



Civil Aviation (Offences) Amendment Regulations 2019

Patsy Reddy, Governor-General

Order in Council

At Wellington this 9th day of December 2019

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 100 of the Civil Aviation Act 1990 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal regulations	2
4 Schedule 1 amended	2

Schedule

2

Amendments to Schedule 1

Regulations

1 Title

These regulations are the Civil Aviation (Offences) Amendment Regulations 2019.

2 Commencement

These regulations come into force on 1 February 2020.

3 Principal regulations

These regulations amend the Civil Aviation (Offences) Regulations 2006 (the **principal regulations**).

4 Schedule 1 amended

- (1) In Schedule 1, revoke the items relating to rules 115.215, 115.613(c), 115.667, 115.759(c), 121.223(a), 125.235, and 135.235.
- (2) In Schedule 1, replace the items relating to rules 43.63, 91.247(b), 91.247(c), 91.529(a), 91.529(f), 121.221(b), 125.233(b), and 135.233(b) with the corresponding items set out in Part 1 of the Schedule of these regulations.
- (3) In Schedule 1, insert in their appropriate numerical order the items set out in Part 2 of the Schedule of these regulations.

Schedule Amendments to Schedule 1

r 4(2), (3)

Part 1 Replacement items

Rule 43.63	Responsibilities of person inspecting surveillance transponder.	1,250		500	
Rule 91.247(b)	Responsibilities of pilot-in-command to operate transponder to transmit ADS-B data in prescribed circumstance.	2,500		1,000	
Rule 91.247(c)	Responsibilities of pilot-in-command to set transponder SSR code as prescribed.	2,500		1,000	
Rule 91.529(a)	Responsibilities of New Zealand registered aircraft emergency location system (AELS).	5,000	30,000	2,000	12,000
Rule 91.529(f)	Responsibility of holder of certificate of registration for New Zealand registered aircraft regarding coding and notifying details of AELS, ELT, EPIRB, and PLB.	10,000	50,000	2,000	12,000
Rule 121.221(b)	Responsibility of air operator certificate holder to use specified process to calculate landing distance for aeroplane on runway.	5,000	30,000	2,000	12,000
Rule 125.233(b)	Responsibility of air operator certificate holder to use specified process to calculate landing distance for aeroplane on runway.	5,000	30,000	2,000	12,000
Rule 135.233(b)	Responsibility of air operator certificate holder to use specified	5,000	30,000	2,000	12,000

process to calculate landing distance for aeroplane on runway.

Part 2 Items to be inserted

Rule 61.311	Flight instructor fails to consider whether Director has issued requirements in a notice under Subpart I, or fails to apply and test additional training required, before issuing rating or authorising student pilot to fly aircraft solo.	5,000		1,000	
Rule 61.365(c)	Person specified in prescribed notice must comply with requirement in notice.	5,000	30,000	2,000	12,000
Rule 61.911	Flight instructor fails to consider whether Director has issued requirements in notice under Subpart I, or fails to apply and test additional training required, before issuing rating.	5,000		1,000	
Rule 91.247(d)	Responsibility of pilot-in-command regarding use of Mode S transponder in prescribed circumstance.	2,500		1,000	
Rule 91.247(e)	Responsibility of pilot-in-command to obtain ATC authorisation to operate aircraft without transponder in prescribed circumstance.	2,500		1,000	
Rule 91.247(f)	Responsibility of pilot-in-command in prescribed airspace to immediately advise ATC unit of failure of transponder equipment.	2,500		1,000	
Rule 91.255(a)	Person must not operate aircraft in prescribed airspace unless aircraft is equipped with prescribed ADS-B system.	5,000	30,000	2,000	12,000
Rule 91.257A(1)	Person operating aircraft in prescribed airspace must not allow transmission of non-compliant or misleading data.	5,000	30,000	2,000	12,000
Rule 91.257A(2)	Person operating aircraft in prescribed airspace must not use 978 MHz Universal Access Transceiver to transmit data.	5,000	30,000	2,000	12,000
Rule 91.411A(b)	Responsibility of operator to inform ATS unit of prescribed information, once aware of in-flight emergency.	5,000	30,000	2,000	12,000
Rule 115.215(a)	Holder of adventure aviation operator certificate must not allow passenger to manipulate flight controls except in prescribed circumstances.	5,000	30,000	2,000	12,000

Rule 121.159A(a)	Holder of air operator certificate must ensure pilot-in-command complies with prescribed aerodrome operating minima.	5,000	30,000	2,000	12,000
Rule 121.159A(c)	Pilot-in-command operating under prescribed increased aerodrome operating minima must comply with specified requirements.	2,500		1,000	
Rule 125.159A(a)	Holder of air operator certificate must ensure pilot-in-command complies with prescribed aerodrome operating minima.	5,000	30,000	2,000	12,000
Rule 125.159A(c)	Pilot-in-command operating under prescribed increased aerodrome operating minima must comply with specified requirements.	2,500		1,000	
Rule 129.107A(a)	Holder of air operator certificate must ensure pilot-in-command complies with prescribed aerodrome operating minima.	5,000	30,000	2,000	12,000
Rule 129.107A(c)	Pilot-in-command operating under prescribed increased aerodrome operating minima must comply with specified requirements.	2,500		1,000	
Rule 135.159A(a)	Holder of air operator certificate must ensure pilot-in-command complies with prescribed aerodrome operating minima.	5,000	30,000	2,000	12,000
Rule 135.159A(c)	Pilot-in-command operating under prescribed increased aerodrome operating minima must comply with specified requirements.	2,500		1,000	

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 February 2020, amend Schedule 1 of the Civil Aviation (Offences) Regulations 2006 (the **principal regulations**). The principal regulations prescribe breaches of the Civil Aviation Rules (the **rules**) that are offences and breaches that are infringement offences, and prescribe fines and infringement fees in respect of those offences.

The amendments update the list of offences in Schedule 1 to reflect amendments to the rules made in 2018.

Regulatory impact assessment

The Ministry of Transport produced regulatory impact assessments in May 2016 (Emergency Location of Aircraft), July 2017 (Small Issues Rule Amendments), August 2016 (ADS-B OUT Mandate above FL 245), and November 2017 (ICAO Alignment Project 2017) to help inform the decisions taken by the Government relating to the contents of this instrument.

Copies of those regulatory impact assessments can be found at—

- <https://www.transport.govt.nz/about/governance/ris-bccs/bymode/#air>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Issued under the authority of the Legislation Act 2012.

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These regulations are administered by the Ministry of Transport.