



**PURSUANT** to Sections 28, 29 and 30 of the Civil Aviation Act 1990

**I, Hon TIM MACINDOE, Associate Minister of Transport,**

**HEREBY MAKE** the following ordinary rules.

SIGNED AT *Hamilton*  
This *18<sup>th</sup>* day of *September* 2017

A handwritten signature in black ink, appearing to read 'Tim Macindoe', written in a cursive style.

by Hon **TIM MACINDOE**

Associate Minister of Transport

**Civil Aviation Rules**

**Part 115, Amendment 5**

**Adventure Aviation - Certification and Operations**

*Docket 16/CAR/10*

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### **Rule objective**

The objective of amendment 5 to Part 115 is to consolidate the rules relating to the manipulation of flight controls into one rule. Part 115 currently has separate rules for the manipulation of controls for a glider, hang glider and paraglider, and simulated military operation.

The new rule 115.215 now provides for the manipulation of flight controls. The rule prohibits a holder of an adventure aviation operator certificate from allowing a passenger to manipulate the flight controls of an aircraft unless the requirements specified in the rule are met.

### **Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 17-02, containing the proposed Small Issues rule amendments was issued for public consultation under Docket 16/CAR/10 on 20 February 2017.

The NPRM was published on the CAA web site and emailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 29 days was allowed for comment on the proposed rule.

### **Summary of submissions**

Forty five written submissions and no oral comments were received on the NPRM. A summary of submissions for this NPRM is available on the CAA website. These submissions and comments have been considered and as a result no change is made to the proposed rules.

### **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:

- revoking and replacing rule 115.215 to prohibit a holder of an adventure aviation operator certificate from allowing a

passenger to manipulate the flight controls of an aircraft, unless the requirements specified in the rule are met; and.

- revoking rules 115.613, 115.667 and 115.759, which are redundant.

### **Effective date of rule**

Amendment 5 to Part 115 comes into force on 30 October 2017.

### **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 115 Adventure Aviation – Certification and Operations

*Rule 115.215 is revoked and replaced with the following rule:*

### **115.215 Manipulation of controls**

(a) A holder of an adventure aviation operator certificate must not conduct an operation under the authority of the certificate that allows a passenger to manipulate the flight controls of the aircraft unless—

- (1) the purpose of the flight is to provide the passenger with a flight experience that requires the passenger to manipulate the flight controls; and
- (2) no other passenger is carried on the flight; and
- (3) the certificate holder's exposition includes procedures for risk management regarding passenger manipulation of controls; and
- (4) the passenger who is to manipulate the flight controls—
  - (i) has been provided with the ground instruction under the procedures required by paragraph (b)(1); and
  - (ii) has been assessed as competent to participate in the operation under the procedures required by paragraph (b)(2).

(b) The holder of an adventure aviation operator certificate referred to in paragraph (a) must establish procedures for:

- (1) providing the passenger with applicable ground instruction including—
  - (i) the applicable flight manoeuvres; and
  - (ii) the functions the passenger will be permitted to perform during the flight; and

- (iii) the applicable aircraft operating procedures; and
  - (iv) emergency procedures; and
- (2) assessing the passenger's competency to participate in the operation.

*Rule 115.613 is revoked:*

**115.613 Manipulation of controls – glider [*Revoked*]**

*Rule 115.667 is revoked:*

**115.667 Manipulation of controls – hang glider and paraglider [*Revoked*]**

*Rule 115.759 is revoked:*

**115.759 Manipulation of controls – simulated military operation [*Revoked*]**