero Club commented against the continuing of 150 hour approved commercial courses saying "all employers regardless of market needs and pilot availability are looking for more than 200 hours experience. Therefore why should we approve courses of less experience".

Helicopters (NZ) Ltd commented that for the CPL(H) "the 125 hour course should be discontinued. The commercial helicopter licence is already 50 hours less than the standard aeroplane commercial licence. Most employers want 150 hours at least so the 125 hour licence holder does the additional time unsupervised."

CAA reply to the above two comments: They are allowed, provided they meet the necessary conditions, because they meet the ICAO standard. It is then up to employers to decide their own operating experience requirements.

The New Zealand Gliding Association commented that "we note the inclusion of a number of points from our first submission, in the latest draft. We would still like to record that the NZGA considers it should be delegated the authority for the examination of applicants for the CPL(G)."

CAA reply: This is a matter for Part 104 when this reaches the consultative stage.

The Hawke's Bay and East Coast Aero Club commented "the introduction of Human Factors to the professional licences is supported."

CAA reply: This is an implementation of the ICAO requirement.

61.205 Privileges

Mount Cook Airline commented that privileges of the CPL are limited by using the words "that requires only one pilot" and "that requires more than one pilot" and also that 61.255 describes the privileges of the ATPL using the words "that requires more than one pilot". They commented that "these subtle differences alter the intent of the ICAO recommendation to the detriment of commercial pilot licence holders".

CAA reply: This had not been intended and the phrases have been changed to those used in ICAO Annex 1 of "certificated for single-pilot operation" and "required to be operated with a co-pilot" respectively.

61.207 Currency requirements

No comments.

61.251 Airline Transport Pilot Licence - Applicability

No comments.

61.253 Eligibility requirements

The New Zealand Air Line Pilots' Association commented that "the United Kingdom Civil Aviation Authority have introduced Human Factors at CPL level and have no separate examination for ATPL."

CAA reply: There is an ICAO Annex 1 requirement for "human performance and limitations relevant to the airline transport pilot" but this could be met by means other than another examination.

The New Zealand Air Line Pilots' Association commented "the Association considers [Part 61] to be well drafted and executed. The Association has conducted a comparative study on the various examination syllabi ... and is of the opinion that the syllabi set out in [Part 61] largely match those requirements set out in the international documents for private pilot licences, commercial pilot licences and instrument ratings. The Association is particularly pleased at the inclusion of its earlier recommendations on human performance and limitations. The Association considers, however, that the air transport pilot licence examination syllabus ..."

- "(a) Meets and, in some areas, exceeds ICAO standards in the subject of Meteorology;
- (b) Meets ICAO standards in the subjects of Flight Planning and Navigation General;
- (c) Falls to meet ICAO standards in the subject of Instruments and Navigation Aids;
- (d) Falls, contrary to ICAO standards, to provide the subjects of Principles of Flight, Aircraft Performance and Aircraft Technical Knowledge."

Air New Zealand commented "we are happy with the PPL, CPL and IR syllabuses, however it is our view that some further work must be done in the ATPL area and in particular:

- A 'Meteorology' Syllabus
- B Instruments and Navigation Aids
- C Principles of Flight, Aircraft Performance and Aircraft Technical Knowledge."

Nelson Aviation College and Flightline Aviation both commented that they supported the Air New Zealand and NZALPA proposal to introduce the new ATPL exam paper. **Flightline**

Part 61 Pilot Licences and Ratings

Aviation also commented that "I feel comfortable with the syllabi in general and with the Human Factors in particular and I believe the proposed changes are a good start." "I think the inclusion of an Instructional Technical Course is a major step forward." "Thank you again for this opportunity to comment".

CAA reply to the above four comments: Both NZALPA and Air New Zealand have used their technical resources to develop syllabuses in the areas concerned. These are gratefully acknowledged, and have been used both to update the ATPL Meteorology and Instrument and Navigation Aids syllabuses, and to create a new written examination which has been called "Advanced Aerodynamics, Performance, and Systems Knowledge." CAA used the ICAO Annex 1 requirements to allow an option here for the new ATPL(H). To allow adequate time for teaching and examining organisations to prepare for this new subject, an implementation date of 1 July 1993 has been allowed.

61.255 Privileges

No comments.

61.257 Currency requirements

No comments.

61.301 Flight Instructor Ratings - Applicability

No comments.

61.303 Eligibility requirements

Massey University School of Aviation commented they "recommend the applicant for a Category C Flight Instructor Rating be the holder of at least a CPL and not include the exception of PPL."

Helicopters (NZ) Ltd commented "is it really intended that Category A and B instructors may be PPL holders? This would allow PPLs to be CFI's of Aero Clubs which may be acceptable if that person had held a CPL or higher and had let it lapse. However, for an Category A or B never to have held a CPL is considered too flexible and compromising of standards".

CAA reply to the above two comments: Allowing PPL to instruct is a carry-over from CASO 12. However it does not apply to agricultural operations, nor to helicopter instructing, and the experience and training requirements have been increased to the same level as for CPL.

61.305 Privileges and limitations

Helicopters (NZ) Ltd commented that the privileges of flight instructors needs to refer to spinning, aerobatics, night flight, and multi-engined flight instruction.

CAA reply: This has been done. The philosophy of the lifetime licence concept is that when the instructors have met the experience requirements, and have themselves been trained and tested in instructing in these areas, they will be signed off in their logbooks.

Helicopters (NZ) Ltd commented that the ability to issue type ratings needs to be added to the privileges of the Category C, B, and A flight instructors.

CAA reply: This has now been done.

Part 61 Pilot Licences and Ratings

An industry pilot commented whether "check & training captains of approved organisations who normally hold Category D instructor ratings" can carry out BFR on persons other than their own line pilots.

CAA reply: They can "provided that the instructor is employed by an airline in a training role for that type of aircraft and that the biennial flight review is being conducted as an employee of that airline".

Massey University School of Aviation commented that Category C flight instructors should have the privilege to "authorise solo flight other than first solo flight, first solo navigation flight, first solo night flight, first solo spinning flight, first solo aerobatic flight, first solo multi-engine flight."

CAA reply: This comment was fully considered but the additional situations mentioned in the comment proved to be far more complex to regulate than was first apparent. The lack of past problems in this area suggest that change is not needed at this time. The restriction on Category C instructors will remain for first solo authorisation only.

Massey University School of Aviation commented "to remove the opportunity for a Category C flight instructor to have sole charge of flying training under any circumstances."

CAA reply: The amendment has been made.

Wakatipu Aero Club comments "does the requirement for the instructor to not give instrument flight instruction unless holder of an instrument rating preclude such an instructor from completing training in respect of the five hour, ten hour, and fifteen hour requirements for PPL, CPL and Cat C issues?".

CAA reply: They are not precluded, because the requirement was for flight under IFR rather than flying on instruments.

61.307 Currency requirements

Helicopters (NZ) Ltd commented that "the recency requirements for an Category E instructor of ten productive agricultural hours in the preceding 90 days will be almost impossible to meet, given the current level of agricultural flying in New Zealand. It is questioned as to whether this additional recency is required over that which is already specified for the licence itself. It is suggested that if a check on Category E competence is required then it should be left to the Chief Pilot to satisfy himself that an Category E instructor is competent to train a Company pilot in agricultural operations."

CAA reply: The requirement should stay because recency is no longer required for the licence itself, and the instructor rating is not restricted to company use only.

61.351 Instrument Rating - Applicability

No comments.

61.353 Eligibility requirements

No comments.

61.355 Privileges and limitations

No comments.

61.357 Currency requirements

The Transport Accident Investigation Commission commented for comparison that the Australian CAA has a useful provision for holders of instrument ratings on more than one category of aircraft which significantly reduced cost and effort where one was maintaining two ratings. When the tests were conducted within 28 days of each other, one test was a full renewal test, and the other confined to differences between the two categories.

CAA reply: At present we allow cross-crediting of experience but have not addressed cross-crediting of flight-testing. This may be reviewed at a later date.

General Comments

The Air New Zealand, and Wigram Sports, Flying Clubs commented that "I think that Part 61 is going to be a reasonable document, provided it is administered well in the field."

The Aircraft Owners' and Pilots' Association commented that "on behalf of our 400 odd members, we earnestly submit the above comments and trust that the recommendations made can be incorporated to clarify what we look forward to being a good rule."

Ansett New Zealand commented "with the suggested amendments in mind, the overall NPRM is well laid out and easy to follow." "Overall an improved system".

AVKAIR commented that "as a whole I agree that this rule is well thought out and well presented, and acknowledge that much thought and preparation has gone into the presentation of it, and it is practical, common sense."

Bay of Islands Aero Club commented that "basically I'm in agreement with the proposed changes and think they should prove both workable and sensible."

The Guild of Air Pilots and Air Navigators commented "congratulations in achieving what you have accomplished so far. Our Technical Subcommittee ... and the writer have examined Part 61 and are generally pleased with the contents." "The draft of Part 61 is generally of a high standard and should ensure that future standards of the NZ aviation industry are maintained at a high level." "The NZ Branch of the Guild of Air Pilots and Air Navigators welcomes the opportunity to comment on new legislation." "Best wishes in your future endeavours"

An industry pilot commented that "this docket copy has been passed around several pilots, both Student, Private, and Commercially licensed, for their perusal and comment. Without exception, all were quite happy with the contents, and the way they were laid out and phrased."

The Instructor Council commented that "most of the document is acceptable to the Instructors Council, and they are generally pleased with the progress made."

Marlborough Aero Club commented that "I would like to congratulate those who have put time and effort into this document as, apart from some aspects, overall I thought the changes are well constructed and balanced".

Massey University Dept of Psychology commented that "I'm confident the central matters we've exchanged ideas on have been thought about".

Part 61 Pilot Licences and Ratings

The remainder of the 219 comments on the NPRM were related to the advisory circulars and have been recorded separately in the docket file.

Conclusion

The Authority concludes from the comments received that the majority of industry participants are in favour of both the direction and the content of these new rules. Specific issues which were raised in those comments have been considered and, where appropriate, amendments have been made. The comments and all other background material used in formatting these rules are held on a docket file, and are available for public scrutiny. Persons wishing to view this docket file should call at Aviation House, 1 Market Grove, Lower Hutt, and ask to see Docket File 1005 NR.

Implementation

This rule will come into force 28 days after its notification in the New Zealand Gazette. Applications for pilot licences and ratings received after that date will be processed under Part 61. Applicants who commenced a training course for a licence or rating before the implementation of this rule may claim eligibility under the existing legislation. Licences and ratings issued under the Civil Aviation Regulations 1953 will remain valid until their normal expiry dates. A lead-in time will be allowed for the introduction of new written examination subjects.