



**PURSUANT** to Sections 28 and 30 of the Civil Aviation Act 1990

**I, STEVEN JOYCE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This <sup>17<sup>th</sup></sup> day of *February* 2010

by **STEVEN JOYCE**

A handwritten signature in black ink, appearing to be 'S. Joyce', is written over the printed name 'STEVEN JOYCE'. The signature is fluid and cursive, with a long, sweeping underline that extends below the name.

Minister of Transport

**Civil Aviation Rules**

**Part 95, Amendment 1**

**Instrument Flight Procedures - Registration**

*Docket 9/CAR/1*

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### **Rule objective**

The objective of amendment 1 to Part 95 is to make minor editorial and minor technical changes to facilitate clearer interpretation of the rule.

Amendment 1 to Part 95 is constituent to NPRM 09-03 which contains amendments to the following Parts:

Part 1	Part 95	Part 140
Part 12	Part 105	Part 145
Part 19	Part 106	Part 148
Part 26	Part 119	Part 172
Part 43	Part 121	Part 173
Part 65	Part 125	Part 175
Part 77	Part 129	
Part 91	Part 135	
Part 93	Part 139	

### **Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 09-03, containing the proposed changes to Part 95 and changes to other rules was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

The publication of this NPRM was notified in the Gazette on 31 July 2009 and advertised in the daily newspapers in the five main provincial centres on 31 July 2009. The NPRM was published on the CAA web site on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

### **Summary of submissions**

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 95, and consequently no changes were made to the proposed amendments.

The rule was then referred to the Minister of Transport for signing.

**Examination of submissions**

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

**Insertion of Amendments**

The amendments to the rules in this Part are reflected by the revocation of 2 existing rules and the insertion of new rules.

**Effective date of rule**

Amendment 1 to Part 95 comes into force on 25 March 2010.

**Availability of rules**

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

## Part 95 Amendments

### Subpart B — Promulgation and Notification of Instrument Flight Procedures

*Rule 95.53 is revoked and replaced by the following rule:*

#### **95.53 Entry of details into NZ Air Navigation Register**

(a) Subject to paragraph (b) the following details of every instrument flight procedure that is intended for use by aircraft operating under IFR in the New Zealand FIR or the Auckland Oceanic FIR must be entered into the NZANR by the Director:

- (1) the name or other appropriate identifier for the instrument flight procedure:
- (2) aeronautical data to define and describe the instrument flight procedure:
- (3) the date that the instrument flight procedure comes into effect:
- (4) the identity of the holder of the instrument flight procedure service certificate who is responsible for certifying the instrument flight procedure as required by paragraph (b)(1):
- (5) the identity of the holder of the instrument flight procedure service certificate who is responsible for the maintenance of the instrument flight procedure as required by paragraph (b)(2).

(b) Before entering aeronautical data into the NZANR that describes an instrument flight procedure, the Director must be satisfied that—

- (1) a person, who is appropriately authorised by the holder of an appropriate and current instrument flight procedure service certificate granted under section 9 of the Act and in accordance with Part 173, has certified that the instrument flight procedure meets the applicable requirements and standards of Part 173; and

- (2) a person who represents the holder of an appropriate and current instrument flight procedure service certificate referred to in paragraph (1), certifies that the instrument flight procedure is to be maintained in accordance with the certificate holder's procedures required by rule 173.63; and
  - (3) during any entry, retrieval or storage processes, any processing or manipulation of the aeronautical data required under paragraph (a) complies with the standards for the manipulation or processing of data specified in RTCA Inc. document number RTCA/DO-200A, or other standards accepted by the Director as an equivalent.
- (c) The Director must ensure that any transfer of aeronautical data associated with an instrument flight procedure, from or to the NZANR complies with the standards specified in the Aeronautical Information Transfer Model (**AIXM-5**) document or other standards accepted by the Director as an equivalent.

***Rule 95.55 is revoked and replaced by the following rule:***

**95.55     Gazette notification**

- (a) An instrument flight procedure may not come into effect for use by aircraft operating under IFR unless—
- (1) the details of the instrument flight procedure are entered into the NZANR in accordance with rule 95.53; and
  - (2) except as provided in paragraph (b), the Director has notified the following information in the *Gazette*—
    - (i) the name, or other applicable identifier for the instrument flight procedure; and
    - (ii) the date that the instrument flight procedure comes into effect for use by aircraft operating under IFR.
- (b) An instrument flight procedure that is to be effective for a period of 6 months or less is not required to be notified in the *Gazette* if the

information required under paragraph (a)(2) is notified in an AIPNZ supplement or NOTAM.

**Consultation Details**

*(This statement does not form part of the rules contained in Part 95. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 09-03 Omnibus 2009, containing the proposed rule amendments for Part 95, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 95.

The purpose of NPRM 09-03 was to make minor editorial and minor technical amendments to various Parts of the Civil Aviation Rules (CAR). The proposed amendments included the correction of spelling and grammatical errors, the updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations, and the revocation of specific transitional arrangements.