

Civil Aviation Rules



Notice of Proposed Rule Making

NPRM 15-01

26 March 2015

OMNIBUS 2014

14/CAR/3

Affected Rule Parts

Part 1	Part 108
Part 12	Part 115
Part 19	Part 119
Part 43	Part 121
Part 61	Part 125
Part 65	Part 135
Part 91	Part 145
Part 93	Part 172
Part 101	

Background to the Civil Aviation Rules

The Civil Aviation Rules establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the New Zealand civil aviation system. The Rules are structured in a manner similar to the Federal Aviation Regulations of the USA. Close co-operation is being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

Rules are divided into Parts and each Part contains a series of individual rules which relate to a particular aviation activity. Advisory circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has established to be an acceptable means of compliance with the associated rule. An advisory circular may also contain guidance material to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the Crown and regulatory authority (the Authority) and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the Crown and the Authority to set standards for, and monitor performance of, aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 12 of the Civil Aviation Act 1990 prescribes general requirements for participants in the civil aviation system and requires, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Section 28 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- The implementation of New Zealand's obligations under the Convention
- The provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services

- Assisting aviation safety and security, including but not limited to personal security
- Assisting economic development
- Improving access and mobility
- Protecting and promoting public health
- Ensuring environmental sustainability
- Any matter related or reasonably incidental to any of the following:
 - i. The Minister's objectives under section 14 of the Act;
 - ii. The Minister's functions under section 14A of the Act;
 - iii. The Authority's objectives under section 72AA of the Act;
 - iv. The Authority's functions and duties under section 72B of the Act;
and
 - v. The Director's functions and powers under section 72I of the Act
- Any other matter contemplated by any provision of the Act.

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1. Purpose of this NPRM

The purpose of this rule-making proposal is to make minor editorial and minor technical amendments to various rules. An issue is considered to have met the omnibus criteria if—

- the proposal is minor, does not include a policy change, or Cabinet approval has been obtained for that change;
- the proposal addresses minor technical matters or updates;
- no significant compliance costs or safety risk will result from the proposal;
- the proposal is not likely to be controversial; and
- the proposal has little or no regulatory impact.

The primary objectives of the proposed amendments include the—

- correction of grammatical and editorial errors;
- updating of rule wording where it is not consistent with current rule drafting conventions;
- updating of rule wording and rule references so that they are in line with applicable rule changes;
- updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations;
- inclusion and correction of required rule documentation; and
- revocation of expired transitional arrangements.

2. Background to the Proposal

2.1 General Summary

This Omnibus 2014 project proposes a broad range of minor rule amendments in 17 CAR Parts.

A number of issues have been raised by the CAA technical specialists since the publication of the last Omnibus in 2013 (Docket 13/CAR/1). These issues have been reviewed by CAA staff and have been confirmed as meeting the omnibus criteria mentioned above.

2.2 NPRM Development

The proposed amendments were developed using the current rule consolidation extracts from the CAA Rules Register in combination with those of the ICAO, the Federation Aviation Administration, the European Aviation Safety Agency, the Civil Aviation Safety Authority of Australia, and the applicable advisory circulars including acceptable means of compliance and guidance material.

Technical experts from operational groups within the CAA were consulted in relation to the issues. The minor or administrative nature of the proposed amendments does not substantially alter existing arrangements therefore a regulatory impact statement is not required.

2.3 Key Stakeholders

The following are identified by the Civil Aviation Authority as key stakeholders in the proposed rule amendments contained in this NPRM:

- The Civil Aviation Authority;
- The Minister of Transport;
- The Ministry of Transport;
- Aircraft pilots (Part 61);
- Air traffic service providers and organisations (Part 65, and Part 172);
- Aircraft operators (Part 91, Part 108, Part 121, Part 125, and Part 135);
- Aircraft maintenance organisations (Part 145);
- Special aerodrome traffic operators (Part 93).

3. Issues Addressed during Development

The CAA and the aviation industry report on errors that have been detected in the rules. These errors are reviewed by the responsible CAA technical experts and are categorised into editorial or technical issues. An effort is made in the proposed amendment to align rule wordings with similar or

relevant rules, or international standards. The proposed amendments adopt the modern drafting style of using plain English as much as practicable. For instance the use of “must” instead of “shall”, and where appropriate, “an”, “a”, or “the” instead of “each”.

The proposed amendment also adopts ICAO standardised units and measurements to provide a uniform way of expressing numerals and symbols. For instance, the use of “kg” instead of “kgs”, and spacing required between numerals and a representing symbol such as in “400 kg” instead of “400kg”.

The following proposed amendments will result in no additional costs to the industry, and will have no detrimental impact on safety:

3.1 Part 1 Definitions and Abbreviations

3.1.1 A submission was made to include the definition of ‘**controlled aerodrome**’ to align with ICAO Annex 2. (Refer 3.9.1 for other details regarding the submission).

The CAA noted the omission and agreed to include the definition.

3.1.2 A submission was made to correct the definition of ‘**Special VFR flight**’ by removing the term ‘controlled airspace’ and replacing it with the term ‘control zone’. The submitter stated ‘controlled airspace’ is a generic term that also includes control area, terminal control area, upper control area and oceanic control area. The correction will also align with ICAO Annex 2.

The CAA agreed to the correction and seeks consideration of the change by interested parties.

3.1.3 A submission was made to update the definition of ‘**TEMPO**’. The submitter stated that the current definition of TEMPO is out of date and not aligned with the definition specified in AIP GEN 3.5-33.

The CAA agreed to the amendment.

3.2 Part 12 Accidents, Incidents and Statistics

3.2.1 A submission was made to amend the titles of Table 2 and Table 3 in rule 12.151 to clarify reporting periods for hire or reward operations, and non-hire or reward operations respectively.

In addition, a submission was made to amend the due date in Table 3 from '15 Feb' to '1 Feb'. The amendment will make it easier for operators to remember to make their returns at the beginning of the month.

Further, a submission was made to create paragraph (c) to clarify that if an aircraft has not flown during those reporting periods specified in Tables 2 and 3, the operator must continue to submit aircraft operating statistics for that aircraft.

The CAA agreed to the amendments.

3.3 Part 19 Transition Rules

3.3.1 A submission was made to correct the title of rule 19.3 to 'Units of measurement'. In addition, the table in rule 19.3(b) which specifies Non International System Units (NISU), requires updating. 'Visibility' is proposed to be removed since it is not a non international system unit as adopted by ICAO Annex 5.

The CAA agreed to the amendment.

3.3.2 A submission was made to add a Part 145 certificate holder regarding the issuance of a release note specified in rule 19.303.

The CAA agreed to the amendment.

3.4 Part 43 General Maintenance Rules

3.4.1 A submission was made to allow a glider engineer or a glider pilot to provide duplicate inspection certification in rule 43.113(b). The submitter added that this inclusion was overlooked at the last rule change.

The CAA agreed to the amendment and proposes to align the wording of rule 43.113(b) with rule 43.101(b).

3.5 Part 61 Pilot Licences and Ratings

3.5.1 A submission was made to remove the letter 'd' from the word 'multi-engined' to read 'multi-engine' for the purpose of consistency throughout the rules. This correction applies to the following rules—

- (1) 61.53(6);
- (2) 61.305(g)(2), (l)(2), (p)(2), (t); and

(3) 61.805(b)(2).

The CAA agreed to the editorial correction.

3.6 Part 65 Air Traffic Services Personnel Licences and Rating

3.6.1 A submission was made to amend the following definitions in rule 65.7(a) to provide for surveillance-based systems, and to align with ICAO Annex 1:

Rule 65.7(a)(6)(ii) - ‘approach control rating’ to ‘approach control procedural rating’;

Rule 65.7(a)(6)(iii) - ‘approach control radar rating’ to ‘approach control surveillance rating’;

Rule 65.7(a)(6)(iv) - ‘area control rating’ to ‘area control procedural rating’;

Rule 65.7(a)(6)(v) - ‘area control radar rating’ to ‘area control surveillance rating’.

The CAA agreed to the amendment.

3.6.2 A submission was made to amend the following definitions in rule 65.301(1) to provide for surveillance-based systems, and to align with ICAO Annex 1. As a result of the proposed amendment, the current air traffic controller rating in paragraph (vi) ‘area control automatic dependent surveillance rating’ is redundant because it would be covered under the proposed ‘area control procedural rating’ with validations and service endorsement as necessary, in conformance with current ICAO standards and procedures.

Rule 65.301(1)(ii) – ‘approach control rating’ to ‘approach control procedural rating’;

Rule 65.301(1)(iii) – ‘approach control radar rating’ to ‘approach control surveillance rating’;

Rule 65.301(1)(iv) – ‘area control rating’ to ‘area control procedural rating’;

Rule 65.301(1)(v) – ‘area control radar rating’ to ‘area control surveillance rating’.

The CAA agreed to the amendment.

3.6.3 A submission was made to amend the following definitions in rule 65.303(2) and (3) to provide for surveillance-based systems, and to align with ICAO Annex 1:

Rule 65.303(2)(ii) – ‘approach control’ to ‘approach control procedural’;

Rule 65.303(2)(ii) – ‘area control’ to ‘area control procedural’;

Rule 65.303(2)(iii) – ‘approach radar’ to ‘approach control surveillance’;

Rule 65.303(2)(iii) – ‘area radar control’ to ‘area control surveillance’;

Rule 65.303(3)(ii) – ‘approach control’ to ‘approach control procedural’;

Rule 65.303(3)(ii) – ‘approach control radar’ to ‘approach control surveillance’;

Rule 65.303(3)(ii) – ‘area control’ to ‘area control procedural’;

Rule 65.303(3)(ii) – ‘area control radar’ to ‘area control surveillance’.

The CAA agreed to the amendment.

3.6.4 A submission was made to amend the following definitions in rule 65.307(a) to provide for surveillance-based systems, and to align with Annex 1:

Rule 65.307(a)(2) – ‘approach control rating’ to ‘approach control procedural rating’;

Rule 65.307(a)(3) – ‘approach control radar rating’ to ‘approach control surveillance rating’;

Rule 65.307(a)(4) – ‘area control rating’ to ‘area control procedural rating’;

Rule 65.307(a)(5) – ‘area control radar rating’ to ‘area control surveillance rating’.

The CAA agreed to the amendment.

3.7 Part 91 General Operating and Flight Rules

3.7.1 A submission was made to amend wording in rule 91.301(b) to correct the grammar and improve readability.

The CAA agreed to make the grammatical correction.

3.7.2 A submission was made to reinstate the AFNOR parachute standard in Appendix A.25 of Part 91. At the time Part 115 was developed, the AFNOR parachute standard was removed because it was thought to be not in use. The AFNOR standard is still acceptable as currently 4 operators are receiving exemptions to continue using it.

The CAA agreed to the amendment.

3.7.3 A submission was made to include TSO C127 in Appendix A.3 to Part 91 to include helicopters.

The CAA agreed to the amendment.

3.8 Part 93 Special Aerodrome Traffic Rules and Noise Abatement Procedures

3.8.1 A submission was made to remove paragraph reference (a) in rule 93.103 as there is only one paragraph in the rule.

The CAA agreed to the correction.

3.9 Part 101 Gyrogliders and Parasails; and Unmanned Balloons, Kites, Rockets and Model Aircraft

3.9.1 A submission was made to move the definition of 'controlled aerodrome' from Part 101 (rule 101.3) and include it in its full form in Part 1. In addition to Part 101, the term appears in Part 91 and Part 172.

To ensure the definition has a single uniform meaning, the CAA agreed to relocate it within Part 1. Consequently, the definition of 'controlled aerodrome' is proposed to be removed from Part 101. In addition, the CAA proposes to include a supplementary note as indicated in ICAO Annex 11 for clarity and completeness.

3.10 Part 108 Air Operator Security Programme

3.10.1. A submission was made to revoke rule 108.55(j) as the transition period ended 16 July 2013.

The CAA agreed to revoke rule 108.55(j).

3.10.2 A submission was made to revoke rule 108.59(c) as the transition period ended 16 July 2013.

The CAA agreed to revoke rule 108.59(c).

3.10.3 A submission was made to revoke rule 108.60(b) as the transition period ended 16 July 2013.

The CAA agreed to revoke rule 108.60(b).

3.11 Part 115 Adventure Aviation Certification and Operation

3.11.1 A submission was made to remove ‘flight guide’ and ‘plates’ from rule 115.453(3) and replace with ‘aeronautical charts’ to align with ICAO Annex 4.

The CAA agreed to the amendment.

3.12 Part 119 Air Operator – Certification

3.12.1 A submission was made to exclude Part 115 Operators from the requirements of rule 119.5(b). The submitter added this was an oversight and the rule should have been amended with the introduction of Part 115.

The agreed to the amendment.

3.13 Part 121 Air Operations – Large Aeroplanes

3.13.1 A submission was made for rule 121.71 to align with current rule drafting style as follows—

- (1) include a hyphen between ‘take’ and ‘off’ in paragraph (a)(2)(ii); and
- (2) remove ‘A holder of an air operator certificate’ and replace with ‘The certificate holder’ in paragraphs (b), (c), (d), (g), and (h).

The CAA agreed with the amendments.

3.13.2 A submission was made to include a hyphen between ‘take’ and ‘off’ in rule 121.79.

The CAA agreed to the amendment.

3.13.3 A submission was made to include a hyphen between ‘take’ and ‘off’ in rule 121.83(a)(2).

The CAA agreed to the amendment.

3.13.4 A submission was made to remove the letter ‘d’ from the word ‘multi-engined’ in rule 121.155(d).

The CAA agreed to the amendment.

3.13.5 A submission was made to amend rule 121.161(1) to align with wordings in paragraph (2) regarding description of an aeroplane.

The CAA agreed to the amendment.

3.13.6 A submission was made to include a hyphen between ‘take’ and ‘off’ to read ‘take-off’ in rule 121.305(2).

The CAA agreed to the amendment.

3.13.7 A submission was made to amend rule 121.353(a)(1)(ii) to clarify the number and types of ELTs required for air operations. The current rules require a new large air transport aircraft (e.g. B777-300) to have two ELTs installed to comply with rule 91.525, one automatic ELT to comply with rule 91.529(a) and a forth ELT to meet the requirements of rule 121.353(a). It is proposed to amend rule 121.353(a)(1)(ii) to eliminate an unreasonable requirement that places an excessive financial burden on the operator.

The CAA agreed to the amendment.

3.13.8 A submission was made to remove the hyphen in the title of rule 121.363 to read ‘over water’, not ‘over-water’. The submitter added that the hyphen in the body of the rule is correct and requires no correction.

The CAA agreed to the correction.

3.13.9 A submission was made to remove ‘the pilot’ from rule 121.509(1), (2), (3), and (4) and include it only once after ‘unless’ in the main paragraph. The amendment improves rule readability and aligns with the similar rules in Part 125.

The CAA agreed to the amendment.

3.13.10 A submission was made to remove ‘an’ before the word ‘air operation’ in rule 121.519(1) and replace with ‘the’ to read ‘the air operation’. The amendment is intended to specify that the rule applies to the air operation approved to be conducted under the authority of the certificate. In addition, the amendment aligns the wording with the equivalent rule in Part 125.

The CAA agreed to the amendment.

3.13.11 A submission was made to remove the phrase ‘an operational’ before ‘competency assessment programme’ in the main paragraph of rule 121.521 and replace with ‘a competency’ so that the phrase reads only ‘a competency assessment programme’.

The CAA agreed to the amendment.

3.13.12 A submission was made to remove the word ‘operational’ before ‘competency assessment’ in rule 121.523(a) so that the phrase reads only ‘a competency assessment’.

The CAA agreed to the amendment.

3.13.13 A submission was made to include ‘a’ before ‘human factors’ and ‘comprehensive training’ in rules 121.529(2), and (3).

The CAA agreed to the amendment.

3.13.14 A submission was made to remove ‘as may be’ in the first sentence of rule 121.531(a) and replace with ‘if’ for simplicity.

The CAA agreed to the amendment.

3.13.15 A submission was made to change roman numerals to ordinary numbers in 121.533(d).

The CAA agreed to the correction.

3.13.16 A submission was made to include 'for operating the aeroplane type or variant' after 'relevant experience' in rule 121.535(b)(1). This is intended to clarify the experience required for the particular aeroplane type or variant and to improve rule readability.

The CAA agreed to the amendment.

3.13.17 A submission was made to remove the word 'operational' in rule 121.601 so that the term 'competency assessment' without 'operational' is consistently used throughout the rules.

The CAA agreed to the amendment.

3.13.18 A submission was made to remove the word 'operational' in rules 121.603(a), (b), (c)(1), (c)(2), and (c)(3) so that the term 'competency assessment' without 'operational' is consistently used throughout the rules.

A submission was made to include a provision in rule 121.603 for flight simulator to align with the equivalent rule in Part 125.

The CAA agreed to the amendment.

3.13.19 A submission was made to remove the word 'operational' in rules 121.605(a), and (b), and from the rule title so that the term 'competency assessment' without 'operational' is consistently used throughout the rules.

The CAA agreed with the amendment.

3.13.20 A submission was made to remove 'flight guide' and 'plates' from rule 121.855(a)(6) and replace with 'aeronautical charts' to align with ICAO Annex 4.

The CAA agreed with the amendment.

3.13.21 A submission was made to replace ‘The holder of an air operator certificate’ in rule 121.855(b) with ‘The certificate holder’ to align with current rule drafting style.

The CAA agreed to the amendment.

3.13.22 A submission was made to remove paragraph reference (a) in rule 121.913 as there is only one paragraph in the rule.

The CAA agreed to the amendment.

3.13.23 A submission was made to replace the word ‘in-spite of’ with ‘despite’ in rule 121.955(b) to align with current rule drafting style.

The CAA agreed to the amendment.

3.13.24 A submission was made to remove reference (a) in rule 121.977 as there is only one paragraph in the rule.

The CAA agreed to the correction.

3.13.25 A submission was made to replace the word ‘in-spite of’ with ‘despite’ in rule 121.979 to align with current rule drafting style.

The CAA agreed to the amendment.

3.14 Part 125 Air Operations – Medium Aeroplanes

3.14.1 When Part 125 Subparts H, I, and J were amended, rule 125.611 ‘Crew member grace provisions’ was inadvertently omitted. A submission was made to reinstate the rule and moving it to Subpart A to align with Part 121 and Part 135.

The CAA agreed to the amendment and recommends the rule to be reinstated as rule 125.8.

3.14.2 A submission was made to amend rule 125.369 to exclude aeroplanes with a passenger seating configuration of less than 10 seats to be equipped with a flight data recorder.

The CAA agreed to the amendment.

3.14.3 A submission was made to amend the rule reference in rule 125.533(b) from '121.513(4)' to '125.513(4)'.

The CAA agreed to the amendment.

3.14.4 A submission was made to amend rule 125.557 by rewording paragraph (d), removing paragraphs (d)(1) and (d)(3), and rewording the remaining paragraph to specify when a pilot is required to conduct an air operation under IFR. In addition, a proposal was made to reword paragraph (d)(2) to remove details after '250 hours of flight time experience'.

The CAA agreed to the amendments.

3.14.5 A submission was made to amend rule 125.565 to include a rule for flight simulator to align with the equivalent rule 121.565(b).

The CAA agreed to the amendment.

3.14.6 When rule 125.565(d) was drafted, multi-engine reciprocating powered aeroplane was omitted. A submission was made to include the missing 'multi-engine' in rule 125.565(d).

The CAA agreed to the amendment.

3.14.7 A submission was made to amend rule 125.567(b)(1)(ii) to include a provision for single engine turboprop aircraft.

The CAA agreed to the amendment.

3.14.8 A submission was made to correct an editorial error to remove a comma between 'multi-engine' and 'turboprop powered aeroplanes' in rule 125.567(b)(1)(iii). The submitter claimed the comma separates the two phrases making it ambiguous.

The CAA agreed to the amendment.

3.14.9 A submission was made to amend rule 125.575(6) by including paragraph (d). This amendment provides a transitional period for training on human factors and crew resource management.

The CAA agreed to the amendment.

3.14.10 A submission was made to amend the following references in rule 125.575 so that the transition provision only applies to flight simulator training—

- 125.565(a) to (e): amend to 125.565(a)(2), (b) to (e).

The CAA agreed to the amendment.

3.14.11 A submission was made to include provisions in rule 125.603 for flight simulator when used in the competency assessment programme.

The CAA agreed to the amendment.

3.14.12 A submission was made to replace the words ‘written test of the pilot’s knowledge’ with ‘written or oral test of the pilot’s knowledge’ in rule 125.607(e) to align with the wordings in the equivalent rules in Part 121 and Part 135.

The CAA agreed to the amendment.

3.14.13 A submission was made to amend rule 125.615(b)(1) by removing the reference to paragraph (5) as this is not a valid reference.

The CAA agreed to the amendment.

3.14.14 A submission was made to remove ‘flight guide and ‘plates’ from rule 125.855(a)(6) and replace with ‘aeronautical charts’ to align with ICAO Annex 4.

The CAA agreed to the amendment.

3.14.15 A submission was made to replace ‘The holder of an air operator certificate’ in rule 125.855(b) with ‘The certificate holder’ to align with current rule drafting style.

The CAA agreed to the amendment.

3.15 Part 135 Air Operations – Helicopters and Small Aeroplanes

3.15.1 A submission was made to include rule for ‘Crew member grace provisions’ as rule number 135.9 to provide for grace period.

The CAA agreed to the amendment.

3.15.2 A submission was made to remove the hyphen and insert space between ‘Cockpit and voice’ in the title for rule 135.367.

The CAA agreed to the amendment.

3.15.3 A submission was made to amend the following phrases to align with the equivalent rule wordings in Part 121 and Part 125—

- Rule 135.607(1) – replace ‘check of route’ with ‘route check’; and
- Rule 135.607(2) – replace ‘competency check’ with ‘competency assessment’; and
- Rule 135.607(3) – replace ‘check’ with ‘competency assessment’.

The CAA agreed to the amendment.

3.15.4 A submission was made to move rule 135.611 ‘Crew member grace provisions’ to Subpart A. In addition, the amendment includes a proposal to revoke paragraph (a) and reword paragraph (b) to be consistent with the same requirements in Part 121, and Part 125.

The CAA agreed to the amendment.

3.15.5 A submission was made to remove the words ‘flight guide’ and ‘plates’ and replace with ‘aeronautical charts’ in rule 135.855(4) to align with ICAO Annex 4.

The CAA agreed to the amendment.

3.16 Part 145 Aircraft Maintenance Organisations – Certification

Part 145 certificate holders who also want to sell parts and consumables under Part 19F must obtain a separate Part 19F certificate. This is resulting in an unnecessary administrative burden without any corresponding safety benefit. A submission was made to remove the need for Part 145 operators to obtain a separate Part 19F certificate. Consequently the following are proposed:

3.16.1 Addition of paragraphs (13), (14), and (15) to rule 145.11(a) to cover the issuance of release notes for aircraft parts (S1) under rule 19.309(a)(1), materials (S2) under rule 19.309(a)(2), and fluids (S3) under rule 19.309(a)(3).

The CAA agreed to the amendment.

3.16.2 Addition of paragraph (a)(15) to rule 145.67 to clarify that if a rating for issuing release notes is sought under rules 145.11(13) to (15), such rating must meet or exceed the exposition requirements in rule 19.325.

The CAA agreed to the amendment.

3.16.3 Addition of new rule 145.68 'Rating for issuing release notes' to clarify the privileges of the S1, S2 or S3 ratings referred to in rules 145.11(a)(13), (14), and (15).

The CAA agreed to the amendment.

3.16.4 Addition of new rule 145.103(a)(3) to specify no person is permitted to issue a release note under a S1, S2, or S3 rating unless that person has been authorised by the certificate holder's exposition.

The CAA agreed to the amendment.

3.17 Part 172 Air Traffic Service Organisations – Certification

3.16.1 A submission was made to amend the title in rule 172.107 from 'Radar Services' to 'ATS Surveillance Services'. The submission also included the proposal to remove 'radar' in the main paragraph as well as in paragraph (5) and replace with 'an ATS surveillance system' and 'ATS surveillance service' respectively. Further, the submission included the proposal to remove 'radar services' and replace with 'ATS surveillance systems' in paragraphs (1), (4)(i), and (4)(ii). The purpose of the proposal is to provide for surveillance-based systems, and to align with ICAO Annex 11.

The CAA agreed to the amendment.

3.16.2 A submission was made to revoke rule 172.295 as it is no longer required due to reduced width of runway Grass 02/20 at Christchurch

international airport. The submitter added parallel operations can no longer be permitted due to this reduction.

The CAA agreed to the revocation of the rule.

4. ICAO SARPS and Level of Risk to NZ Aviation Safety

The proposed rule amendments are intended to align with International Civil Aviation Organization (ICAO) annexes and are written in consultation with the following annexes:

- Annex 1 – Personnel Licensing
- Annex 2 – Rules of the Air
- Annex 4 – Aeronautical Charts
- Annex 5 – Units of Measurement to be Used in Air and Ground Operations
- Annex 6 – Operation of aircraft
- Annex 10 – Aeronautical Telecommunications
- Annex 11 – Air Traffic Services
- Annex 14 – Aerodromes
- Annex 17 – Security: Safeguarding International Civil Aviation Against Acts of Unlawful Interference

5. Compliance Costs

The proposed amendments will not introduce additional compliance costs to the industry, and in some cases may reduce the cost of compliance.

6. Summary of Changes

6.1 Part 1 Definitions and Abbreviations

6.1.1 Include the definition of ‘**controlled aerodrome**’ after ‘control area’ to read, ‘Controlled aerodrome means an aerodrome at which air traffic control service is provided to aerodrome traffic’. Further, add notes specific for the definition, as specified in ICAO Annex 11.

6.1.2 Amend the definition of ‘**Special VFR flight**’ to read ‘Special VFR flight means a VFR flight cleared by an ATC unit to operate within a control zone in meteorological conditions below visual meteorological conditions’.

6.1.3 Amend the definition of ‘**TEMPO**’ to align with ICAO to read, ‘TEMPO means a description of temporary fluctuations in the meteorological conditions which reach or pass specified threshold values and last for a period of less than one hour in each instance. Such fluctuations are expected to occur during the 2 hours following the issue time of the METAR or SPECI, and to take place for the prevailing conditions to remain those originally reported in the METAR or SPECI’.

6.2 Part 12 Accident, Incidents and Statistics

6.2.1 Rule 12.151 – Amend title of Table 2 to read ‘Reporting periods for hire or reward operations’ and title of Table 3 to read ‘Reporting periods for non-hire or reward operations.’

6.2.2 Rule 12.151 Table 3 – Amend due date in Table 3 from ‘15 Feb’ to ‘1 Feb’.

6.2.3 Rule 12.151 – Create paragraph (c) to clarify that if an aircraft that has not flown during the reporting period specified in either Table 2 or Table 3, an operator must continue to submit aircraft operating statistics for that aircraft.

6.3 Part 19 Transition Rules

6.3.1 Rule 19.3 – Correct rule title to read ‘Units of measurement’. Also, amend the table for Non International System Units to align with the table in Annex 5 for completeness.

6.3.2 Rule 19.303 – Add rule wordings ‘or a Part 145 certificate with appropriate rating’ at the end of the last sentence.

6.4 Part 43 General Maintenance Rules

6.4.1 Rule 43.113(b) – Create subparagraph (b)(2)(vi) to specify an additional person who could also carry out a duplicate inspection certification. This person must hold a glider engineer certificate or a glider pilot certificate.

6.5 Part 61 Pilot Licences and Ratings

6.5.1 Rules 61.53(6) – Remove the letter ‘d’ from the word ‘multi-engined’.

6.5.2 Rules 61.305(g)(2), 61.305(l)(2), 61.305(p)(2), and 61.305(t) – Remove the letter ‘d’ from the word ‘multi-engined’.

6.5.3 Rule 61.805(b)(2) – Remove the letter ‘d’ from the word ‘multi-engined’.

6.6 Part 65 Air Traffic Service Personnel Licences and Ratings

6.6.1 Rule 65.7(a)(6)(ii) – Amend ‘approach control rating’ to read ‘approach control procedural rating’;

6.6.2 Rule 65.7(a)(6)(iii) – Amend ‘approach control radar rating’ to read ‘approach control surveillance rating’;

6.6.3 Rule 65.7(a)(6)(iv) – Amend ‘area control rating’ to ‘area control procedural rating’;

6.6.4 Rule 65.7(a)(6)(v) – Amend ‘area control radar rating’ to ‘area control surveillance rating’.

6.6.5 Rule 65.301(1)(ii) – Amend ‘approach control rating’ to ‘approach control procedural rating’.

6.6.6 Rule 65.301(1)(iii) – Amend ‘approach control radar rating’ to read ‘approach control surveillance rating’;

6.6.7 Rule 65.301(1)(iv) – Amend ‘area control rating’ to read ‘area control procedural rating’;

6.6.8 Rule 65.301(1)(v) – Amend ‘area control radar rating’ to read ‘area control surveillance rating’;

6.6.9 Rule 65.303(2)(ii) – Amend ‘approach control’ to read ‘approach control procedural’;

6.6.10 Rule 65.303(2)(ii) – Amend ‘area control’ to read ‘area control procedural’;

6.6.11 Rule 65.303(2)(iii) – Amend ‘approach radar’ to read ‘approach control surveillance’;

6.6.12 Rule 65.303(2)(iii) – Amend ‘area radar control’ to read ‘area control surveillance’;

6.6.13 Rule 65.303(3)(ii) – Amend ‘approach control’ to read ‘approach control procedural’;

6.6.14 Rule 65.303(3)(ii) – Amend ‘approach control radar’ to read ‘approach control surveillance’;

6.6.15 Rule 65.303(3)(ii) – Amend ‘approach control’ to read ‘approach control procedural’;

6.6.16 Rule 65.303(3)(ii) – Amend ‘approach control radar’ to ‘approach control surveillance’;

6.6.17 Rule 65.303(3)(ii) – Amend ‘area control’ to read ‘area control procedural’;

6.6.18 Rule 65.303(3)(ii) – Amend ‘area control radar’ to read ‘area control surveillance’.

6.6.19 Rule 65.307(a)(2) – Amend ‘approach control rating’ to read ‘approach control surveillance rating’;

6.6.20 Rule 65.307(a)(3) – Amend ‘approach control radar rating’ to read ‘approach control surveillance rating’;

6.6.21 Rule 65.307(a)(4) – Amend ‘area control rating’ to read ‘area control procedural rating’;

6.6.22 Rule 65.307(a)(5) – Amend ‘area control radar rating’ to read ‘area control surveillance rating’.

6.7 Part 91 General Operating and Flight Rules

6.7.1 Rule 91.301(b) - Include the words ‘perform a’ after ‘must not’, and remove ‘land’ and replace with ‘landing in’, before ‘an aircraft’.

6.7.2 Part 91 A.3 – Add ‘TSO C127 so that helicopter seats and berths are covered.

6.7.3 Part 91 A.25(5) – Replace a full stop at end of A.25(5) with a semicolon and add ‘or’, and create number (6) to read ‘AFRNO and DHV standards’.

6.8 Part 93 Special Aerodrome Traffic Rules and Noise Abatement Procedures

6.8.1 Rule 93.103 – Remove reference (a) in the rule.

6.9 Part 101 Gyrogliders and Parasails; and Unmanned Balloons, Kites, Rockets and Model Aircraft

6.9.1 Rule 101.3 – Remove ‘controlled aerodrome’ and its definition and place in Part 1 Definitions and Abbreviations. (Refer 3.9.1 for further details regarding this amendment).

6.10 Part 108 Air Operator Security Programme

6.10.1 Revoke rule 108.55(j).

6.10.2 Revoke rule 108.59(c).

6.10.3 Revoke rule 108.60(b).

6.11 Part 115 Adventure Aviation – Certification and Operations

6.11.1 Rule 115.453(3) – Remove ‘flight guide charts’ and ‘plates’ and replace with ‘aeronautical charts’.

6.12 Part 119 – Air Operator – Certification

6.12.1 Rule 119.5(b) – Reword the rule to exclude Part 115 Operators.

6.13 Part 121 Air Operations – Large Aeroplanes

6.13.1 Rule 121.71(a)(2)(ii) – Include a hyphen between ‘take’ and ‘off’ in the word ‘takeoff’.

6.13.2 Rule 121.71(b), (c), (d), and (g) – Remove ‘A holder of an air operator’ and replace with ‘The certificate holder’.

6.13.3 Rule 121.79 – Include a hyphen between ‘take’ and ‘off’ in the word ‘takeoff’.

- 6.13.4 Rule 121.83(a)(2) – Include a hyphen between ‘take’ and ‘off’ in the word ‘takeoff’.
- 6.13.5 Rule 121.155(d) – Remove letter ‘d’ from the word ‘multi-engined’.
- 6.13.6 Rule 121.161(1) – Remove ‘a two engined aeroplane’ and replace with ‘an aeroplane having two engines’.
- 6.13.7 Rule 121.305(2) – Include a hyphen between ‘take’ and ‘off’ in the word ‘takeoff’.
- 6.13.8 Rule 121.353(a)(1)(ii) – Remove the words ‘an additional ELT that meets the requirements prescribed’ and replace with ‘three ELTs, one of which must be automatic and each must meet the relevant standards referred to’.
- 6.13.9 Rule 121.363 – Remove hyphen from the word ‘over-water’ in the rule title.
- 6.13.10 Rules 121.509(1), 121.509(2), 121.509(3), and 121.509(4) – remove ‘the pilot’ and include it only once after the word ‘unless’ in the main paragraph of the rules.
- 6.13.11 Rule 121.519(1) – Remove ‘an’ before ‘air operation’ in rule 121.519(1) and replace with ‘the’ to read ‘the air operation’.
- 6.13.12 Rule 121.521 – Remove ‘an operational’ before ‘competency assessment programme’ in the main paragraph and replace with ‘a’.
- 6.13.13 Rule 121.523(a) – Remove ‘operational’ before ‘competency assessment’.
- 6.13.14 Rule 121.529(2) and 121.529(3) – Include ‘a’ before ‘human factors’ and ‘comprehensive training’.
- 6.13.15 Rule 121.531(a) – Remove ‘as may be’ in paragraph (a) and replace with ‘if’.
- 6.13.16 Rule 121.533(d) – Change roman numbers to normal symbolic numbers such as 1, 2, 3, and so on.

6.13.17 Rule 121.535(b)(1) – Include ‘for operating the aeroplane type or variant’ after ‘relevant experience’.

6.13.18 Rule 121.601 – Remove the word ‘operational’ in the first sentence.

6.13.19 Rule 121.603 – Remove the word ‘operational’ in paragraphs (a), (b), (c)(1), (c)(2), and (c)(3). Create new paragraph as (g) and insert proposed rule wordings for flight simulator when used in a competency assessment programme.

6.13.20 Rule 121.605(a) and (b) – Remove the word ‘operational’ in the rules.

6.13.21 Rule 121.855(a)(6) – Replace ‘flight guide charts’ and ‘plates’, and replace with ‘aeronautical charts’.

6.13.22 Rule 121.855(b) – Replace ‘A holder of an air operator certificate’ with ‘The certificate holder’.

6.13.23 Rule 121.913(a) – Remove letter (a) in paragraph (a) as there is only one paragraph in the rule.

6.13.24 Rule 121.955(b) – Replace ‘in-spite of’ with ‘despite’.

6.13.25 Rule 121.977 – Remove letter (a) in paragraph (a) as there is only one paragraph in the rule.

6.13.26 Rule 121.979 – Replace ‘in-spite of’ with ‘despite’.

6.14 Part 125 Air Operations – Medium Aeroplanes

6.14.1 Rule 125.8 – New rule number to be titled ‘Crew member grace provisions.’

6.14.2 Rule 125.533(g) - Correct rule reference 121.513(4) to 125.513(4).

6.14.3 Rule 125.369 – Create sub paragraph (b)(3) to read ‘aeroplanes with a passenger seating configuration of less than 10 seats.’

6.14.4 Rule 125.557(d) - Revoke paragraphs (d)(1) and (d)(3) and reword paragraph (d)(2). Amend the rule as follows:

(d) 'A pilot may not commence an introduction segment of the training programme under paragraph (a) unless the pilot—

- (1) has acquired at least 250 hours of flight time experience; and
- (2) if the pilot will be required to perform an air operation under IFR, holds a current instrument rating.

6.14.5 Rule 125.565 – Insert as paragraph (f) to be consistent with the Part 121 requirements for flight simulator when used in the training programme. For paragraph (d) – insert a comma after the word 'single-engine' in the first sentence and add the word 'multi-engine.'

6.14.6 Rule 125.567(b)(1)(ii) – Include the words 'single-engine turboprop, and' after the word 'for' at the beginning of the paragraph. For paragraph (b)(1)(iii) – Remove the comma as the description for aeroplane refers to a multi-engine turboprop aeroplane.

6.14.7 Rule 125.575(6) – Include reference (d) to read 'rule 125.563(d).

6.14.8 Rule 125.575(7) – Correct rule references to read 'rule 125.565(a)(2), (b) to (e)'.

6.14.9 Rule 125.603(g) – Create paragraph (g) to be consistent with the Part 121 requirements for flight simulators when used in a competency assessment programme.

6.14.9 Rule 125.607(e) – Replace the words 'written test of the pilot's knowledge' with 'written or oral test of the pilot's knowledge.'

6.14.10 Rule 125.615(b)(1) – Remove reference (5) to read 'rule 125.605(b).

6.14.11 Rule 125.855(a)(6) – Remove 'flight guide charts and plates' and replace with 'aeronautical charts'.

6.14.12 Rule 125.855(b) – Remove 'A holder of an air operator certificate' and replace with 'The certificate holder'.

6.15 Part 135 Air Operations – Small Aeroplanes and Helicopters

6.15.1 Rule 135.9 – Remove ‘Reserved’ and replace by rule title ‘Crew member grace provisions’, and include rule wordings similar with same rule provisions for crew member grace period in Part 121, and Part 125.

6.15.2 Rule 135.367 – Remove the hyphen and insert space in the word ‘Cockpit-voice’ so that the hyphenated word becomes one word in the rule title.

6.15.3.1 Rule 135.607(1) – Remove ‘check of route’ and replace with ‘route check’;

6.15.3.2 Rule 135.607(2) – Remove ‘competency check’ and replace with ‘competency assessment’;

6.15.3.3 Rule 135.607(3) – Remove ‘check’ and replace with ‘competency assessment’.

6.15.4 Rule 135.855(4) – Remove ‘flight guide charts’ and ‘plates’ and replace with ‘aeronautical charts’.

6.16 Part 145 Aircraft Maintenance Organisations – Certification

6.15.1 Rule 145.11(a) – Add new paragraphs (13), 14, and 15 as follows—

(13) S1 for the issue of release notes for aircraft parts under rule 19.309(a)(1):

(14) S2 for the issue of release notes for materials under rule 19.309(a)(2):

(15) S3 for the issue of release notes for fluids under rule 19.309(a)(3).

6.15.2 Rule 145.67(a) – Add paragraph (15) to read—

(15) if a rating for issuing release notes is sought under rules 145.11(13) to (15), meet or exceed the exposition requirements in rule 19.325.

6.15.3 Rule 145.68 – Add new rule 145.68 ‘Rating for issuing release notes’.

6.15.4 Rule 145.103(a)(3) – Add new rule to provide for new ratings S1, S2, and S3 in rule 145.11(a)(13), (14), and (15).

6.17 Part 172 Air Traffic Service Organisations – Certification

6.16.1 Rule 172.107 – Replace the rule title ‘Radar services’ to ‘ATS Surveillance Services’ and replace ‘radar’ with ‘ATS surveillance system’ in the main paragraph.

6.16.2 Rule 172.107(1), (4)(i), (4)(ii) – Replace ‘radar services’ with ‘ATS surveillance services’.

6.16.3 Rule 172.107(5) – Replace ‘radar’ with ‘ATS surveillance service’.

6.16.4 Rule 172.295 – Revoke rule 172.295 as it is no longer required.

7. Legislative Analysis

7.1 Power to Make Rules

The Minister may make ordinary rules under sections 28, 29, 29A, 29B and 30 of the Civil Aviation Act 1990, for various purposes including implementing New Zealand’s obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed amendments are made pursuant to:

- (a) Section 28 (c) which allows the Minister to make rules for the purpose of assisting aviation safety and security, including (but not limited to) personal security:
- (b) Section 29(b)(i) which allows the Minister to make rules providing for the use of aerodromes and other aviation related facilities, including the provision of identification procedures for persons, aircraft, and any other aviation related things:

- (c) Section 29(c) which allows the Minister to make rules providing for general operating rules, air traffic rules, and flight rules, including but not limited to the following:
 - (i) The conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
 - (ii) The prevention of aircraft endangering persons or property:
- (d) Section 29(d)(ii) which allows the Minister to make rules providing for the control of things likely to be hazardous to aviation safety, including but not limited to the construction, use, or operation of anything likely to be hazardous to aviation safety:
- (e) Section 29B which allows the Minister to make rules prescribing flight rules, flight paths, altitude restrictions, and operating procedures for the purposes of noise abatement in the vicinity of aerodromes:
- (f) Section 30(a) which allows the Minister to make rules for the designation, classification, and certification of all or any of the following:
 - i. aircraft:
 - ii. air traffic service personnel:
 - iii. air services:
 - iv. air traffic services:
 - v. aerodromes and aerodrome operators:
 - vi. aircraft design, manufacture, and maintenance organisations:
 - vii. aeronautical procedures:
 - viii. aviation security services:

- ix. any other person who provides services in the civil aviation system, and any aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system, or classes of such persons, aircraft, aeronautical products, aviation related services, facilities, and equipment operated in support of the civil aviation system:
- (g) Section 30(b) which allows the Minister to make rules for the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph 30(a), including but not limited to the following:
- (h) the specification of standards of design, construction, manufacture, maintenance, processing, testing, supply, approval, and identification of aircraft and aeronautical products:
- (i) the format of aviation documents, forms, and applications, including the specification of information required on all application forms for aviation documents:
- (j) the provision of information to the Authority or the Director by applicants for or holders of aviation documents:
- (k) Section 30(c) which allows the Minister to make rules providing for the conditions of operation of foreign aircraft and international flights to, from, or within New Zealand:
- (l) Section 30(d) which allows the Minister to make rules providing for the definitions, abbreviations, and units of measurement to apply within the civil aviation system.

7.2 Matters to be taken into account

The development of this NPRM and the proposed rule changes take into account the matters under section 33 of the Act that the Minister must take into account when making ordinary rules including the following—

ICAO Standards and Recommended Practices

The proposed rule amendments comply with applicable sections of the following International Civil Aviation Organization (ICAO) Annexes:

- Annex 1 – Personnel Licencing
- Annex 2 – Rules of the Air
- Annex 3 – Meteorological Services for International Air Navigation
- Annex 4 – Aeronautical Charts
- Annex 5 - Units of Measurement to be Used in Air and Ground Operations
- Annex 6 – Operation of aircraft
- Annex 11 – Air Traffic Services
- Annex 13 – Aircraft Accident and Incident Investigations
- Annex 14 – Aerodromes

Assisting Economic Development

The proposed rule amendments will have no detrimental impact on economic development, and in some cases will reduce costs incurred by the aviation industry.

Assisting Safety and Personal Security

The proposed rule amendments will improve aviation safety by making the rules easier to understand, and by aligning with ICAO standards and recommended practices where applicable.

Improving Access and Mobility

The proposed rule amendments will have no impact on access and mobility.

Protecting and Promoting Public Health

The proposed rule amendments will have no impact on protecting and promoting public health.

Ensuring Environmental Sustainability

The proposed rule amendments will have no impact on environmental sustainability.

Incorporation by reference

No documents are incorporated by reference in this proposed rule amendment.

8. Civil Aviation (Offences) Regulations

Schedule 1 of the Civil Aviation (Offences) Regulations is made by the Governor General pursuant to section 100 of the Civil Aviation Act 1990 and contains a list of summary and infringement penalties associated with offences against various civil aviation rules.

The proposed rule amendments do not require amendment to the Offence Regulations.

9. Submissions on the NPRM

9.1 Submissions are invited

This proposal has been developed by the CAA using guidelines and advice available from regulatory authorities, aviation organisations, and individuals. Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rule-making is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received, then interested persons may be invited to make further submissions. A pre-prepared response sheet is available on the CAA web site at <http://www.caa.govt.nz/rules/nprms.htm> to assist with submissions.

9.2 Examination of Submissions

All submissions will be available in the rules docket for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CAA web site and provided to each person who submits a written submission on this NPRM.

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011 between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

9.3 Official Information Act

Submitters should note that subject to the Official Information Act 1982 any information attached to submissions will become part of the docket file and will be available to the public for examination at Asteron Centre.

Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reasons why they do not want the information to be released to other interested parties.

Submissions may be sent by the following methods:

by post: Docket Clerk (NPRM 14/CAR/3)
Civil Aviation Authority
PO Box 3555 Wellington 6140
New Zealand

delivered: Docket Clerk (NPRM 14/CAR/3)
Civil Aviation Authority
Asteron House
Level 15
55 Featherston Street
Wellington 6011

fax: Docket Clerk (NPRM 14/CAR/3)
Docket Clerk, +64-4-560 9481

e-mail: docket@caa.govt.nz and marked NPRM 14/CAR/3

9.4 Final date for submissions

Comments must be received before 5:00pm, 17 April 2015.

9.5 Availability of the NPRM:

Any person may obtain a copy of this NPRM from–

CAA web site: www.caa.govt.nz;

or from:

Docket Clerk
Civil Aviation Authority
Asteron House
Level 15

55 Featherston Street
Wellington 6011
Phone: 64-4-560 9603
Fax 64-4-560 9481 (quoting NPRM 14/CAR/3)

9.6 Further information

For further information contact:

Denise Ratieta
Aviation Standards Specialist
Email: denise.ratieta@caa.govt.nz

10. Proposed rule amendments

Part 1 Definitions and Abbreviations

1.1 General Definitions

Controlled aerodrome means an aerodrome at which air traffic control service is provided to aerodrome traffic:

Note — the term ‘controlled aerodrome’ indicates that air traffic control service is provided to aerodrome traffic but does not necessarily imply that a control zone exists.

Special VFR flight means a VFR flight cleared by an ATC unit to operate within a control zone in meteorological conditions below visual meteorological conditions:

TEMPO means a description of temporary fluctuations in the meteorological conditions which reach or pass specified threshold values and last for a period of less than one hour in each instance. Such fluctuations are expected to occur during the 2 hours following the issue time of the METAR or SPECI, and to take place for the prevailing conditions to remain those originally reported in the METAR or SPECI:

Part 12 Accident, Incidents and Statistics

12.151 Aircraft operating statistics

(a) Except for gliders that are not being operated for hire or reward, an operator of an aircraft must provide the statistical data and information for each aircraft in accordance with Table 1, and in accordance with the frequency and due dates listed in Table 2 for an aircraft being operated for hire or reward, and Table 3 for aircraft that are not being operated for hire or reward.

Table 1 – Statistical data and information required for each type of aircraft operation:

Aircraft Operation	Statistical Data and Information
New Zealand registered aircraft operated on air operations to, from, and within countries outside New Zealand	<ul style="list-style-type: none"> • aircraft registration marking • the hours flown • the number of flights carrying passengers

	<ul style="list-style-type: none"> the number of flights carrying cargo only
New Zealand registered aircraft operated on domestic air operations	<ul style="list-style-type: none"> aircraft registration marking the hours flown the number of flights carrying passengers between 2 different aerodromes the number of flights carrying passengers originating and ending at the same aerodrome without an intermediate landing the number of flights carrying cargo only
Aircraft operated on an adventure aviation operation (other than parachutes)	<ul style="list-style-type: none"> aircraft registration marking or aircraft identification markings if the aircraft is not required to be registered in accordance with Part 47 the hours flown the number of flights carrying passengers
Parachutes used on an adventure aviation operation	<ul style="list-style-type: none"> the parachute identification marking the number of tandem parachute descents
New Zealand registered aircraft issued with a <i>standard category</i> airworthiness certificate or a <i>restricted category</i> airworthiness certificate used on other operations not listed above.	<ul style="list-style-type: none"> aircraft registration marking the hours flown

Table 2 Reporting periods for hire or reward operations:

Report	Period Covered	Due Date
1st Quarter	1 Jan through 31 Mar	1 May
2nd Quarter	1 Apr through 30 Jun	1 Aug
3rd Quarter	1 Jul through 30 Sep	1 Nov
4th Quarter	1 Oct through 31 Dec	1 Feb

Table 3 Reporting periods for non-hire or reward operations:

Report	Period Covered	Due Date
Annual	1 Jan through 31 Dec	1 Feb

- (b) The reports required by paragraph (a) must be submitted—
- (1) on form CAA605; or
 - (2) by a means acceptable to the Director.
- (c) To avoid doubt, an operator of an aircraft that has not flown during the reporting period specified in either Table 2 or Table 3 must continue to submit aircraft operating statistics for that aircraft.

Part 19 Transitional Rules

19.3 Units of measurement

- (a) Subject to paragraph (b), the units of measurement used for aeronautical purposes in New Zealand are those specified in the International System of Units as adopted in Annex 5 to the Convention.
- (b) Non International System Units adopted by Annex 5 are used in accordance with the following table in New Zealand:

distance	nautical miles	nm
altitude, elevation, and height (when associated with the operation of aircraft)	feet	ft
speed, including wind speed	knots	kt
vertical speed	feet per minute	ft/min

19.303 Requirement for certificate

A person must not issue a release note for—

- (1) an aeronautical product broken from a batch of aeronautical products conforming to airworthiness standards acceptable to the Director; or
- (2) an aeronautical product whose design requires it to be held under specially controlled storage conditions to ensure that the product continues to conform to airworthiness standards acceptable to the Director; or
- (3) an aeronautical product that, in the absence of documentation specified in 19.321(a)(3)(i), requires inspection or testing to determine its conformity to airworthiness standards acceptable to the Director—

unless that person is the holder of a certificate of approval for supply issued under this Subpart or a Part 145 certificate with appropriate rating.

Part 43 General Maintenance Rules

43.113 Duplicate safety inspection of control system

(a) A person must not certify an aircraft or component for release-to-service after the initial assembly, subsequent disturbance, or adjustment of any part of the control system of the aircraft or the control system of the component unless—

- (1) the applicable requirements of Subpart C have been complied with; and
 - (2) a duplicate safety inspection has been carried out to ensure that—
 - (i) the control system of the aircraft or the component, as the case may be, functions correctly; and
 - (ii) in respect of the maintenance that has been performed, the control system is assembled correctly and every required locking mechanism is in place; and
 - (3) the certification and signatures required by paragraphs (c) and (d) have been completed.
- (b) The duplicate safety inspection required by paragraph (a)(2) must be carried out by—
- (1) a person who meets the requirement in rule 43.101 to certify the aircraft or component for release-to-service; and
 - (2) another person who is nominated by the person specified in paragraph (b)(1) and has adequate training, knowledge and experience to carry out the safety inspection, and who holds—
 - (i) a current aircraft maintenance engineer licence issued in accordance with Part 66; or
 - (ii) a current certificate of maintenance approval issued in accordance with Part 66; or
 - (iii) a current pilot licence with a rating on the aircraft type issued in accordance with Part 61; or
 - (iv) a current authorisation issued by the holder of a maintenance organisation certificate issued in accordance with Part 145; or
 - (v) a current appropriate maintenance engineer licence or approval issued under the appropriate authority of an ICAO Contracting State; or

- (vi) a current glider pilot certificate or an engineer's approval issued by a gliding organisation.
- (c) The person specified in paragraph (b)(1) must enter in the appropriate maintenance logbook or worksheet—

- (1) the identification of the control system that has been inspected; and
- (2) the detailed scope and extent of the safety inspection that has been carried out; and
- (3) the following statement—

“We certify that a duplicate safety inspection has been carried out and the identified control system of the aircraft/component functions correctly, and in respect of the maintenance performed, the control system is assembled and locked correctly.”

- (d) The following details of the person specified in paragraph (b)(1) and the person specified in paragraph (b)(2) must be entered in the maintenance logbook or worksheet adjacent to the statement required under paragraph (c)(3):

- (1) the name of the person; and
- (2) the signature of the person except if the maintenance logbook or worksheet is in electronic format; and
- (3) the licence number, approval number, or authorisation number for the person; and
- (4) the date of entry.

Part 61 Pilot Licences and Ratings

61.53 Eligibility requirements

To be eligible for an aircraft type rating, a person must—

- (1) hold a current pilot licence for the appropriate category of aircraft; and

- (2) have conversion instruction flight experience acceptable to the Director; and
- (3) in the case of a turbine powered aircraft, have passed an approved basic turbine knowledge examination; and
- (4) demonstrate to an appropriately qualified flight instructor a satisfactory technical knowledge of the aircraft type for which the rating is required; and
- (5) demonstrate to an appropriately qualified flight instructor in a type competency demonstration the ability to perform competently all normal, abnormal, and emergency manoeuvres appropriate to the aircraft type for which the rating is required; and
- (6) if applying for an aircraft type rating for an aircraft exceeding 5700 kg MCTOW or for a multi-engine helicopter,—
 - (i) have completed an approved course of technical training on the aircraft for which the aircraft type rating is required; and
 - (ii) have passed an approved written examination in the normal, abnormal and emergency procedures for the operation of the aircraft's systems and in the aircraft's performance, weight and balance; and
- (7) if applying for an aircraft type rating for a single-engine helicopter not exceeding 5700 kg MCTOW, have passed an approved written examination in the normal, abnormal, and emergency procedures for the operation of the helicopter's systems and in the helicopter's performance, weight and balance. However, in the case of a helicopter of not greater than 1500 kg MCTOW, an oral examination is acceptable.

61.305 Privileges and limitations

Category E flight instructor

- (a) Subject to paragraphs (b) and (c), an appropriate current Category E flight instructor rating authorises the holder to—

- (1) give technical and flight instruction in spraying or topdressing (including seed sowing, dusting, dropping of poison baits, and laying of poison) to the holder of a current pilot licence; and
 - (2) authorise solo practice in spraying or topdressing (including seed sowing, dusting, dropping of poison baits, and laying of poison) by the holder of a current pilot licence who does not hold an agricultural rating; and
 - (3) conduct aircraft type ratings on agricultural aircraft; and
 - (4) conduct competency checks for the issue of an agricultural rating in accordance with rule 61.701(a)(5) and (b)(3); and
 - (5) conduct agricultural rating competency checks in accordance with rule 61.707:
- (b) Paragraph (a) applies only to a Category E flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.
- (c) The holder of a Category E flight instructor rating must not instruct in topdressing or in spraying unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

Category D flight instructor

- (d) Subject to paragraphs (e), (f), and (g), an appropriate current Category D flight instructor rating authorises the holder to—
- (1) give the holder of a pilot licence instrument flight instruction to the standard required for an instrument rating using radio aids to navigation; and
 - (2) conduct aircraft type ratings.
- (e) Paragraph (d) applies only to a Category D flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction.

(f) The holder of a Category D flight instructor rating must not give instrument flight instruction, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(g) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and demonstrated competence in that activity, the holder of a Category D flight instructor rating must not instruct—

- (1) at night; or
- (2) in a multi-engine aircraft; or
- (3) in instrument flight.

Category C flight instructor

(h) Subject to paragraphs (i), (j), (k), and (l), an appropriate current Category C flight instructor rating authorises the holder, when under the supervision of the holder of an appropriate current Category A or B flight instructor rating, to—

- (1) give flight instruction; and
- (2) authorise a solo flight other than a first solo flight by a student pilot by day; and
- (3) authorise a solo flight other than a first solo flight by a student pilot by night; and
- (4) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification in accordance with Category C flight instructor privileges; and
- (5) conduct aircraft type ratings.

(i) Paragraph (h) applies only to a Category C flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.

(j) The holder of a Category C flight instructor rating must not exercise the privileges in paragraph (h) unless for at least the first 6 consecutive months and for a minimum of the first 100 hours of instructional flying, the flight instructor is under the direct supervision of the holder of a Category A or B flight instructor rating who is—

- (1) on the same aerodrome, at the same time; and
- (2) directly responsible for the flight instruction actions of the flight instructor under supervision.

(k) The holder of a Category C flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(l) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and demonstrated competence in that activity, the holder of a Category C flight instructor rating must not instruct—

- (1) at night; or
- (2) in a multi-engine aircraft; or
- (3) in the case of an aeroplane, in spinning or aerobatics.

Category B flight instructor

(m) Subject to paragraphs (n), (o), and (p), an appropriate current Category B flight instructor rating authorises the holder to—

- (1) give flight instruction; and
- (2) authorise a solo flight; and

- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
 - (4) conduct aircraft type ratings; and
 - (5) conduct biennial flight reviews.
- (n) Paragraph (m) applies only to a Category B flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.
- (o) The holder of a Category B flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—
- (1) the appropriate category of aircraft; and
 - (2) the approach aid or system used for instruction.
- (p) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and demonstrated competence in that activity, the holder of a Category B flight instructor rating must not instruct—
- (1) at night; or
 - (2) in a multi-engine aircraft; or
 - (3) in the case of an aeroplane, in spinning or aerobatics.

Category A flight instructor

- (q) Subject to paragraphs (r), (s), and (t), an appropriate current Category A flight instructor rating authorises the holder to—
- (1) give flight instruction during the day or night; and
 - (2) authorise a solo flight during the day or night; and

- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
 - (4) conduct aircraft type ratings; and
 - (5) conduct biennial flight reviews; and
 - (6) give spinning and aerobatic instruction.
- (r) Paragraph (q) applies only to a Category A flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.
- (s) The holder of a Category A flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—
- (1) the appropriate category of aircraft; and
 - (2) the approach aid or system used for instruction.
- (t) The holder of a Category A flight instructor rating must not instruct in multi-engine aircraft unless an appropriately authorised flight examiner has certified in that holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

61.805 Privileges and limitations

- (a) Subject to paragraph (b), a current instrument rating authorises the holder to act as a pilot-in-command or co-pilot of an appropriate aircraft operating under IFR.
- (b) To exercise the privileges of an instrument rating,—
- (1) the holder must, in the case of a single-pilot aircraft, have passed the flight test required by rule 61.801(a)(6) or rule 61.801(c)(1) to the single-pilot standard; and
 - (2) the holder must, in the case of a non-centreline-thrust multi-engine aeroplane, have passed the flight test required by rule

61.801(a)(6) or rule 61.801(c)(1) on a non-centrelines-thrust multi-engine aeroplane; and

- (3) if the holder is carrying out an instrument approach procedure under IFR, a flight examiner must certify in the holder's logbook that the holder has satisfactorily demonstrated competency on that approach aid or system; and
- (4) if the holder holds only a class 2 medical certificate, the holder must meet the class 1 hearing standards prescribed in Part 67 and this must be endorsed on their class 2 medical certificate.

Part 65 Air Traffic Service Personnel Licences and Ratings

65.7 Licences and ratings

(a) The following air traffic service licences and ratings may be granted by the Director under section 9 of the Act in accordance with the applicable requirements of this Part:

- (1) Air traffic trainee licence:
- (2) Air traffic controller licence:
- (3) Flight service trainee licence:
- (4) Flight service operator licence:
- (5) Flight radiotelephone operator rating:
- (6) Air traffic controller ratings:
 - (i) Aerodrome control rating:
 - (ii) Approach control procedural rating:
 - (iii) Approach control surveillance rating:
 - (iv) Area control procedural rating:
 - (v) Area control surveillance rating:

- (7) Flight service operator ratings:
 - (i) Oceanic air-ground rating;
 - (ii) Aerodrome flight information rating;
 - (iii) Area flight information rating;
 - (8) Air traffic service instructor rating;
 - (9) Air traffic service examiner rating.
- (b) An air traffic service instructor rating and an examiner rating must be shown on the holder's licence.
- (c) Any other rating, except those specified in paragraph (b), and any validation issued under this Part to a holder of an air traffic service licence must be recorded in the licence holder's logbook, and may be shown on the holder's licence.

65.301 Applicability

This Subpart prescribes rules governing—

- (1) the issue and validation of the following air traffic controller ratings—
 - (i) Aerodrome control rating;
 - (ii) Approach control procedural rating;
 - (iii) Approach control surveillance rating;
 - (iv) Area control procedural rating;
 - (v) Area control surveillance rating; and
- (2) the privileges and limitations of those ratings; and
- (3) where a person's air traffic controller rating refers to an—
 - (i) Approach control rating, it is deemed to be an approach control procedural rating; and

- (ii) Approach control radar rating, it is deemed to be an approach control surveillance rating; and
- (iii) Area control rating, it is deemed to be an area control procedural rating; and
- (iv) Area control radar rating, it is deemed to be an area control surveillance rating.

65.303 Eligibility requirements

(a) To be eligible for an air traffic controller rating and an initial validation of that rating a person must—

- (1) hold an air traffic controller licence; and
- (2) have satisfactorily completed a training course relevant to the rating and validation, in the following subject areas—
 - (i) *Aerodrome control rating*: Aerodrome layout; physical characteristics and visual aids, airspace structure; applicable rules, procedures and source of information; air navigation facilities; air traffic control equipment and use; terrain and prominent landmarks; characteristics of air traffic; weather phenomena; emergency and search and rescue plans:
 - (ii) *Approach control procedural and area control procedural ratings*: Airspace structure; applicable rules, procedures and source of information; air navigation facilities; air traffic control equipment and its use; terrain and prominent landmarks; characteristics of air traffic and traffic flow; weather phenomena; emergency and search and rescue plans:
 - (iii) *Approach control surveillance and area control surveillance ratings*: As for subparagraph (ii) in so far as they affect the area of responsibility, plus — Principles, uses and limitations of radar, other surveillance systems and associated equipment; procedures for the provision of approach or area radar control services, as appropriate,

- including procedures for ensuring appropriate terrain clearance; and
- (3) have completed the following applicable experience under the direct supervision of an appropriately rated holder of an air traffic service instructor rating:
- (i) *Aerodrome control rating*: an aerodrome control service, for at least 90 hours or one month, whichever is the greater, at the aerodrome for which the rating is sought;
 - (ii) *Approach control procedural, approach control surveillance, area control procedural, area control surveillance*: the control service for which the rating is sought, for at least 180 hours or 3 months, whichever is the greater, providing the service at the unit for which the rating is sought; and
- (4) have passed examinations relevant to the privileges of the rating, in the subject areas specified in paragraph (2), conducted by—
- (i) the holder of an air traffic service certificate granted under section 9 of the Act and in accordance with Part 172, where the certificate authorises the holder to conduct those examinations; or
 - (ii) the holder of an aviation training organisation certificate granted under section 9 of the Act and in accordance with Part 141, where the certificate authorises the holder to conduct those examinations; and
- (5) have demonstrated to the holder of an appropriate air traffic service instructor rating, the skill, judgement, and performance required to provide a safe, orderly, and expeditious control service, at the unit for which the rating is sought.
- (b) The training required to be completed by paragraph (a)(2) must be conducted by—

- (1) the holder of an air traffic service organisation certificate referred to in paragraph (a)(4)(i), where the certificate authorises the holder to conduct that training; or
 - (2) the holder of an aviation training organisation certificate referred to in paragraph (a)(4)(ii), where the certificate authorises the holder to conduct that training.
- (c) To be eligible for validation of an existing air traffic controller rating for an additional location a person must —
- (1) have completed the training required by paragraph (a)(2) for the additional location; and
 - (2) have complied with the requirement of paragraph (a)(5) for the additional location.

65.307 Privileges and limitations

- (a) Subject to paragraph (b), the following air traffic controller ratings authorise the holder to exercise the corresponding privileges—
- (1) *Aerodrome control rating*: to provide aerodrome control service at the aerodrome or aerodromes for which the rating is validated:
 - (2) *Approach control procedural rating*: to provide approach control service for the aerodrome or aerodromes for which the rating is validated:
 - (3) *Approach control surveillance rating*: to provide approach control service with the use of applicable ATS surveillance systems, for the aerodrome or aerodromes for which the rating is validated:
 - (4) *Area control procedural rating*: to provide area control service within the control area or areas for which the rating is validated:
 - (5) *Area control surveillance rating*: to provide area control service with the use of applicable surveillance systems, within the control area or areas for which the rating is validated.

(b) Before exercising the privileges of a rating, the holder must be familiar with all current information relevant to that rating.

Part 91 General Operating and Flight Rules

91.301 VFR meteorological minima

(a) Except as provided in rule 91.303, and paragraphs (b) and (c), a pilot-in-command must not operate an aircraft under VFR—

- (1) when the flight visibility is less than that prescribed for the corresponding class of airspace in Table 4; or
- (2) at a distance from clouds that is less than that prescribed for the corresponding class of airspace in Table 4.

(b) Except as provided in rule 91.303, a pilot-in-command must not perform a take-off or landing in an aircraft, or fly in the vicinity of an aerodrome, under VFR when the flight visibility, or the cloud ceiling, is less than—

- (1) at aerodromes within a control zone, that prescribed in Table 5; and
- (2) at aerodromes in uncontrolled airspace, that prescribed in Table 6.

(c) A pilot-in-command of—

- (1) a helicopter may operate in Class G airspace with a flight visibility of less than 5 km if manoeuvred at a speed that gives adequate opportunity to observe other traffic or any obstructions in order to avoid collisions; and
- (2) an aircraft performing agricultural aircraft operations, may operate in Class G airspace with a flight visibility of less than 5 km but not less than 1500 m; and
- (3) an aircraft performing flight instruction may operate within a designated low flying zone prescribed under Part 71 with a flight visibility of less than 5 km but not less than 1500 m.

Table 4. Airspace VFR meteorological minima

Class of airspace		Distance from cloud	Flight visibility
B		Clear of cloud	8 km at or above 10 000 feet AMSL 5 km below 10 000 feet AMSL
C, D, and E		2 km horizontally 1000 feet vertically outside a control zone 500 feet vertically within a control zone	
F and G	Above 3000 feet AMSL or 1000 feet above terrain whichever is the higher	2 km horizontally 1000 feet vertically	
	At or below 3000 feet AMSL or 1000 feet above the terrain whichever is the higher	Clear of cloud and in sight of the surface	5 km

Table 5. VFR minima at aerodromes within a control zone.

		Ceiling	Flight visibility
All aircraft	Day and Night	1500 feet	5 km

Table 6. VFR minima at aerodromes in uncontrolled airspace.

		Ceiling	Flight visibility
All aircraft	Day	600 feet	1500 m
All aircraft	Night	1500 feet	8 km

Appendix A — Instrument and equipment specifications**A.3 Seating**

A seat and berth must meet the requirements of TSO C25, TSO C39, or TSO C127 as applicable.

A.25 Parachute assembly for emergency use

A parachute assembly for emergency use must meet the requirements of—

- (1) an applicable type certificate; or
- (2) TSO C23; or
- (3) a military drawing and order number or any other military designation or specification number; or
- (4) LTF 35/03; or
- (5) European Norm EN 12491; or
- (6) AFNOR and DHV standards.

Part 93 Special Aerodrome Traffic Rules and Noise Abatement Procedures

93.103 General rules – Wellington control zone

A pilot-in-command of a powered aircraft with an airworthiness certificate operating under VFR in the control zone must be—

- (1) the holder of a current pilot licence; or
- (2) authorised by the chief flying instructor of a pilot-training organisation based on the aerodrome.

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

The definition of ‘**controlled aerodrome**’ is proposed to be removed from Part 101 and relocated to Part 1 Definitions and Abbreviations.

Part 108 Air operator Security Programme

108.55 Security requirements – international

(a) An air operator security programme for an international regular air transport passenger service must have security procedures for flights within or from New Zealand for safeguarding passengers, crew, ground personnel, aircraft, and facilities, against an act of unlawful interference.

(b) The security procedures required by paragraph (a) must set out the means by which—

- (1) the requirements of rule 91.9 are complied with in relation to the carriage of firearms on board an aircraft; and
- (2) danger to the air operator's passengers, crew, and ground personnel is minimised in the event of a hijacking, bomb threat, or any other threat of unlawful interference; and
- (3) access to the air operator's unattended aircraft is controlled at all times to prevent unlawful interference with the aircraft; and

- (4) access to a security area or security enhanced area of a security designated aerodrome and to an operational area at any other aerodrome within New Zealand that is through the air operator's facilities or through any other access used by the air operator for passengers, personnel, baggage, cargo, freight, or aircraft supplies is controlled; and
- (5) temporary security measures are implemented to upgrade the security of the air operator's services within and from New Zealand if the Director finds or suspects an increased level of security risk to a person on an aircraft, or to an aircraft or an aerodrome and requires additional security measures; and
- (6) subject to paragraph (c), appropriate security controls are applied to baggage, cargo, courier parcels and mail intended for carriage on the air operator's aircraft; and
- (7) the safe conduct of a flight is achieved and the pilot-in-command notified, if 1 or more persons on board are required to travel on that aircraft because they are in lawful custody, or subject to other judicial or administrative proceedings, whether or not they are required to be escorted; and
- (8) a transit or transfer passenger and the passenger's carry on baggage is controlled to prevent an unauthorised article being taken on board the air operator's aircraft by the passenger; and
- (9) carry on items left in the cabin by a passenger disembarking from a transit flight are removed from the aircraft or otherwise dealt with in an appropriate manner before the flight departs unless—
 - (i) the passenger screening process of the flight's originating State is acceptable to the Director; or
 - (ii) the flight is making an unscheduled stop; and
- (10) appropriate security controls are applied to cargo, baggage, mail, aircraft supplies, stores, and air operator's supplies which are moved within an aerodrome for carriage on the air operator's aircraft; and

- (11) every consignment of a package that is not cargo or mail but is intended for carriage on an air operator's aircraft, (whether unaccompanied or using commercial courier services) is screened; and
- (12) before boarding an air operator's aircraft, every passenger, crew member, and the carry on baggage of the passengers and crew members is screened in accordance with rule 108.63 in order to prevent a weapon, explosive, or other dangerous article or substance that may be used to commit an act of unlawful interference being taken onto the air operator's aircraft; and
- (13) baggage from a passenger who is not on the aircraft is prevented from being carried unless the baggage is authorised as required by paragraph (17); and
- (14) pre-flight checks of originating aircraft are undertaken, including procedures for discovering any suspicious object or anomaly that can conceal a weapon, explosive, or any other dangerous article or substance that may be used to commit an act of unlawful interference; and
- (15) security control is provided for baggage from the point where it is checked in until it is placed on board the air operator's aircraft, if the baggage is for carriage on a passenger flight and has originated from a place other than an airport check-in counter; and
- (16) except as provided for in paragraph (h), before being loaded onto an air operator's aircraft, every item of baggage that is not carry on baggage is screened in accordance with rule 108.63 in order to prevent a weapon, explosive, or other dangerous article or substance that may be used to commit an act of unlawful interference being loaded onto the air operator's aircraft; and
- (17) only baggage that is authorised by the air operator is carried; and
- (18) an unauthorised person is prevented from entering the flight crew compartment of the air operator's aircraft during flight.

(c) An air operator must not allow cargo or mail to be loaded onto an aircraft carrying passengers unless—

- (1) the cargo or mail is received from a regulated air cargo agent and the consignment of cargo or mail is—
 - (i) accompanied by a declaration of security issued by the regulated air cargo agent; and
 - (ii) checked by the air operator to ensure that the consignment has not been tampered with; or
- (2) if the air operator accepts the cargo or mail from a person who is not a regulated air cargo agent, the cargo or mail is subjected to appropriate security controls, in accordance with paragraph (d); or
- (3) despite paragraphs (1) and (2), if the cargo or mail is subject to a direction to screen made by the Minister or the Director under sections 77A or 77B of the Act respectively, the cargo or mail has been screened in accordance with the direction and has been maintained in a secure state.

(d) If the air operator is to accept cargo or mail from a person who is not a regulated air cargo agent, the air operator must establish appropriate facilities and procedures that are equivalent to those required under the following rules for ensuring that the security controls required in paragraph (c)(2) meet the requirements of Part 109:

- (1) rule 109.53 (Facility requirements):
- (2) rule 109.55 (Cargo and mail security control procedures):
- (3) rule 109.57 (Screening procedures):
- (4) rule 109.59 (Authorisation procedures):
- (5) rule 109.61 (Procedures and register for a known customer):
- (6) rule 109.63 (Training of personnel):
- (7) rule 109.65 (Cargo security incidents):

- (8) rule 109.67 (Records).
- (e) Details of the facilities and procedures required by paragraph (d) must be included in the air operator's security programme required by rule 108.65, Part 119 or Part 129.
- (f) The procedures required by paragraph (b)(7) must include procedures for ensuring that in relation to the carriage of a person in lawful custody on a regular air transport passenger service—
- (1) the person is escorted; and
 - (2) the escort confirms that the person is not carrying any item that may be used as a weapon; and
 - (3) the escort is equipped with adequate devices for restraining the person; and
 - (4) the pilot-in-command and senior flight attendant are notified of the location of, and the security arrangements for, the person; and
 - (5) alcoholic beverages are not served to the person or the person's escort; and
 - (6) metal utensils are not provided for the person's use; and
 - (7) the person is not seated in a seat or seat row next to an emergency exit; and
 - (8) the person is seated appropriately to ensure safe conduct of the flight is achieved; and
 - (9) not more than 1 person in custody is carried on an aircraft with a certificated passenger seating capacity of 29 seats or less and not more than 1 additional person in custody is carried for each additional 25 seats of certificated passenger seating capacity.
- (g) If a domestic air operator undertakes passenger or baggage check-in on behalf of an international air operator, or for transshipment onto an international regular air transport passenger service, the international air

operator must ensure that the domestic air operator complies with the international air operator's security programme.

(h) Paragraph (b)(16) does not apply to international transfer and transit baggage unless the Minister or the Director requires such baggage to be screened.

(i) The requirements of paragraph (c)(1) and (2) do not apply to—

- (1) diplomatic mail that is carried in a diplomatic bag that is externally marked to identify its character and is accompanied by signed documentation from an official of the dispatching diplomatic agency; or international transfer and transit cargo or mail.

108.59 Training of personnel

(a) An air operator security programme must have procedures for ensuring that—

- (1) personnel responsible for carrying out security procedures detailed in the security programme are sufficiently trained to competently perform their tasks; and
- (2) all other personnel employed in the maintenance and servicing of the aircraft have a basic awareness of air operator and aviation security; and
- (3) training is conducted in a structured and coordinated manner by a person authorised by the air operator; and
- (4) every person who is required to be trained undertakes the recurrent training segment of the training programme at an interval of not more than 3 years.

(b) The procedures required by paragraph (a) must contain—

- (1) applicable segments for initial training and recurrent training; and
- (2) knowledge testing or competency assessment as appropriate for the training conducted; and

- (3) syllabi for each applicable security control function.

108.60 Records

An air operator security programme must have procedures for identifying, collecting, indexing, storing, maintaining, and disposing of the records that are necessary to provide an accurate record for every person who is required to be trained under rule 108.59, including details of—

- (1) each segment of training that is undertaken; and
- (2) knowledge testing or competency assessment as appropriate for the training conducted.

Part 115 Adventure Aviation, Initial Issue – Certification and Operations

115.453 Documents to be carried

A holder of an adventure aviation operator certificate must ensure that the following documents, where appropriate, are carried on a flight—

- (1) NOTAM and aeronautical information service briefing documentation appropriate to the operation; and
- (2) meteorological information appropriate to the operation; and
- (3) copies of the relevant aeronautical charts.

Part 119 Air Operator – Certification

119.5 Requirement for certificate

- (a) A person having operational responsibility for an air operation must hold, and comply with, an air operator certificate issued under this Part.
- (b) Except for an adventure aviation operation, a person must not perform an air operation except under the authority of, and in accordance with the privileges of, an air operator certificate issued under the Act and this Part.
- (c) For the purpose of paragraph (a) a person has operational responsibility for an air operation if the person has responsibility for two or more of the following functions:

- (1) determining whether the operation may be operated safely:
- (2) assigning crew members for the operation:
- (3) employing, contracting, or otherwise engaging crew members for the operation:
- (4) making a decision to vary the operation, other than a decision by the pilot-in-command taken on the grounds of safety.

Part 121 Air Operations – Large Aeroplanes

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 operating 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 Appendix C 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.

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.

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.

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.

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.

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.

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, three ELTs, one of which must be automatic 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 automatic ELT 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 automatic ELT required by rule 91.529(a).

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.

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

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.

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.

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).

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.

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.

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.

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).

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.

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.

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.

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.

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.

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.

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:

<u>FACILITIES AVAILABLE AT EDTO EN-ROUTE ALTERNATE</u>	<u>CEILING</u>	<u>VISIBILITY</u>
Two or More Separate Precision Approach Procedure Equipped Runways <i>(Note: A single runway with reciprocal precision approach procedures does not</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.

<i>meet this requirement)</i>		
A Single Precision Approach Procedure	Cloud-base of 600 feet or a cloud-base of 400 feet above the lowest aerodrome landing minimum; whichever is higher.	A visibility of 3000 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.

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.

Part 125 – Air Operations – Medium Aeroplanes

125.8 Crew member grace provisions

If a crew member completes a test, flight check, or assessment, that is required under Subparts I, J, or M within 60 days before the date on which the test, flight check, or assessment is required, the crew member is deemed to have completed the test, flight check, or assessment on the date that it is required to be completed.

125.369 Flight data recorder

(a) Except as provided in paragraph (b), a holder of an air operator certificate must ensure that each of the certificate holder's multi-engine turbine powered aeroplanes is equipped with a flight data recorder in accordance with B.4 of Appendix B.

(b) Paragraph (a) does not apply to the holder of an air operator certificate in respect of the following:

- (1) de Havilland DHC 6 aeroplanes:
- (2) aeroplanes registered on or before 31 March 1997 with a MCTOW of less than 5 700 kg:
- (3) aeroplanes with a passenger seating configuration of less than 10 seats.

125.533 Transitional arrangements

(a) Rule 125.511(4) does not apply to the holder of an air operator certificate until 1 April 2016 provided that the holder continues to comply with rule 125.567(3) that was in force on 31 March 2014.

(b) Rule 125.513(4) does not apply to the holder of an air operator certificate until 1 April 2016 provided that the holder continues to comply with rule 125.605(a)(3), or rule 125.605(b)(3) that was in force on 31 March 2014.

(c) Rules 125.517(a)(4), 125.519(2), and 125.523(2) do not apply to the holder of an air operator certificate until 1 April 2016.

125.557 Initial training for crew members

(a) Subject to paragraphs (b), (c), and (d), a holder of an air operator certificate must ensure that a pilot or flight attendant if applicable, who is not qualified and currently serving as a crew member in an air operation under the authority of the certificate, completes the introduction segment of the training programme required by rule 125.553, and in accordance with the syllabus required by rule 125.555.

(b) The certificate holder may, with prior acceptance of the Director, vary the syllabus of the introduction segment of the training programme in the holder's exposition for a crew member if details of the variation and the reasons for the variation are recorded and certified in the crew member's training record.

(c) The certificate holder must ensure that the introduction segment of the training programme includes training on human factors and crew resource management.

(d) A pilot may not commence an introduction segment of the training programme under paragraph (a) unless the pilot—

- (1) has acquired at least 250 hours of flight time experience as pilot; and
- (2) if the pilot will be required to perform an air operation under IFR, holds a current instrument rating.

125.565 Flight crew training equipment

(a) Except as provided in paragraphs (d) and (e), a holder of an air operator certificate must ensure that the crew member training programme required by rule 125.553 for flight crew members includes ground and flight instruction using—

- (1) training devices; and
- (2) a flight simulator for the aeroplane type being used.

(b) The certificate holder must ensure that the training for a flight crew member operating turbojet, turbofan, and multi-engine turboprop powered aeroplanes includes ground and flight instruction using a flight simulator of the same aeroplane type—

- (1) for introduction, transition, and upgrade segments of the training programme; and
- (2) for recurrent training at least every 12 months.

(c) Despite paragraph (b), the certificate holder may conduct the training in an aeroplane if—

- (1) a flight simulator is not available in New Zealand or Australia; and
- (2) the aeroplane is of the same type as the aeroplane used for performing air operations.

(d) In the case of a single-engine, or multi-engine reciprocating powered aeroplane, or a single-engine turbo-prop aeroplane, the certificate holder

may conduct the training in an aeroplane of the same type as the aeroplane used for performing air operations.

(e) The training referred to in paragraphs (c)(1) and (d) must be conducted in accordance with a safe flight practice guide acceptable to the Director.

(f) The certificate holder must ensure that each flight simulator or training device used for flight training in the training programme—

- (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.

125.567 Pilot line training

(a) A holder of an air operator certificate must ensure that a pilot, who under rule 125.557 completes the introduction segment, or under rule 125.559 completes the transition segment, or under rule 125.561 completes the upgrade segment of the training programme required by rule 125.553—

- (1) completes a competency assessment under Subpart J before commencing the pilot line training specified in paragraph (b); and
- (2) completes the pilot line training specified in paragraph (b).

(b) The pilot line training required by paragraph (a)(2) must comprise of—

- (1) following the introduction segment—
 - (i) for single-engine reciprocating aeroplanes, 5 hours including 5 take-offs and landings; and

- (ii) for single-engine turboprop, and multi-engine reciprocating powered aeroplanes, 10 hours including 10 take-offs and landings of which at least 6 take-offs and landings must be as pilot flying; and
 - (iii) for multi-engine turboprop powered aeroplanes – 20 hours including 10 take-offs and landings of which at least 6 take-offs and landings must be as pilot flying; and
 - (iv) for turbojet and turbofan powered aeroplanes – 25 hours including 10 take-offs and landings of which at least 6 take-offs and landings must be as pilot flying; and
 - (v) for all aeroplanes, including those referred to in paragraphs(i) to (iv) – 4 operating cycles of which at least 2 must be as pilot flying:
- (2) following the transition or upgrade segment—
- (i) for single-engine reciprocating aeroplanes, 5 hours including 5 take-offs and landings; and
 - (ii) for multi-engine reciprocating or turboprop aeroplanes, 10 hours and 8 take-offs and landings; and
 - (iii) for turbojet and turbofan powered aeroplanes, 15 hours and 10 take-offs and landings; and
 - (iv) for all aeroplanes, including those referred to in paragraphs (i), (ii) and (iii) – 4 operating cycles of which at least 2 must be as the pilot flying.
- (c) The pilot line training required by paragraph (b) must be—
- (1) acquired in an aeroplane conducting an air operation; and
 - (2) conducted under the supervision of an instructor who—
 - (i) meets the requirements referred to in rule 125.511; or
 - (ii) is approved by the Director to conduct specific training for the introduction of a new aeroplane type.

(d) For the purpose of paragraph (c)(1), the instructor required by paragraph (c)(2)—

- (1) must act as a pilot-in-command at all times; and
- (2) must occupy a pilot station when supervising a pilot acquiring the experience necessary for a pilot-in-command position, until the pilot acquiring the experience has—
 - (i) performed at least 5 take-offs and 5 landings as pilot flying in the aeroplane type for which the pilot-in-command qualification is required; and
 - (ii) demonstrated to the pilot instructor the ability to perform the duties of a pilot-in-command for that aeroplane type.

125.575 Transitional arrangements

The following rules do not apply to the holder of an air operator certificate until 1 April 2016—

- (1) rule 125.553(b)(2):
- (2) rule 125.555(b)(8):
- (3) rule 125.557(c):
- (4) rule 125.559(b)(3):
- (5) rule 125.561(b)(1):
- (6) rule 125.563(d):
- (7) rule 125.565(a)(2), (b) to (e):
- (8) rule 125.569(2).

125.603 General

(a) A holder of an air operator certificate must establish a 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

conducting an air operation is competent to perform the assigned crew member function.

(b) The competency assessment programme required by paragraph (a) 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) for single-engine and multi-engine reciprocating powered or single-engine turbo-prop aeroplanes, conducted in—
 - (i) an aeroplane of the same type as the aeroplane used for performing air operations; or
 - (ii) a flight simulator of the same aeroplane type when completing flight crew competency assessments required by rules 125.607(c) and (d); or
- (5) for turbojet, turbofan, and multi-engine turboprop aeroplanes, conducted in a flight simulator when completing competency assessments required by rules 125.607(c) and (d), except that in the case of rule 125.607(d), every second assessment may be conducted in an aeroplane of the same type as the aeroplane used for performing air operations.

(c) Despite paragraph (b)(5), the certificate holder may conduct the competency assessment in an aeroplane if—

- (1) a flight simulator is not available in New Zealand or Australia; and
 - (2) the aeroplane is of the same type as the aeroplane used for performing air operations.
- (d) The certificate holder may—
- (1) implement the 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 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 by Part 141 to conduct the assessment in accordance with the applicable requirements specified in the competency assessment programme required by paragraph (a).
- (e) The certificate holder must ensure that the person responsible for the competency assessment programme holds a current flight examiner rating.
- (f) The competency assessments referred to in paragraphs (c) and (d) must be conducted in accordance with the 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 paragraphs (b)(4)(ii) and (b)(5)—
- (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.

125.607 Flight crew competency assessments

- (a) A holder of an air operator certificate must ensure that each pilot acting as pilot-in-command of an aeroplane conducting an air operation under the authority of the certificate has, within the immediately preceding 12 months, passed a route check that is administered by a flight examiner.

- (b) The certificate holder must ensure that the route check referred to in paragraph (a)—
- (1) includes an aerodrome proficiency check consisting of at least 1 flight over 1 route segment and 1 or more landings at aerodromes representative of the operations to be flown; and
 - (2) establishes that the pilot can satisfactorily perform the duties and responsibilities of a pilot-in-command of an aeroplane performing an air operation appropriate to the type of air operations authorised by the certificate holder's operations specifications.
- (c) The certificate holder must ensure that each pilot acting as a flight crew member of an aeroplane conducting an air operation under VFR has, within the immediately preceding 12 months, successfully completed a competency assessment administered by a flight examiner that covers—
- (1) procedures, including emergency procedures, and the pilot's flying skills in an aeroplane type normally used by the pilot in an air operation; and
 - (2) human factors and crew resource management.
- (d) The certificate holder must ensure that each pilot acting as a flight crew member of an aeroplane conducting an air operation under IFR has, within the immediately preceding 6 months, successfully completed a competency assessment administered by a flight examiner that—
- (1) covers procedures, including emergency procedures, appropriate to the equipment fitted to the aeroplane and to the type of operations to which the pilot is assigned by the certificate holder; and
 - (2) includes human factors and crew resource management.
- (e) The certificate holder must ensure that each pilot acting as a flight crew member of an aeroplane conducting an air operation has, within the immediately preceding 12 months, successfully completed a written or oral test of the pilot's knowledge of the following—

- (1) the relevant Civil Aviation Rules:
- (2) the certificate holder's operations specifications and exposition:
- (3) the aeroplane systems, performance, operating procedures, and the content of the flight manual for each aeroplane type normally flown by the pilot:
- (4) navigation, ATS, and meteorology:
- (5) special flight operations as appropriate to the type of operation normally conducted by the pilot:
- (6) new equipment, procedures, and techniques:
- (7) location and operation of emergency equipment fitted to an aeroplane of the type normally flown by the pilot.

125.615 Transitional arrangements

(a) Rule 125.603(b)(4) does not apply to the holder or an air operator certificate until 1 April 2016 if a flight simulator is used to complete the flight crew competency assessments referred to in the rule.

(b) The following rules do not apply to the holder of an air operator certificate until 1 April 2016—

- (1) rule 125.605(b):
- (2) rule 125.607(d)(2):
- (3) rule 125.609(2):
- (4) rule 125.611(4).

(c) Rule 125.607(c)(2) does not apply to the holder of an air operator certificate until 1 April 2016 provided that the holder continues to comply with rule 125.607(2) that was in force on 31 March 2014.

125.855 Documents to be carried

(a) A holder of an air operator certificate must ensure that the following documents are carried on each individual flight—

- (1) details of the operational flight plan; and
 - (2) NOTAM and aeronautical information service briefing documentation appropriate to the operation; and
 - (3) meteorological information appropriate to the operation; and
 - (4) a copy of the load manifest; and
 - (5) notification of dangerous goods; and
 - (6) copies of the relevant aeronautical charts; and
 - (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.

Part 135 – Air Operations – Small Aeroplanes and Helicopters

135.9 Crew member grace provisions

If a crew member completes a test, flight check, or assessment, that is required under Subparts I or J within 60 days before the date on which the test, flight check, or assessment is required, the crew member is deemed to have completed the test, flight check, or assessment on the date that it is required to be completed.

135.367 Cockpit voice recorder

A holder of an air operator certificate must ensure that each of its helicopters is equipped with a cockpit voice recorder if—

- (1) the helicopter's flight manual requires 2 or more flight crew members; and
- (2) the helicopter has a certificated seating capacity of 10 seats or more excluding any required pilot seat.

135.607 Flight crew competency assessments

A holder of an air operator certificate must ensure that—

- (1) **each pilot acting as pilot-in-command has**, within the immediately preceding 12 months, passed a route check and aerodrome proficiency that is administered by a flight examiner and that—
 - (i) consists of a ground-based procedure check over 1 route segment, and a flight check with 1 or more landings at an aerodrome representative of the operations to be flown; and
 - (ii) establishes that the pilot can satisfactorily perform the duties and responsibilities of a pilot-in-command in air operations appropriate to this Part; and
- (2) **each pilot conducting VFR operations has**, within the immediately preceding 12 months, successfully completed a competency assessment, that is administered by a flight examiner and that covers procedures, including emergency procedures, of the pilot's flying skill in an aircraft type normally used by the pilot in the operation; and
- (3) **each pilot acting as a flight crew member of an aircraft operating under IFR has**, within the immediately preceding 6 months, passed a competency assessment that is administered by a flight examiner and that—
 - (i) covers procedures, including emergency procedures, appropriate to the equipment fitted to the aircraft and to the type of air operations to which the pilot is assigned by the certificate holder; and
 - (ii) is conducted in each aircraft type used by the pilot in the operation unless the aircraft has a seating configuration of 9 seats or less, excluding any required pilot seat, in which case the check may be taken by rotation in each aircraft type with 1 in each 6-month period; and

- (4) **each pilot has**, within the immediately preceding 12 months, successfully completed a written or oral test of the pilot's knowledge of the following:
- (i) the relevant Civil Aviation Rules and the certificate holder's operations specifications and exposition:
 - (ii) the aircraft systems, performance, operating procedures, and the content of the flight manual for each aircraft type normally flown by the pilot:
 - (iii) navigation, ATC, and meteorology:
 - (iv) special flight operations as appropriate to the type of operation normally conducted by the pilot:
 - (v) new equipment, procedures, and techniques:
 - (vi) location and operation of emergency equipment fitted to an aircraft of the type normally flown by the pilot; and
- (5) the flight examiner who administered the check or test required under paragraphs (1), (2), (3) and (4)—
- (i) certifies in the training record for the pilot that the check or test has been completed and certifies the result of the check or test; and
 - (ii) if the check or test was completed satisfactorily, certifies in the pilot logbook in accordance with rule 61.29(a)(3) satisfactory completion of the check or test; and
- (6) flight crew competency checks are carried out in an aircraft or flight simulator approved for the purpose.

135.611 Reserved

135.855 Documents to be carried

A holder of an air operator certificate must ensure that the following documents where appropriate are carried on each individual flight—

- (1) NOTAM and aeronautical information service briefing documentation appropriate to the operation; and
- (2) meteorological information appropriate to the operation; and
- (3) notification of dangerous goods; and
- (4) copies of the relevant aeronautical charts.

Part 145 – Aircraft Maintenance Organisations – Certification

145.11 Privileges of certificate holder

(a) A maintenance organisation certificate specifies 1 or more of the following maintenance ratings for which the certificate is issued:

- (1) A1 for the maintenance of aircraft with a MCTOW of more than 13 610 kg as detailed in the organisation's exposition:
- (2) A2 for the maintenance of aircraft with a MCTOW of more than 5700 kg but not exceeding 13 610 kg as detailed in the organisation's exposition:
- (3) A3 for the maintenance of aircraft with a MCTOW of 5700 kg or less and a maximum certificated passenger seating configuration, excluding any required crew member seat, of 10 seats or more:
- (4) A4 for the maintenance of aircraft with a MCTOW of 5700 kg or less and a maximum certificated passenger seating configuration, excluding any required crew member seat, of 9 seats or less:
- (5) C1 for the maintenance of aircraft engines and propellers as detailed in the organisation's exposition:
- (6) C2 for the maintenance of components as detailed in the organisation's exposition:
- (7) C3 for the maintenance of aircraft electrical equipment as detailed in the organisation's exposition:

- (8) C4 for the maintenance of aircraft instrument equipment as detailed in the organisation's exposition:
 - (9) C5 for the maintenance of aircraft radio equipment as detailed in the organisation's exposition:
 - (10) E1 for the conduct of aircraft maintenance engineer training as detailed in the organisation's exposition:
 - (11) F1 for the maintenance of foreign aircraft and components for foreign aircraft as detailed in the organisation's exposition and in accordance with a technical arrangement with the State of registry of the aircraft:
 - (12) P1 for the maintenance of aircraft and components involving processing not otherwise included in any of the above ratings and as detailed in the organisation's exposition.
 - (13) S1 for the issue of release notes for aircraft parts under rule 19.309(a)(1):
 - (14) S2 for the issue of release notes for materials under rule 19.309(a)(2):
 - (15) S3 for the issue of release notes for fluids under rule 19.309(a)(3).
- (b) Subject to rule 145.60, the holder of a maintenance organisation certificate may authorise a person to maintain any aircraft or component for which the holder is certificated.
- (c) Subject to rule 145.60, the holder of a maintenance organisation certificate may authorise a person to certify for release-to-service any aircraft or component for which the holder is certificated.

145.67 Maintenance organisation exposition

- (a) An applicant for the grant of a maintenance organisation certificate must provide the Director with an exposition that contains—

- (1) a statement signed by the applicant's chief executive on behalf of the applicant confirming that the exposition and any included manuals—
 - (i) define the maintenance organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are required to be complied with by its personnel; and
- (2) the titles and names of the senior person or persons required by rules 145.51(a)(1) and (2); and
- (3) the duties and responsibilities of the person or persons specified in paragraph (a)(2) including matters for which they have responsibility to deal directly with the Director on behalf of the maintenance organisation; and
- (4) an organisation chart showing lines of responsibility of the senior person or persons specified in paragraph (a)(2); and
- (5) except as provided in paragraph (b), details of every location where the applicant performs maintenance and details of the facilities at those locations; and
- (6) details of the applicant's staffing structure at each of the locations listed under paragraph (a)(5); and
- (7) a detailed description of the scope of work undertaken by the applicant; and
- (8) details of the applicant's procedures required by—
 - (i) rule 145.51(b) regarding the assessment of competence of personnel; and
 - (ii) rule 145.51(b) regarding on-going training to maintain the competence of personnel; and
 - (iii) rule 145.52 regarding maintenance personnel duty time limitations; and

- (iv) rule 145.55(2) regarding the control and calibration of tools, jigs, maintenance equipment, and test equipment; and
- (v) rule 145.59(b)(1) regarding inspections of raw materials, parts, and assemblies; and
- (vi) rule 145.59(b)(2) regarding non-conforming materials and parts; and
- (vii) rule 145.59(b)(3) regarding the performance of maintenance activities; and
- (viii) rule 145.59(b)(4) regarding the subcontracting of maintenance activities; and
- (ix) rule 145.59(b)(5) regarding the identification, handling, storage, and packing of materials, parts, and assemblies; and
- (x) rule 145.59(b)(6) regarding the certification of aircraft and components for release-to-service; and
- (xi) rule 145.59(b)(7) regarding the issue of *CAA Form One – authorised release certificates*; and
- (xii) rule 145.59(b)(8) regarding the control and distribution of documentation; and
- (xiii) rule 145.60 regarding the issue of authorisations to appropriate persons; and
- (xiv) rule 145.61 regarding the collection and provision of information for the continued airworthiness of the aircraft and components that the applicant maintains; and
- (xv) rule 145.63(a) regarding the identification, collection, indexing, storage, and maintenance of records; and
- (xvi) rule 145.63(b) regarding the recording of personnel experience, qualifications and training; and

- (9) details of the facilities required by rule 145.53(b)(3) for the storage and segregation of parts; and
 - (10) details of the means to provide appropriate environmental conditions required by rule 145.53(c); and
 - (11) details of the internal quality assurance system required by rule 145.65; and
 - (12) procedures to control, amend and distribute the exposition; and
 - (13) procedures at least equivalent to those required by subpart D of Part 141 for conducting training under the E1 rating; and
 - (14) procedures for changing the scope within a rating; and
 - (15) if a rating for issuing release notes is sought under rules 145.11(13) to (15), meet or exceed the exposition requirements in rule 19.325.
- (b) The applicant's exposition need not contain details of those locations where the applicant conducts maintenance in accordance with procedures required by rule 145.59(b)(3)(iii).
- (c) The exposition must remain acceptable to the Director.

145.68 Rating for issuing release notes

If the applicant proposes to exercise privileges of a S1, S2 or S3 rating referred to in rules 145.11(a)(13), (14), and (15), the applicant must:

- (1) appoint a senior person or group of senior persons to be responsible for the functions specified in rules 19.317(a)(2)(i) to (iii):
- (2) provide facilities appropriate for all supply activities in accordance with rule 19.319:
- (3) establish supply control procedures at least equivalent to those in rule 19.321:
- (4) establish procedures for records at least equivalent to those in rule 19.323.

145.103 Privileges and limitations of authorisation holders

- (a) A person must not—
- (1) release an aircraft or component to service after maintenance if that maintenance is required to be performed by an organisation certificated under this Part; or
 - (2) certify the conformity of major modifications and major repairs to aircraft and components to acceptable technical data; or
 - (3) issue a release note under S1, S2, or S3 rating—

unless that person has been authorised in accordance with the certificate holder's exposition.

(b) A person authorised to release an aircraft or component to service after maintenance by the holder of a maintenance organisation certificate is authorised to—

- (1) perform or supervise the maintenance of the aircraft or components specified in the authorisation; and
- (2) release the aircraft or component to service specified in the authorisation, after maintenance has been performed.

(c) A person authorised by an organisation certificated under this Part to release aircraft or components to service after maintenance must release the aircraft or components to service in accordance with Part 43, Subpart C.

Part 172 – Air Traffic Service Organisations – Certification

172.107 ATS Surveillance Service

An applicant for the grant of an air traffic service certificate must establish procedures to ensure that, where an ATS surveillance system is used to support the provision of an air traffic service—

- (1) all ATS surveillance services are provided in accordance with procedures published in—
 - (i) Document 4444; or

- (ii) Document 7030 (as applicable to the Middle East/Asia Region); or
 - (iii) Subpart G; and
- (2) SSR code allocation for international flights is in accordance with the code assignment system published in the applicable ICAO Air Navigation Plan; and
- (3) an SSR code management plan is in place for domestic flights that—
 - (i) conforms to the applicable principles contained in Document 4444; and
 - (ii) does not conflict with the SSR code allocation tables of 91.247(a); and
- (4) full information is made available to pilots and aircraft operators on—
 - (i) the nature and extent of the ATS surveillance services provided; and
 - (ii) any significant limitations regarding such ATS surveillance services; and
- (5) the information displayed at individual ATS surveillance service operating positions is that required for the air traffic services to be provided.

172.295 Reserved

11. Advisory Circular

There is no advisory circular associated with this NPRM.