



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990,
and having had regard to the matters specified in section 33 of the Act,

I, GERRY BROWNLEE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *3rd* day of *February* 2014

by **GERRY BROWNLEE**

Minister of Transport

A handwritten signature in black ink, appearing to read 'Gerry Brownlee', is written over a horizontal line. The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Civil Aviation Rules

Part 101, Amendment 5

**Gyrogliders and Parasails; and Unmanned Balloons,
Kites, Rockets, and Model Aircraft-Operating Rules**

Docket 13/CAR/1

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Rule objective

The objective of amendment 5 to Part 101 is to clarify that a pilot qualification is not required to operate a free flight model aircraft.

Amendment 5 to Part 101 is constituent to NPRM 13-02 which contains amendments to the following Parts:

Part 1	Part 106
Part 19	Part 108
Part 43	Part 121
Part 65	Part 141
Part 66	Part 145
Part 77	Part 146
Part 91	Part 172
Part 93	Part 175
Part 101	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 13-02, containing the proposed changes to Part 101 and changes to other rules was issued for public consultation under Docket 13/CAR/1 on 30 May 2013.

The publication of this NPRM was notified in the Gazette, and was published on the CAA web site, on 30 May 2013.

A period of 30 days was allowed for comments on the proposed rule.

Summary of submissions

A total of 4 written submissions were received on NPRM 13-02 (2 submissions related to Part 1, one related to Part 66, and one related to Part 103). No changes were made to Part 101 as a result of consultation.

A detailed summary of the submission and the resulting CAA comments are provided in the “Consultation Details” section of this document.

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.

Description of Amendments

The amendment to this Part is reflected by the revocation and replacement of rule 101.205.

Effective date of rule

Amendment 5 to Part 101 comes into force on 01 April 2014.

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 101 Gyrogliders and Parasails; and Unmanned Balloons, Kites, Rockets, and Model Aircraft – Operating Rules

Rule 101.205 is revoked and replaced by the following rule:

101.205 Aerodromes

- (a) A person must not operate a model aircraft on or within 4 km of—
- (1) an uncontrolled aerodrome, unless—
 - (i) the operation is undertaken in accordance with an agreement with the aerodrome operator; and
 - (ii) in the case of a free flight model aircraft, the aircraft is launched downwind of an active runway; and
 - (iii) in the case of a radio controlled model aircraft, the aircraft is not operated at a height of more than 400 feet AGL, unless the operator has been approved by the Director to operate above 400 feet AGL, and each pilot has an observer in attendance while the model aircraft is active in the air; and
 - (2) a controlled aerodrome, unless it is operated in accordance with an authorisation from the relevant ATC unit; and
 - (3) any aerodrome, unless—
 - (i) the person is the holder of, or is under the direct supervision of the holder of, a pilot qualification issued by a model aircraft association approved by the Director; or
 - (ii) the person is under the direct supervision of a person appointed to give instruction in the operation of radio controlled model aircraft by a model aircraft association approved by the Director.
- (b) A person must not operate a model aircraft—

- (1) on or over any active movement area of an aerodrome; or
 - (2) on or over any active runway strip area.
- (c) Paragraph (a) does not apply to a control line model aircraft.
- (d) Paragraph (a)(3) does not apply to a free flight model aircraft.

Consultation Details

(This statement does not form part of the rules contained in Part 101. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 13-02 Omnibus 2013, containing the proposed rule amendments for Part 101, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 13/CAR/1 on 30 May 2013.

A period of 30 days was allowed for comment on the proposed rule. A total of 4 responses to the NPRM were received; none related to Part 101.

The purpose of NPRM 13-02 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 that have expired.