



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

**I, Hon Julie Anne Genter, Associate Minister of Transport,**

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT**

This **7** day of **April** 2019

by Hon

A handwritten signature in black ink, appearing to read 'Julie A Genter', is written over a horizontal line.

Associate Minister of Transport

Civil Aviation Rules

**Part 121, Amendment 31**

**Air Operations — Large Aeroplanes**

*Docket 17/CAR/2*

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**Rule objective**

The objective of amendment 31 to Part 121 is to address three of the findings of the 2006 ICAO audit of the civil aviation rules so that the rules are better aligned with the ICAO recommended standards.

The three findings addressed in this amendment to Part 121 are –

- the lack of a requirement for an operator to establish aerodrome operating minima for each aerodrome to be used in its air operations;
- the need to update the specifications for flight data recorders and cockpit voice recorders (mainly to extend the recording time and storage of information for a cockpit voice recorder and flight data recorder); and
- the lack of a requirement that an aeroplane operated at night is equipped with two landing lights.

Amendment 31 to Part 121 is associated with the following amendments to other rule Parts –

- amendment 31 to Part 91
- amendment 23 to Part 125
- amendment 9 to Part 129
- amendment 24 to Part 135.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 19-01, containing the proposed changes to Parts 91, 121, 125, 129 and 135 was issued for public consultation under Docket 17/CAR/2 on 21 September 2018.

The NPRM was published on the CAA web site on 21 September 2018 and mailed 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**

There was one written submission received on the NPRM regarding draft rule 91.413A. There was no oral comment received.

The submission has been considered and as a result draft rule 91.413A has been renumbered as rule 91.411A. The heading of the draft rule is revised to read - '*Pilot-in-command and operator to inform ATS unit of carriage of dangerous goods*', to better reflect the intent of the rule.

There is no amendment to this Part as a result of the submission.

The submission for this NPRM is available on the CAA website.

### **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 rules 121.89, 121.359, 121.371, 121.373 and appendices B.5 and B.6; and
- inserting new rule 121.159A.

### **Effective date of rule**

Amendment 31 to Part 121 comes into force on 10 May 2019.

### **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 121 Air Operations – Large Aeroplanes

*Rule 121.89 is revoked and replaced with the following rule.*

### 121.89 Flight recorder requirements

- (a) Each flight crew member must ensure that—
- (1) the cockpit voice recorder required by rule 121.371 is operated continuously from the start of the checklist commenced before engine start until the completion of the final checklist at the termination of flight; and
  - (2) if the aeroplane is equipped to record the uninterrupted audio signals received from a boom or a mask microphone, the boom microphone is used below 10 000 feet altitude; and
  - (3) if the cockpit voice recorder has an erasure feature, that feature must not be used except for maintenance purposes or for a safety investigation.
- (b) Each flight crew member must ensure that—
- (1) the flight data recorder required by rule 121.373 is operated continuously from the instant the aeroplane begins to move under its own power until it has come to a complete stop at the termination of the flight; and
  - (2) it records and stores at least the last 25 hours of its operation in digital form; and
  - (3) not more than 1 hour of recorded data is erased for the purpose of testing the flight recorder or the flight recorder system, or after a safety investigation; and
  - (4) any erasure made under paragraph (b)(3) is—
    - (i) of the oldest recorded data accumulated at the time of testing, or safety investigation; and
    - (ii) recorded in the appropriate maintenance documentation.

*New rule 121.159A is inserted after rule 121.159.*

**121.159A Aerodrome operating minima to be used for each aerodrome**

- (a) A holder of an air operator certificate must ensure that a pilot-in-command performing an air operation must comply with the aerodrome operating minima that applies to the aerodrome, as published in the applicable AIP.
- (b) The holder of an air operator certificate may increase the aerodrome operating minima by including the increased aerodrome operating minima in the certificate holder's exposition.
- (c) A pilot-in-command who operates under an increased aerodrome operating minima must comply with any requirements specified in the certificate holder's exposition in relation to the increased aerodrome operating minima.

*Rule 121.359 is revoked and replaced with the following rule.*

**121.359 Night flight**

A holder of an air operator certificate must ensure that an aeroplane operated at night is equipped with—

- (1) two landing lights; and
- (2) a light in each passenger compartment.

*Rule 121.371 is revoked and replaced with the following rule.*

**121.371 Cockpit voice recorder**

- (a) A holder of an air operator certificate must ensure that an aeroplane is equipped with a cockpit voice recorder as specified in Appendix B.5.
- (b) Despite paragraph (a), an aeroplane equipped with a cockpit voice recorder immediately before 10 May 2019 that met the standards specified in Appendix B.5 at that time, may continue to meet those standards, until 10 May 2020.
- (c) Paragraph (b) expires on 11 May 2020.

***Rule 121.373 is revoked and replaced with the following rule.***

**121.373 Flight data recorder**

- (a) A holder of an air operator certificate must ensure that an aeroplane is equipped with a flight data recorder as specified in Appendix B.6.
- (b) Despite paragraph (a), an aeroplane equipped with a flight data recorder immediately before 10 May 2019 that met the standards specified in Appendix B.6 at that time, may continue to meet those standards, until 10 May 2020.
- (c) Paragraph (b) expires on 11 May 2020.

*Appendix B.5 is revoked and replaced with the following appendix.*

### **B.5 Cockpit voice recorder**

A cockpit voice recorder must —

- (1) meet the requirements of the TSO C123 series; and
- (2) be fitted with an underwater locating device that meets the requirements of the TSO C121 series; and
- (3) record and stores at least the last 2 hours of its operation; and
- (4) have an alternate power source that is separate from the power source that normally provides power to the recorder and complies with standard 6.3.2.4.1 of ICAO Annex 6.

*Appendix B.6 is revoked and replaced with the following appendix.*

### **B.6 Flight data recorder**

A flight data recorder must —

- (1) meet the requirements of the TSO C124 series; and
- (2) be fitted with an underwater locating device that meets the requirements of the TSO C121 series; and
- (3) be of a non-ejectable type and capable of recording and storing at least the last 25 hours of its operation in a digital form; and
- (4) record the parameters as detailed in—
  - (i) Figure 1; and
  - (ii) as applicable, Table 1 and Table 2—  
of Appendix B.