



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MARK GOSCHE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 18th day of *December* 2001

by **MARK GOSCHE**

A handwritten signature in black ink, appearing to read 'Mark Gosche'.

Minister of Transport

Civil Aviation Rules

Part 119

Air Operator–Certification, Amendment 5

Docket 1/CAR/1359

Content

| | |
|-------------------------------|---|
| Objective | 3 |
| Extent of consultation..... | 3 |
| Summary of comments..... | 3 |
| Examination of comments | 4 |
| Insertion of amendments | 4 |
| Effective date of rule | 4 |
| Availability of rules..... | 4 |

Part 119 Amendments

Subpart B — Airline Air Operator–Certification Requirements

| | |
|---------------------------------------|---|
| 119.73 Flight following service | 5 |
|---------------------------------------|---|

Subpart C — General Aviation Air Operator–Certification Requirements

| | |
|--|---|
| 119.121 Flight following service | 6 |
| CONSULTATION DETAILS..... | 8 |

Objective

Part 119 applies to the certification and activities of persons domiciled in New Zealand conducting air operations under Parts 121, 125, and 135. The objective of amendment 5 to Part 119 is to define flight following service requirements in association with the amended VFR flight planning rules in amendment 6 to Part 91 *General Operating and Flight Rules*.

Extent of consultation

In October 2000 the CAA formed a Civil Aviation Industry Rules Advisory Group Technical Study Group (CIRAG TSG) to examine proposals made by the Airways Corporation of New Zealand and the Aviation Industry Association in respect to changes to VFR flight planning. This TSG examined and discussed the various issues raised and accepted the wording of a draft Notice of Proposed Rule Making.

A Notice of Proposed Rulemaking 01-1 containing the proposed amendments to VFR flight planning was subsequently issued for public consultation under Docket 1/CAR/1359 on 13 March 2001.

The publication of this NPRM was notified in the *Gazette* on 15 March 2001 and advertised in the daily newspapers in the five main provincial centres on 17 March 2001. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 30 days was allowed for comment on the proposed rules.

Summary of comments

The submissions and verbal comments were considered and where appropriate the proposed rules were amended to take account of the comments made. There were no significant changes made to the proposal as a result of the comments received.

Examination of comments

Comments may be examined by application to the Docket Clerk at Aviation House 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 the existing rules and insertion of the amended rules.

Effective date of rule

Amendment 5 to Part 119 comes into force on 24 January 2002.

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/> or from:
Freephone: 0800 GET RULES (0800 438 785)

Part 119 Amendments

Subpart B — Airline Air Operator–Certification Requirements

Rule 119.73 is revoked and the following new rule inserted:

119.73 Flight following service

(a) An applicant for the grant of an airline air operator certificate must establish procedures to ensure that a flight following service is provided for any air operation that is conducted without a flight plan being submitted to an ATS unit.

(b) The procedures required in paragraph (a) must ensure that for each air operation being provided with a flight following service, the person providing the flight following service —

- (1) has the information required under 91.307(c) for a VFR flight plan; and
- (2) has a pre-arranged time for the completion of the air operation; and
- (3) subject to paragraph (c), has a time for re-establishing communications if the flight will operate in an area where communications cannot be maintained; and
- (4) has details of any other arrangements that may be appropriate for the safety of the operation for the pilot-in-command to report to the flight following service; and
- (5) makes timely notification to —
 - (i) the national rescue co-ordination centre; or
 - (ii) an organisation capable of taking emergency activation action that is acceptable to the Director —

if the pilot-in-command fails to establish communications within the pre-arranged times under paragraphs (2), (3), or (4).

(c) An aircraft may not be without communication under paragraph (b)(3) for longer than 30 minutes unless such longer period is acceptable to the Director.

Subpart C — General Aviation Air Operator—Certification Requirements

Rule 119.121 is revoked and the following new rule inserted:

119.121 Flight following service

(a) An applicant for the grant of a general aviation air operator certificate must establish procedures to ensure that a flight following service is provided for any air operation that is conducted without a flight plan being submitted to an ATS unit.

(b) The procedures required in paragraph (a) must ensure that for each air operation being provided with a flight following service, the person providing the flight following service —

- (1) has the information required under 91.307(c) for a VFR flight plan; and
- (2) has a pre-arranged time for the completion of the air operation; and
- (3) subject to paragraph (c), has a time for re-establishing communications if the flight will operate in an area where communications cannot be maintained; and
- (4) has details of any other arrangements that may be appropriate for the safety of the operation for the pilot-in-command to report to the flight following service; and
- (5) makes timely notification to —

- (i) the national rescue co-ordination centre; or
 - (ii) an organisation capable of taking emergency activation action that is acceptable to the Director —

if the pilot-in-command fails to establish communications within the pre-arranged times under paragraphs (2), (3), or (4).
- (c) An aircraft may be without communication under paragraph (b)(3) for —
- (1) no longer than 30 minutes, if it is an air transport operation; or
 - (2) any period of time that is established before the flight in accordance with the procedures under paragraph (a) if it is a commercial transport operation.

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 119. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to amendment 5 to Part 119 are contained with the associated amendment 6 to Part 91. The comments and all the background material used in developing the rules are held on the docket and are available for public scrutiny. Persons wishing to view the docket should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket 1/CAR/1359.