



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, **MAURICE WILLIAMSON**, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *13* day of *November* 1995

by **MAURICE WILLIAMSON**

Maurice Williamson
Minister of Transport

Civil Aviation Rules

Part 139 Amendment No 1

Aerodrome Operator - Certification, Operation and Use

Docket Nr. 1160

Civil Aviation Rules
Part 139 Amendment No 1

**Aerodrome Operator - Certification, Operation
and Use**

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Amendment No. 1 to Part 139 of the Civil Aviation Rules is to amend the Part to harmonise with structural changes made to all of the rules Parts that certificate organisations, to better reflect the procedural requirements of the Civil Aviation Act 1990, and to clarify the meaning of some rules.

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. The Register was identified as the Regulatory Review Consultative Group.

A draft of the amendment to Part 139 was developed by the rules rewrite team in consultation with members of the consultative group. A Notice of Proposed Rulemaking was issued under Docket 1160 on 3 May 1995.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 4 May 1995. 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 30 days was allowed for comment on the proposed rule.

The submissions were considered and where appropriate the proposed rules amended to take account of the comments made.

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

Part 139, Amendment No. 1 comes into force 28 days after notification in the Gazette.

Part 139**139.7**

Revoke 139.7 and substitute the following new rule:

“139.7 Application for Certificate

Each applicant for the grant of an aerodrome operating certificate shall complete form CAA 24139/01 and submit it to the Director with—

- (1) the exposition required by 139.77; and
- (2) a payment of the appropriate application fee prescribed by regulations made under the Act; and
- (3) a plan of the aerodrome and its facilities certified by a registered surveyor; and
- (4) evidence of lawful entitlement to use the place as an aerodrome.”

139.9

Amend the rule number to 139.11.

In paragraph (d) insert the word “forthwith” before the word “produce”.

Insert the following new rule 139.9 before the renumbered 137.11:

“139.9 Issue of Certificate

An applicant is entitled to an aerodrome operating certificate if the Director is satisfied that—

- (1) the applicant meets the requirements of Subpart B; and
- (2) the applicant, and the applicant’s senior person or persons required by 139.55(a)(1) and (2) are fit and proper persons; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.”

139.11

Amend the rule number to 139.13.

139.13

Revoke 139.13 and insert the following rule 139.129 in Subpart C:

“139.129 Safety Inspections and Audits

(a) The Director may require in writing the holder of an aerodrome operating certificate to undergo or carry out such inspections and audits of the holder’s

aerodrome, documents, and records as the Director considers necessary in the interests of civil aviation safety and security in accordance with section 15 of the Act.

(b) The Director may require the holder of an aerodrome operating certificate to provide such information as the Director considers relevant to the inspection or audit."

139.15

Revoke 139.15 and substitute the following new rule:

"139.15 Exemptions

The Director may exempt any person from any requirement in Subpart A, B, C, or D following the procedure prescribed in Part 11 and in accordance with section 37 of the Act."

139.55

Omit the words "who is acceptable to the Director, and" from paragraph (a)(1).

Omit the words "who are acceptable to the Director, and" from paragraph (a)(2).

139.101

Amend paragraph (4) by substituting the words "under this Part; and" for the words "under this Part."

Insert the following new paragraph (5):

"(5) notify the Director of any change of address for service, telephone number, or facsimile number required by form CAA 24139/01 within 28 days of the change."

139.125

Revoke 139.125 and substitute the following new rule:

"139.125 Unsafe Conditions

(a) Each holder of an aerodrome operating certificate shall establish procedures for restricting aircraft operations where an unsafe condition exists on an aerodrome.

(b) The procedures shall ensure that operations are not conducted on portions of the aerodrome where such an unsafe condition exists."