



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

I, CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *26th* day of *August* 2015

by **HON CRAIG FOSS**

A handwritten signature in black ink, appearing to read 'Craig Foss', is written over the printed name.

Associate Minister of Transport

Civil Aviation Rules
Part 121, Amendment 26
Air Operations – Large Aeroplanes
Docket 14/CAR/3

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	3
Insertion of Amendments	3
Effective date of rule.....	4
Availability of rules.....	4
121.71 Use of aerodromes	5
121.79 Emergency light operation.....	8
121.83 Passenger information	8
121.155 Meteorological conditions – VFR flight.....	9
121.161 IFR departure limitations.....	10
121.305 Aeroplane load limitations.....	11
121.353 General	11
121.363 Flights over water	13
121.509 Second-in-command experience requirements	13
121.519 Pilot instructor experience requirements	14
121.521 Flight examiner experience requirements	15
121.523 Simulator instructor and examiner experience requirements.....	16
121.529 Ground instructor experience requirements	17
121.531 Flight crew member pairing limitations.....	18
121.533 Pilot operating limitations.....	18
121.535 Flight crew operating multiple aeroplane types or variants	20
121.601 Purpose	22
121.603 General	22
121.605 Competency assessment programme responsibilities	24
121.855 Documents to be carried	24
121.913 Qualification curriculum.....	25
121.955 EDTO authorisation up to 180 minutes maximum diversion time — twin-engine aeroplanes	26
121.977 En-route EDTO alternate aerodrome planning minima	27
121.979 Lower en-route EDTO alternate aerodrome planning minima	28
Consultation Details	29

Rule objective

The objective of Amendment 26 to Part 121 is to make minor editorial corrections.

This amendment forms part of the Omnibus 2014 rule project which also contains amendments to the following Parts:

Part 1	Part 93	Part 125
Part 12	Part 101	Part 135
Part 19	Part 102	Part 139
Part 43	Part 108	Part 145
Part 65	Part 115	Part 172
Part 91	Part 119	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 15-01, containing the proposed changes to Part 121 and other rules was issued for public consultation under Docket 14/CAR/3 on 24 March 2015.

The publication of this NPRM was notified in the Gazette on 24 March 2015. The NPRM was published on the CAA web site and emailed to subscribers to the automatic alert service provided by the CAA.

A period of 24 days was allowed for comment on the proposed rule.

Summary of submissions

Two written submissions and no oral comments were received on the NPRM. One submission related to the proposed amendment to Part 91. That submission was considered and as a result the final rule was redrafted to improve clarity. Consultation details are listed on page 29.

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 replacing the existing rules with the amended rules.

Effective date of rule

Amendment 26 to Part 121 comes into force on 24 September 2015.

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Replace the existing rule 121.71 with the following rule 121.71:

121.71 Use of aerodromes

(a) A holder of an air operator certificate must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not use an aerodrome for landing or take-off unless—

- (1) the aerodrome has physical characteristics, obstacle limitation surfaces, and visual aids that meet the requirements of—
 - (i) the characteristics of the aeroplane being used; and
 - (ii) the lowest meteorological minima to be used; and
- (2) if the operation is a regular air transport service operating to, from, or outside of New Zealand after 12 July 2007—
 - (i) a runway at an aerodrome within New Zealand that is used for the operation has a RESA at each end of the runway in accordance with the requirements of Part 139 Appendix A.1; or
 - (ii) if the runway does not have a RESA as required in paragraph (a)(2)(i), the certificate holder must ensure that for operations conducted after 12 October 2011 the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of a 90 m RESA at the overrun end of the runway strip; and
 - (iii) a runway at an aerodrome outside of New Zealand that is used for the operation has a RESA that extends to at least 150 m from the overrun end of the runway, or an engineered equivalent that is acceptable to the Director; or
 - (iv) if the runway does not have a RESA or an engineered equivalent as required in paragraph (a)(2)(iii), the certificate holder must ensure that the take-off and

landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of the RESA required in paragraph (a)(2)(iii) at the overrun end of the runway.

(b) The certificate holder must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not use an aerodrome for landing or taking-off unless the aerodrome has—

- (1) rescue fire equipment that is appropriate to the aeroplane type and is acceptable to the Director; and
- (2) for turbojet and turbofan powered aeroplanes, an operating visual approach slope indicator system, except when the aeroplane is performing a precision instrument approach that includes glideslope guidance.

(c) The certificate holder must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not use an aerodrome for landing or taking-off unless the aerodrome is specified individually or by grouping in the certificate holder's exposition.

(d) The certificate holder must ensure that the following matters are specified for each of the aerodromes or groups of aerodromes specified in the certificate holder's exposition under paragraph (c)—

- (1) the route or segment of a route:
- (2) the necessary level of flight crew training:
- (3) the minimum flight crew experience:
- (4) the flight crew pairing restrictions:
- (5) the type of authorised flight operations.

(e) Notwithstanding paragraph (f)(1), an aerodrome specified under paragraph (c) that is to be used as an alternate aerodrome by an aeroplane that has a certificated seating capacity of more than 30

passengers and is engaged on domestic air operations may be a non-certificated aerodrome.

(f) An aerodrome specified in the certificate holder's exposition under paragraph (c) that is to be used by an aeroplane that has a certificated seating capacity of more than 30 passengers and is engaged on a regular air transport passenger service must be an aerodrome that—

- (1) for New Zealand aerodromes, is associated with an aerodrome operator certificate issued in accordance with Part 139; or
- (2) for aerodromes outside New Zealand, is associated with a certificate that meets a standard that is equivalent to that required under Part 139 and issued by an ICAO contracting State.

(g) The certificate holder must maintain a register, as part of the route guide, of aerodromes that are to be used in accordance with paragraphs (e) and (f), containing—

- (1) the aerodrome data; and
- (2) procedures for ensuring that the condition of the aerodrome is safe for the operation; and
- (3) procedures for ensuring that the condition of any required equipment, including safety equipment, is safe for the operation; and
- (4) details of any limitations on the use of the aerodrome.

(h) Except as provided in paragraph (i), the certificate holder must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not land on or take-off from a runway unless—

- (1) the width of the runway to be used is at least that width determined in accordance with Appendix C for the aeroplane; and

- (2) the width of the runway strip for the runway to be used is at least that width determined in accordance with Table C-1 of Appendix C of Part 139 for the aeroplane and the runway type.
- (i) A runway that has a width that is less than that required under paragraph (h) may be used by an aeroplane performing an air operation under the authority of the holder's certificate if—
- (1) a lesser minimum runway width is determined by certificated flight testing, is prescribed in the aeroplane's flight manual; or
 - (2) a lesser minimum runway width was prescribed in the certificate holder's air service certificate, issued under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993, for the aeroplane.

Replace the existing rule 121.79 with the following rule 121.79:

121.79 Emergency light operation

A person performing an air operation must ensure that each emergency light system required by Part 26 Appendix D is armed or turned on during taxiing, take-off, and landing.

Replace the existing rule 121.83 with the following rule 121.83:

121.83 Passenger information

- (a) A person performing an air operation must ensure that the Fasten Seat Belt sign is turned on—
- (1) while the aeroplane is moving on the ground; and
 - (2) for each take-off; and
 - (3) for each landing; and

- (4) at any other time considered necessary by the pilot-in-command.
- (b) A person performing an air operation must ensure that passengers are informed, either by illuminated No Smoking signs or by approved No Smoking placards, when smoking is prohibited in the aeroplane.
- (c) If illuminated No Smoking signs are installed in an aeroplane, they must be lit when smoking is prohibited.

Replace the existing rule 121.155 with the following rule 121.155:

121.155 Meteorological conditions – VFR flight

- (a) A person performing an air operation must ensure a VFR flight is not commenced unless current meteorological reports, or a combination of current reports and forecasts, indicate VFR minima prescribed in Part 91 and in paragraph (d) can be complied with along the route, or that part of the route to be flown under VFR.
- (b) A person must not perform an extended over-water operation under VFR.
- (c) A pilot-in-command performing VFR air operations outside controlled airspace must fly—
 - (1) in meteorological conditions of not less than a ceiling of 1000 feet AGL and a flight visibility of not less than 5 km; and
 - (2) beneath the ceiling, remaining clear of cloud, and in continuous sight of the ground or water; and
 - (3) above not more than scattered cloud.
- (d) A pilot-in-command must not carry out an air operation under VFR in a multi-engine aeroplane above more than scattered cloud unless—

- (1) the aeroplane meets the requirements for IFR flight and the required minimum flight crew for IFR operation, holding current instrument rating qualifications, is at the controls; and
- (2) the instruments and equipment, including radio navigation equipment, required for IFR flight are operative; and
- (3) the aeroplane is capable, with one engine inoperative, of maintaining a net flight path that has a positive slope at 1000 feet above the cloud; and
- (4) the aeroplane carries radio navigation equipment enabling it to be navigated by IFR to an aerodrome where an instrument approach procedure may be carried out for landing; and
- (5) the aeroplane carries sufficient fuel and fuel reserves to proceed by IFR to an aerodrome where an instrument approach procedure may be carried out for landing.

Replace the existing rule 121.161 with the following rule 121.161:

121.161 IFR departure limitations

A person performing an air operation must ensure an IFR flight from an aerodrome is not commenced when weather conditions are at or above take-off minima prescribed under rule 91.413 and are below authorised IFR landing minima prescribed under rule 91.413, unless there is an appropriate aerodrome—

- (1) for an aeroplane having two engines, within a maximum of one hour flying time, in still air at one engine inoperative cruising speed, of the aerodrome of departure; or
- (2) for an aeroplane having three or more engines, within a maximum of two hours flying time, in still air at one engine inoperative cruising speed, of the aerodrome of departure.

Replace the existing rule 121.305 with the following rule 121.305:

121.305 Aeroplane load limitations

A holder of an air operator certificate must ensure that—

- (1) the limitations contained in the aeroplane flight manual, or other approved document, relating to the weight and balance of an aeroplane are complied with; and
- (2) maximum allowable weights are not exceeded for zero fuel, manoeuvre, take-off, and landing; and
- (3) the aeroplane's centre of gravity is within the limits referred to in subparagraph (1) at departure, and will remain within those limits throughout the operating cycle.

Replace the existing rule 121.353 with the following rule 121.353:

121.353 General

(a) Except as provided in paragraph (b), a holder of an air operator certificate must ensure that an air transport operation does not commence unless—

- (1) the aeroplane is equipped with —
 - (i) the type of instruments and equipment required by Part 91 and this Subpart; and
 - (ii) for an aeroplane that is performing a regular air transport service to, from, and within countries outside of New Zealand and for which the individual airworthiness certificate is first issued after 1 July 2008, 3 ELTs, 1 of which must be an ELT(AF) and each must meet the relevant standards referred to in paragraph A.15 of Appendix A to Part 91; and
 - (iii) the number of instruments and equipment to ensure that the failure of any independent system required for either communication or navigation purposes, or both,

does not result in the inability to communicate and navigate safely as required for the route being flown; and

- (2) the instruments and equipment installed in the aeroplane comply with—
 - (i) the applicable specifications and airworthiness design standards listed in the following:
 - (A) Appendix B to this Part;
 - (B) Appendix C to Part 21;
 - (C) Part 26; or
 - (ii) an alternative specification or design standard acceptable to the Director; and
 - (3) the instruments and equipment have been installed in accordance with the aeroplane manufacturer's instructions or equivalent instructions acceptable to the Director; and
 - (4) except as may be provided by a MEL approved under rule 91.539 for use for the aeroplane, the instruments and equipment installed in the aeroplane are in operable condition.
- (b) A holder of an air operator certificate is not required to equip an aeroplane with an ELT(AF) as required by rule 91.529(a) if—
- (1) the individual airworthiness certificate for the aeroplane was first issued before 1 July 2008; and
 - (2) the aeroplane is performing a regular air transport service to, from, and within countries outside of New Zealand; and
 - (3) the aeroplane is equipped with 2 ELTs of any type that meet the requirements prescribed in A.15 of Appendix A to Part 91 instead of the ELT(AF) required by rule 91.529(a).

Replace the existing rule 121.363 with the following rule 121.363:

121.363 Flights over water

A holder of an air operator certificate must ensure that each of the certificate holder's aeroplanes operated on an extended over-water operation is equipped with sufficient liferafts with buoyancy and overload capacity to accommodate every occupant of the aeroplane in the event of a loss of one liferaft of the largest rated capacity.

Replace the existing rule 121.509 with the following rule 121.509:

121.509 Second-in-command experience requirements

A holder of an air operator certificate must not designate a pilot to act as second-in-command of an aeroplane conducting an air operation under the authority of the certificate unless the pilot—

- (1) holds at least a current commercial pilot licence (aeroplane) with an applicable aircraft type rating; and
- (2) holds a current instrument rating; and
- (3) has successfully completed—
 - (i) the applicable training and competency requirements specified in Subparts I and J, or is participating in, and is assessed as competent in accordance with an advanced qualification programme specified in Subpart M; or
 - (ii) the applicable introduction, transition, or upgrade segment of the flight crew member training programme required by Subpart I and is assessed as competent for the flight crew member position under Subpart J, and is completing the pilot line training or pilot consolidation referred to in rules 121.567 or 121.569; and
- (4) is capable, if the pilot-in-command becomes incapacitated—

- (i) of operating the aeroplane safely under the prevailing and anticipated forecast weather conditions; and
- (ii) of performing the functions of the pilot-in-command; and
- (iii) of landing the aeroplane at the intended destination aerodrome or at a suitable alternate aerodrome.

Replace the existing rule 121.519 with the following rule 121.519:

121.519 Pilot instructor experience requirements

A holder of an air operator certificate must not designate a pilot to perform the function of a pilot instructor in the flight crew member training programme required by this Part unless that pilot—

- (1) is qualified to act as pilot-in-command of the aeroplane type performing the air operation under the authority of the certificate; and
- (2) holds a Category D flight instructor rating, or an airline flight instructor rating referred to in Part 61; and
- (3) has acquired at least 3000 hours of flight time experience as a pilot, including—
 - (i) 500 hours line operating flight time experience for the particular aeroplane type involved; or
 - (ii) 100 hours exercising the privileges of a Category D flight instructor or an airline flight instructor rating, referred to in Part 61, instructing pilots on another aeroplane type under Subpart I or Subpart M; and
- (4) has completed a training course in the methods for assessing crew member competency in the technical and non-technical aspects of aircraft operation including human factors and crew resource management.

Replace the existing rule 121.521 with the following rule 121.521:

121.521 Flight examiner experience requirements

A holder of an air operator certificate must not designate a pilot to perform the function of a flight examiner in a route check required by rule 121.567(e)(3), rule 121.569(a)(3), or in a competency assessment programme required by Subpart J unless that pilot—

- (1) holds a current airline flight examiner rating referred to in Part 61; and
- (2) is qualified to act as pilot-in-command of the aeroplane type performing an air operation under the authority of the certificate; and
- (3) has acquired—
 - (i) 200 hours exercising the privileges of Category D flight instructor rating or an airline flight instructor rating, referred to in Part 61, for the particular aeroplane type involved; or
 - (ii) 100 hours exercising the privileges of an airline flight examiner rating, referred to in Part 61, on an aeroplane type to which this Part applies; or
 - (iii) other suitable experience on an aeroplane type applicable to this Part or Part 125 as acceptable to the Director; and
- (4) has completed a training course in the methods for assessing crew member competency in the technical and non-technical aspects of aircraft operation including human factors and crew resource management.

Replace the existing rule 121.523 with the following rule 121.523:

121.523 Simulator instructor and examiner experience requirements

(a) Except as provided in paragraphs (b) and (c), a holder of an air operator certificate must not designate a pilot to perform the function of a pilot instructor, or flight examiner for the purpose of giving flight instruction or conducting a flight crew member competency assessment in a flight simulator unless the pilot—

- (1) meets the appropriate requirements referred to in rule 121.519 or 121.521; and
- (2) demonstrates competency as pilot-in-command in the flight simulator to the standard required by Subpart J; and
- (3) has received proficiency training in the operation of the flight simulator; and
- (4) has completed a training course in the methods for assessing crew member competency in the technical and non-technical aspects of aircraft operation including human factors and crew resource management.

(b) A pilot who has previously met the requirements referred to in paragraph (a) but who no longer holds a current medical certificate may act as a pilot instructor or flight examiner in a flight simulator if the pilot maintains competency by—

- (1) undergoing training as a flight crew member in a flight simulator in accordance with the training programme required by rule 121.553; and
- (2) completing a competency assessment under Subpart J; and
- (3) completing the applicable training requirements which are otherwise necessary to maintain the currency of an airline instructor rating, or flight examiner rating, under Part 61 and this Part.

(c) Despite paragraph (a), if the certificate holder applies to the Director in writing, the Director may approve a pilot, who does not hold a medical certificate and who has not previously met the requirements

referred to in rules 121.519 or 121.521, to exercise the functions of a pilot instructor or flight examiner in a flight simulator if the pilot—

- (1) has at least 5000 hours flight time experience in air operations; and
- (2) satisfactorily completes the training and competency requirements of Subpart I and J in a flight simulator of the aeroplane type; and
- (3) satisfactorily completes a course in flight instruction or flight examination that is acceptable to the Director; and
- (4) receives proficiency training in the operation of the flight simulator; and
- (5) continues to maintain competency as specified in paragraph (b).

Replace the existing rule 121.529 with the following rule 121.529:

121.529 Ground instructor experience requirements

A holder of an air operator certificate must not designate a person to perform the functions of a ground instructor in its crew member training programme required by rule 121.553 for flight crew, unless that person has completed—

- (1) an instructional techniques course acceptable to the Director; and
- (2) a human factors course acceptable to the Director; and
- (3) a comprehensive training course in the subject matter area in which instruction is being provided.

Replace the existing rule 121.531 with the following rule 121.531:

121.531 Flight crew member pairing limitations

(a) Except if authorised under paragraph (b), a holder of an air operator certificate must ensure that an air operation is not conducted unless at least one of the flight crew members has accumulated the following flight time experience after completing the training and consolidation requirements of Subpart I—

- (1) 75 hours in the aeroplane type that is being operated; or
- (2) 75 operating cycles in the aeroplane type that is being operated.

(b) If a certificate holder applies to the Director in writing, the Director may authorise the certificate holder to deviate from the requirements of paragraph (a) by amending the operations specifications as appropriate in any of the following circumstances:

- (1) a new certificate holder who cannot meet the minimum requirements prescribed in paragraph (a);
- (2) an existing certificate holder acquires an aeroplane type not previously authorised by the Director for use in its operations.

(c) If a flight crew member is participating in an advanced qualification programme required by Subpart M, the flight time experience referred to in paragraph (a) apply.

Replace the existing rule 121.533 with the following rule 121.533:

121.533 Pilot operating limitations

(a) A holder of an air operator certificate must ensure that for an air operation conducted under the authority of the certificate, the pilot flying during each take-off and each landing is—

- (1) the pilot-in-command; or

- (2) subject to paragraph (c), a pilot other than the pilot-in-command.
- (b) If a cruise relief pilot is designated for an air operation under rule 121.505(a)(4), the holder of the air operator certificate must ensure that the cruise relief pilot does not occupy a flight crew seat—
- (1) at any time when the aeroplane is operating below FL200 or below the transition level, whichever is higher; or
 - (2) at any other time during the flight unless the other flight crew seat is occupied by a pilot who is—
 - (i) the pilot-in-command; or
 - (ii) designated by the pilot-in-command and qualified by the holder to act as pilot-in-command in the cruise phase of the flight while supervising a cruise relief pilot.
- (c) The holder of an air operator certificate must establish procedures for ensuring that a pilot, other than the pilot-in-command, acting as pilot flying during the take-off or landing of an aeroplane is—
- (1) competent to perform the particular take-off or landing; and
 - (2) supervised by the pilot-in-command.
- (d) The procedures required by paragraph (a) must be based on risk management principles and take into account—
- (1) pilot-in-command qualifications:
 - (2) pilot training and experience:
 - (3) aircraft status and performance:
 - (4) runway dimensions and conditions:
 - (5) cloud ceiling:
 - (6) prevailing visibility:

- (7) crosswind component.

Replace the existing rule 121.535 with the following rule 121.535:

121.535 Flight crew operating multiple aeroplane types or variants

(a) If a holder of an air operator certificate assigns a flight crew member to operate more than one aeroplane type or more than one variant of an aeroplane type, the certificate holder must—

- (1) ensure that the flight crew member is trained and qualified to operate each aeroplane type or variant; and
- (2) establish training and competency assessment procedures acceptable to the Director.

(b) The holder of an air operator certificate must ensure that the procedures required by paragraph (a)(2) provide for the following—

- (1) before the flight crew member is assigned to operate more than one aeroplane type or variant, the flight crew member has the relevant experience necessary to operate the aeroplane type or variant taking into account the aircraft manufacturer's recommendations; and
- (2) a flight crew member has the sufficient experience required on one aeroplane type or variant before beginning training for another aeroplane type or variant, taking into account the manufacturer's recommendations; and
- (3) the flight crew member who is qualified on one aeroplane type or variant is trained and qualified on another aeroplane type or variant ; and
- (4) the flight crew member—
 - (i) has the applicable competency and recent flight experience requirements for each aeroplane type or variant; or

- (ii) satisfactorily completes a competency assessment on one specified aeroplane type or variant that is deemed to meet the competency standard on another specified aeroplane type or variant; and
 - (iii) for the purpose of paragraph (ii), the specified aeroplane types or variants must be recommended by the aeroplane manufacturer.
- (c) The relevant experience referred to in paragraph (b)(1) must include the minimum flight time experience or operating cycles a flight crew member must complete in air operations to which this Part applies.
- (d) The experience referred to in paragraph (b)(2) must include—
 - (1) the minimum flight time experience or operating cycles a flight crew member must complete in the aeroplane type already flown to which this Part applies; and
 - (2) the minimum number of hours a flight crew member must complete exclusively on the new aeroplane type or variant after commencing training for the new aeroplane type or variant.
- (e) The training and competency assessment procedures required by paragraph (a)(2) for a flight crew member to operate on more than one aeroplane type or different types of aeroplane with similar characteristics, must take into account at least the following:
 - (1) the aeroplane operating procedures; and
 - (2) the aeroplane systems; and
 - (3) the aeroplane performance limitations; and
 - (4) the aeroplane handling characteristics.
- (f) Despite rule 61.37, a holder of an air operator certificate must ensure that a flight crew member other than a cruise relief pilot, assigned to act as a flight crew member on multiple aeroplane types or variants, meets—

- (1) the recent flight experience required by Part 61 for each aeroplane type or variant; or
- (2) the recent flight experience requirements for each aeroplane type or variant as specified in the procedures required by paragraph (a)(2).

Replace the existing rule 121.601 with the following rule 121.601:

121.601 Purpose

This Subpart prescribes the rules governing the competency assessment of flight crew members and flight attendants who are trained under Subpart I.

Replace the existing rule 121.603 with the following rule 121.603:

121.603 General

(a) A holder of an air operator certificate must establish a crew member competency assessment programme under this Subpart to ensure that each person who is assigned to perform the function of a crew member on an aeroplane operating under the authority of the certificate is competent to perform his or her assigned crew member function.

(b) The crew member competency programme must be—

- (1) acceptable to the Director; and
- (2) controlled by the certificate holder; and
- (3) specific to each aeroplane type or variant; and
- (4) completed in a flight simulator when completing flight crew competency assessments required by rules 121.607(2), (3) and (5).

(c) The certificate holder may—

- (1) implement the crew member competency assessment programme required by paragraph (a) under the authority of the certificate; or
 - (2) contract with the holder of an aviation training organisation certificate issued under the Act and Part 141, to conduct the competency assessments in accordance with the crew member competency assessment programme required by paragraph (a), if the aviation training organisation certificate authorises the holder to conduct the competency assessments; or
 - (3) for a competency assessment conducted outside New Zealand, contract with an organisation that meets an equivalent standard specified in Part 141 to conduct the assessment in accordance with the applicable requirements specified in the crew member competency programme required by paragraph (a).
- (d) The certificate holder must ensure that the person responsible for the flight crew member competency assessment programme holds a flight examiner rating.
- (e) Despite paragraph (b)(4), if a flight simulator is not available for the aeroplane type, the certificate holder may apply to the Director to amend the competency assessment programme for the aeroplane type to conduct the competency assessment without the use of a flight simulator.
- (f) The certificate holder must ensure that a competency assessment referred to in paragraph (e) is completed in accordance with a safe flight practice guide that is acceptable to the Director.
- (g) The certificate holder must ensure that each flight simulator or training device used for the competency assessment referred to in paragraph (b)(4)—
- (1) maintains the performance, functional, and other characteristics that are required for approval; and

- (2) is modified to conform with any modification to the aeroplane being simulated that results in changes to performance, functional, or other characteristics required for approval; and
- (3) is given a functional pre-flight check before being used, and any discrepancy detected during use is logged by the appropriate pilot instructor or flight examiner at the end of each training or flight assessment.

Replace the existing rule 121.605 with the following rule 121.605:

121.605 Competency assessment programme responsibilities

- (a) A holder of an air operator certificate must be ultimately responsible for the adequacy and implementation of the competency assessment programme required by rule 121.603.
- (b) The certificate holder must ensure that a crew member who is subject to a competency assessment is assessed in accordance with the programme.

Replace the existing rule 121.855 with the following rule 121.855:

121.855 Documents to be carried

- (a) A holder of an air operator certificate must ensure that the following documents are carried on each air operation:
 - (1) details of the operational flight plan:
 - (2) NOTAM and aeronautical information service briefing documentation appropriate to the operation:
 - (3) meteorological information appropriate to the operation:
 - (4) a copy of the load manifest:

- (5) notification of dangerous goods:
 - (6) copies of the relevant aeronautical charts:
 - (7) for a regular air transport service, a route guide covering each route flown and alternate aerodromes that may be used.
- (b) The certificate holder must ensure that separate copies of the documents referred to in paragraph (a)(6) are available for each pilot performing flight crew duties on the flight.

Replace the existing rule 121.913 with the following rule 121.913I:

121.913 Qualification curriculum

A holder of an air operator certificate must ensure that each qualification curriculum includes—

- (1) for a person participating in this part of the programme—
 - (i) the certificate holder's planned hours of training, evaluation, and supervised operating experience; and
 - (ii) a list of the training, qualification, and certification activities, as applicable to each person's specific position; and
 - (iii) text describing the training, qualification, and certification activities, as applicable to each person's specific position; and
- (2) for a crew member, and other operations personnel, participating in this part of the programme, in addition to paragraph (a)(1), the certificate holder must list and describe in detail—
 - (i) training, evaluation, and certification activities that are aeroplane and equipment specific to qualify the person for a particular duty position on, or duties

- related to, the operation of a specific make, model, and series aeroplane or variant; and
- (ii) the knowledge requirements, subject materials, job skills, and each manoeuvre and procedure to be trained and evaluated; and
 - (iii) the practical test requirements in addition to, or in place of, the requirements of Part 61, and a list of, and text describing, supervised operating experience; and
- (3) for the instructor participating in this part of the programme, in addition to paragraph (a)(1), the certificate holder must list and describe in detail the training and evaluation used to qualify the person to impart instruction on how to operate, and on how to ensure the safe operation of, a particular make, model, and series aeroplane or variant; and
- (4) for the flight examiner and evaluator participating in this part of the programme, in addition to paragraph (a)(1), the certificate holder must list and describe in detail the training, evaluation, and certification activities that are aeroplane and equipment specific to qualify the person to evaluate the performance of personnel who operate, or who ensure the safe operation of, a particular make, model, and series aeroplane or variant.

Replace the existing rule 121.955 with the following rule 121.955:

121.955 EDTO authorisation up to 180 minutes maximum diversion time — twin-engine aeroplanes

- (a) The Director may amend the operations specifications required by rule 119.15 to authorise a holder of an air operator certificate to conduct air operations using an aeroplane with 2 turbine powered engines on EDTO up to 180 minutes maximum diversion time if the Director is satisfied that—

- (1) the airframe and engine combination is approved by the State of Design to operate to the maximum diversion time requested by the certificate holder; and
- (2) every applicable requirement of this Part is met.

(b) Despite paragraph (a)(1), the Director may amend the operations specifications under paragraph (a) to authorise a holder of an air operator certificate to use an aeroplane on an EDTO to not more than 75 minutes maximum diversion time if the aeroplane has 2 turbojet or turbofan powered engines and the Director considers that the proposed airframe/engine combination, although not approved by the State of Design to operate more than 60 minutes flight time (calculated at a one engine inoperative cruise speed in still air and ISA conditions) from an adequate aerodrome, is suitable for the intended EDTO.

Replace the existing rule 121.977 with the following rule 121.977:

121.977 En-route EDTO alternate aerodrome planning minima

Except as provided in rule 121.979, the applicable minima for an aerodrome to be listed as an en-route EDTO alternate aerodrome under rule 121.969 are specified in the following table:

Facilities available at EDTO en-route alternate	Ceiling	Visibility
Two or More Separate Precision Approach Procedure Equipped Runways <i>(Note: A single runway with reciprocal precision approach procedures does not meet this requirement)</i>	Cloud-base of 400 feet or a cloud-base of 200 feet above the lowest aerodrome landing minimum; whichever is higher.	A visibility of 1500 metres or a visibility of 800 metres more than the lowest aerodrome landing minimum; whichever is greater.
A Single Precision	Cloud-base of 600	A visibility of 3000

Approach Procedure	feet or a cloud-base of 400 feet above the lowest aerodrome landing minimum; whichever is higher.	metres or a visibility of 1500 metres more than the lowest aerodrome landing minimum; whichever is greater.
Non-precision Approach Procedure	Cloud-base of 800 feet or a cloud-base of 400 feet above the lowest aerodrome landing minimum; whichever is higher	A visibility of 4000 metres or a visibility of 1500 metres more than the lowest aerodrome landing minimum; whichever is greater.

Replace the existing rule 121.979 with the following rule 121.979:

121.979 Lower en-route EDTO alternate aerodrome planning minima

Despite rule 121.977, at an aerodrome where a Category II or Category III precision approach procedure is permitted, planning minima lower than the en-route EDTO alternate aerodrome planning minima stated in rule 121.977 may be used if the precision approach is performed in accordance with the approved precision approach procedure manual required by rule 91.417.

Consultation Details

(This statement does not form part of the rules contained in Part 0. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 15-01Omnibus 2014, containing the proposed rules was issued for public consultation under Docket 14/CAR/2 on 24 March 2015.

One response to the NPRM was received that was pertinent to the proposed changes in Part 65.

The submitter stated:

“While the abbreviations ELT and ELT(S) are defined in Part 1 the full definitions are not. Annex 6 contains those definitions. Given Part 91.525 has an ELT(S) or EPIRB, the clarity provided by the NPRM 121.353(a)(1)(ii) is still potentially conflicting. i.e. is an ELT(S) or for that matter an EPIRB under 91.525 considered to be an ELT under 121.353(a)(1)(ii). I believe that is the intent, but it is not 100% clear. Under Annex 6 an ELT(S) is simply an ELT “stowed so as to facilitate its ready in an emergency, and manually activated by survivors”

CAA Response

The CAA acknowledges the submitter’s concerns regarding ELT, ELT(S) and EPIRB as they are currently presented in current rules 91.525, 91.529, and 121.353(a)(1)(ii).

While the submitter claims that ELT and ELT(S) are not as fully defined in Part 1 as they are in ICAO Annex 6, the CAA believes they are sufficiently defined in Part 1 as ‘Emergency locator transmitter’ and ‘Emergency locator transmitter (survival)’ and are aligned with Annex 6.

Further, the CAA believes that the narrative provided in the NPRM for rule 121.353(a)(1)(ii) is correct and represents an ELT(S) being one of the ELTs that is required in the current rule. However, the purpose of amending rule 121.353(a)(1)(ii) is to eliminate an unreasonable requirement of having a fourth type of ELT which is placing unnecessary and excessive financial burden on an operator.

Further, and as a result of the submission, the CAA will recommend clarification of the types of ELTs provided for in Part 91 and Part 121 by adding (AF) after ELT to elucidate it is an ELT(AF) or “Emergency locator transmitter (automatic fixed)” where that is the intent of the requirement.