



THE CIVIL AVIATION REGULATIONS 1953,
AMENDMENT NO. 12

ARTHUR PORRITT, Governor-General
ORDER IN COUNCIL

At the Government Buildings at Wellington this 12th day of August 1968

Present:

THE RIGHT HON. KEITH HOLYOAKE, C.H., PRESIDING IN COUNCIL

PURSUANT to the Civil Aviation Act 1964, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Civil Aviation Regulations 1953, Amendment No. 12, and shall be read together with and deemed part of the Civil Aviation Regulations 1953* (hereinafter referred to as the principal regulations).

(2) Except as otherwise provided in these regulations, these regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—Regulation 4 of the principal regulations is hereby amended by inserting in subclause (1), in their appropriate alphabetical order, the following definitions:

“‘Conversion instruction’ means instruction for the purposes of familiarisation in the operation of aircraft for which a type rating is required; but does not include instruction or supervision of student pilots nor instruction for the purposes of familiarisation in respect of conversion from fixed-wing to rotary-wing aircraft or from rotary-wing to fixed-wing aircraft:

“‘Flight instruction’ means instruction in the control of aircraft in basic and advanced flight manoeuvres; and includes instruction in respect of conversion from fixed-wing to rotary-wing aircraft or from rotary-wing to fixed-wing aircraft:”.

*S.R. 1953/108 (Reprinted with Amendments Nos. 1 to 6: S.R. 1962/13)

Amendment No. 7: S.R. 1962/139
Amendment No. 8: S.R. 1964/2
Amendment No. 9: S.R. 1965/16
Amendment No. 10: S.R. 1965/206
Amendment No. 11: S.R. 1966/147

3. Promulgation of orders—Regulation 8A of the principal regulations (as inserted by regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby amended by omitting from paragraph (a) of subclause (4) the words “for the use of any aerodrome or navigational facility, or for the purposes of air traffic control”, and substituting the words “to the use of any aerodrome or navigational facility, or for the purposes of promulgating orders or procedures in respect of air traffic control or in respect of medical requirements for persons holding or applying for licences, certificates, ratings, or other authorities under these regulations.”

4. Production of documents and records—The principal regulations are hereby amended by revoking regulation 10, and substituting the following regulation:

“10. Every person who—

- (a) Is required under these regulations to hold any licence, rating, certificate, permit, or other authority or permission in respect of the exercise of any function or the performance of any duty to which these regulations relate; or
- (b) Is required under these regulations to maintain, complete, or cause to be maintained or completed any document or record (including any log book, load sheet, flight release, manifest, duty roster, or any other document or record relating to the operation, maintenance, or airworthiness of aircraft or aircraft components) or relating to any personnel associated with the operation of aircraft; or
- “(c) Has in his custody or possession any document or record referred to in paragraph (a) or paragraph (b) of this regulation and relating to any aircraft, aircraft component, aircraft fuel, or other materials or substances essential to the construction or operation of aircraft, or any personnel associated with the operation of aircraft—

shall, on demand by the Director, any authorised person, or any member of the Police, produce, or cause to be produced, any document or record to which this regulation relates, for inspection or for the purposes of any investigation or enforcement action.”

5. Alteration or mutilation of documents and records—The principal regulations are hereby further amended by revoking regulation 11, and substituting the following regulation:

“11. (1) No person, with intent to deceive, shall destroy, mutilate, alter, or render illegible any of the documents and records referred to in regulation 10 of these regulations, or alter or render illegible any entry made in any such document or record, or make or procure or assist in the making or procuring of any false, misleading, or fraudulent entry in, or omission from, any such document or record.

“(2) No person shall wilfully or negligently make in any of the documents and records referred to in regulation 10 of these regulations, any entry which is incorrect in any material particular, or wilfully or negligently omit to make in any such document or record, any entry required to be made under these regulations.”

6. Investigation—Regulation 12 of the principal regulations is hereby amended by inserting, at the commencement of subclause (7), the words “Subject to the provisions of regulation 228A of these regulations.”.

7. Offences—Regulation 18 of the principal regulations is hereby amended as follows:

- (a) By omitting from subclause (2) the words “any certificate or licence”, and substituting the words “any licence, rating, or certificate”;
- (b) By inserting in subclause (2), after the words “specified in”, the words “the New Zealand Civil Airworthiness Requirements or in”.

8. Revocation—Regulation 19 of the principal regulations is hereby amended by revoking paragraph (i) of subclause (1).

9. Flights by foreign aircraft—Regulation 20 of the principal regulations is hereby amended by revoking paragraph (b) of subclause (1), and substituting the following paragraph:

- “(b) The requirements of these regulations, of any Civil Aviation Safety Orders relating to the flight and manoeuvre of aircraft, and of Air Traffic Control.”

10. Operation within New Zealand of foreign aircraft—The principal regulations are hereby amended by inserting, after regulation 20, the following regulation:

“20A. (1) Subject to the provisions of subclause (2) of this regulation, no foreign aircraft shall, within New Zealand, engage in the classes of flight operations specified in subclauses (b), (c), and (d) of regulation 131 of these regulations except with the approval of the Director who may require that these regulations be complied with in whole or in part.

“(2) Nothing in this regulation shall apply to an aircraft engaged in an international scheduled or international non-scheduled flight pursuant to regulation 24 hereof.”

11. Pilotless aircraft—Regulation 23 of the principal regulations is hereby amended by adding the following proviso:

“Provided that the Director may exempt all or any balloons, kites, and model aircraft from compliance with this regulation subject to such special conditions as may be specified in Civil Aviation Safety Orders.”

12. Dropping of articles—Regulation 32 of the principal regulations (as substituted by regulation 2 of the Civil Aviation Regulations 1953, Amendment No. 5) is hereby amended by adding the following subclause:

“(3) Subject to paragraph (f) of subclause (2) of this regulation, and notwithstanding any other provisions of that subclause, no person shall wilfully or negligently drop or cause or permit to be dropped from an aircraft in flight anything in a manner that creates a hazard to persons or property below the aircraft.”

13. Night operations—Subclause (1) of regulation 41 of the principal regulations (as amended by regulation 15 of the Civil Aviation Regulations 1953, Amendment No. 3, and by regulation 8 of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby further amended by omitting from the second proviso the words "It shall", and substituting the words "If any such flight is authorised, it shall".

14. Passengers not to be carried by student pilots—The principal regulations are hereby further amended by inserting, after regulation 48, the following regulation:

"48A. No person, other than a person required or permitted to be carried by these regulations, shall allow himself to be carried in an aircraft known by him to be flown by a student pilot."

15. Weight and load of aircraft—Regulation 60 of the principal regulations is hereby amended by revoking paragraphs (b), (c), and (d), and substituting the following paragraphs:

"(b) The weight of the aircraft is such that the performance and operating limitations contained in the approved aeroplane flight manual or other approved document can be complied with for the flight to be undertaken:

"(c) The load carried by the aircraft is so distributed that the performance and operating limitations contained in the approved aeroplane flight manual or other approved document can be complied with for the flight to be undertaken:

"(d) The load carried by the aircraft is so secured that it cannot damage the structure of the aircraft and so that the performance and operating limitations contained in the approved aeroplane flight manual or other approved document can be complied with for the flight to be undertaken."

16. Equipment—Paragraph (b) of regulation 104 of the principal regulations (as amended by regulation 37 of the Civil Aviation Regulations 1953, Amendment No. 3) is hereby further amended by adding the following additional proviso:

"Provided also that a single seat may be occupied by two children if their combined weight does not exceed 170 lb, if they are seated side by side on the seat, and if the safety belt, when required to be worn, is adjusted to secure both children in the seat."

17. Slip indicator—(1) Regulation 104 of the principal regulation is hereby further amended by adding the following paragraph:

"(w) One slip indicator in the case of aircraft engaged in such aerial work operations as the Director may prescribe."

(2) This regulation shall come into force on the 1st day of April 1969.

18. Power-driven heavier-than-air aircraft—(1) The principal regulations are hereby amended by revoking regulation 113, and substituting the following regulation:

"113. (1) Every power-driven heavier-than-air aircraft in operation by night in the air or on the manoeuvring area of a land aerodrome shall have—

“(a) An unobstructed steady red light projected above and below the horizontal plane through an angle from dead ahead to 110 degrees left:

“(b) An unobstructed steady green light projected above and below the horizontal plane through an angle from dead ahead to 110 degrees right:

“(c) An unobstructed steady white light projected above and below the horizontal plane rearward through an angle of 140 degrees equally distributed on the left and right sides:

“(d) A flashing red light or lights visible in all directions as far as is practicable within 30 degrees above and 30 degrees below the horizontal plane of the aeroplane:

“Provided that in the case of aircraft in use at the commencement of this regulation which cannot meet the requirement of paragraph (d) hereof, the Director may permit their operation under special conditions to be specified in Civil Aviation Safety Orders.”

(2) This regulation shall come into force on the 1st day of April 1969.

19. Air service certificate—Regulation 136 of the principal regulations is hereby amended by adding the following subclause:

“(6) An air service certificate shall not be transferred except with the written consent of the Director.”

20. Register of aircraft—Regulation 150 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) The Director shall maintain a register of New Zealand aircraft and may issue a certificate of registration in respect of any such aircraft to the owner or, where the aircraft is subject to a conditional purchase agreement, to the conditional purchaser.”

21. Certificate of airworthiness—Regulation 161 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) The Director may issue a certificate of airworthiness in respect of any New Zealand aircraft.”

22. Period of validity of certificate of airworthiness or permit to fly—(1) The principal regulations are hereby amended by revoking regulation 165, and substituting the following regulation:

“165. (1) Subject to the provisions of these regulations, a certificate of airworthiness or permit to fly issued under this Part shall remain in force for such period from the date of issue as the Director may specify, and may from time to time be renewed if the Director is satisfied that the aircraft is airworthy.

“(2) Before any certificate of airworthiness or permit to fly which has been issued under this Part is renewed, the applicant shall submit to the Director such information as may be required concerning the condition of the aircraft and its components and the purpose for which it is intended to be used.”

(2) Regulation 13 of the Civil Aviation Regulations 1953, Amendment No. 6, is hereby revoked.

23. Regulation 166 amended—Regulation 166 of the principal regulations is hereby amended by inserting in subclause (1), after the words “certificate of airworthiness”, the words “issued under this Part”.

24. Inspection—Regulation 169 of the principal regulations (as amended by regulation 21 of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby further amended by omitting from subclause (1) the words “or is otherwise in force”, and substituting the words “or has been issued under this Part”.

25. Maintenance—Regulation 171 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) The owner and the operator of a New Zealand aircraft shall ensure that the aircraft and every component of the aircraft is maintained and certified in accordance with the provisions of this Part.”

26. Maintenance organisation—Regulation 172 of the principal regulations is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) The operator of an air transport aircraft shall provide or ensure that there is provided an adequate maintenance organisation, including such staff, workshops, equipment, and facilities as the Director may require.”

27. Modifications—(1) Regulation 173 of the principal regulations (as amended by regulation 52 of the Civil Aviation Regulations 1953, Amendment No. 3) is hereby further amended by revoking subclauses (1) and (2), and substituting the following subclauses:

“(1) The Director may at any time require modifications or inspections to be carried out to any particular New Zealand aircraft or to any class of such aircraft or to any components of such aircraft when he considers any such modifications or inspections necessary in the interests of safety.

“(2) The operator of an aircraft in respect of which a certificate of airworthiness or permit to fly has been issued under this Part shall not carry out or cause or permit to be carried out any unapproved modifications or repairs to the aircraft or to any component of the aircraft.”

(2) Regulation 22 of the Civil Aviation Regulations 1953, Amendment No. 9, is hereby revoked.

28. Regulation 174 amended—Regulation 174 of the principal regulations (as amended by regulation 23 of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby further amended by revoking the words “a certificate is in force or is required”, and substituting the words “a certificate of airworthiness is required or has been issued under this Part”.

29. Certificate of compliance—Regulation 175 of the principal regulations (as amended by regulation 24 of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby further amended by revoking paragraph (b), and substituting the following paragraph:

“(b) The certificate shall be given by an appropriately licensed aircraft maintenance engineer or some other person approved for the purpose or by a person employed by an approved inspecting organisation and authorised for the purpose of giving the certificate by the chief inspector of that organisation in accordance with such conditions as the Director may prescribe.”.

30. Reporting of defects—Regulation 177 of the principal regulations (as substituted by regulation 54 of the Civil Aviation Regulations 1953, Amendment No. 3) is hereby amended by inserting, after subclause (1), the following subclause:

“(1A) When a defect is discovered in a foreign aircraft in New Zealand, or in any component of any such aircraft, the operator shall, within such period and in such manner as the Director may require,—

“(a) Report, or cause to be reported to the Director, full details of the circumstances:

“(b) Investigate, or cause to be investigated, the defect and report to the Director on the cause of the defect and on remedial action taken:

“(c) Advise the Director of what action (if any) has been taken to notify the competent authority of the state of registration:

“Provided that all defects which are either discovered or rectified by a maintenance firm or person other than the operator shall be reported by that maintenance firm or person in accordance with the provisions of this regulation.”

31. Regulation 184 amended—Regulation 184 of the principal regulations is hereby amended by adding to paragraph (a) of subclause (3) the words “or otherwise prescribed by the Director”.

32. Regulation 188 amended—Regulation 188 of the principal regulations is hereby amended by inserting in subclause (2), after the words “crash appliances and equipment”, the words “and general service facilities”.

33. Abatement of hazards caused by birds in vicinity of aerodrome—The principal regulations are hereby further amended by inserting, after regulation 190A (as inserted by regulation 58 of the Civil Aviation Regulations 1953, Amendment No. 3) the following regulation:

“190B. (1) Where the Director is satisfied that the presence of waste foodstuffs or other waste materials on any aerodrome or on any area of land in the vicinity of an aerodrome will cause such an attraction to birds as to constitute a hazard to aircraft using the aerodrome or flying in the vicinity of the aerodrome, he may, by notice in the *Gazette* declare the aerodrome or area to be land to which this regulation applies.

“(2) Any notice under subclause (1) of this regulation may from time to time be amended or revoked.

“(3) Any person by whose act, default, or sufferance any waste foodstuffs or other waste materials are brought on to or left on any land to which this regulation applies so as to cause such an attraction to birds as to constitute a hazard to aircraft using the aerodrome or flying in the vicinity of the aerodrome commits an offence against these regulations.

“(4) The Director by notice under his hand delivered personally or by post may require the owner or occupier of any land to which this regulation applies to remove or otherwise deal with any waste foodstuffs or other waste materials on the land which he owns or occupies in such manner as may be specified in the notice and within 28 days after the service of the notice.

“(5) Within 14 days after the service of the notice, the owner or the occupier of the land may by complaint under the Summary Proceedings Act 1957 (the provisions whereof shall, with the necessary modifications, apply), require the Director to show cause before a Magistrate why the notice should not be set aside. On the hearing of the complaint the Magistrate, whose decision shall be final, shall decide whether the notice should or should not be set aside, and in the former case the notice shall be deemed to be void.

“(6) In the case of a notice which is not set aside as aforesaid, if the notice is not duly complied with within 28 days after the service thereof, or within 28 days after the Magistrate’s decision, whichever is the later to expire, any authorised person or member of the Police may, with such assistance as may be necessary, enter on the land to which the notice relates and remove or otherwise deal with the waste foodstuffs or other waste materials so that they no longer cause an attraction to birds.”

34. Logbooks—Regulation 199 of the principal regulations is hereby amended by adding to subclause (3) the following proviso:

“Provided that where a logbook has been produced in compliance with the provisions of regulation 10 of these regulations, the entries shall be made within seven days of its return.”

35. Regulation 202 amended—Subclause (1) of regulation 202 of the principal regulations is hereby amended by omitting the word “Every”, and substituting the words “Except as otherwise provided by these regulations, every”.

36. Student pilot licences—(1) Regulation 234 of the principal regulations is hereby amended as follows:

(a) By inserting, after subclause (3), the following subclauses:

“(3A) A student pilot shall not undertake any solo cross-country flight or act as pilot in command of an aircraft on a cross-country flight unless a flight instructor has authorised the flight and recorded his authorisation.

“(3B) A student pilot authorised by a flight instructor to undertake any cross-country flight as pilot in command shall comply with the requirements and advice of the instructor concerned and, in the event of any occasion arising to cause the student pilot to depart from the requirements of the authorising flight instructor, the pilot shall report the circumstances to the instructor concerned without delay.”:

(b) By revoking subclause (4), and substituting the following subclause:

“(4) A student pilot licence shall, subject to these regulations, remain in force for a period not exceeding—

“(a) Two years for pilots who are less than 50 years of age:

“(b) One year for pilots who are 50 years of age or more.”

(2) Paragraph (b) of regulation 65 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby revoked.

37. Flight instructor ratings—Regulation 251 of the principal regulations (as substituted by regulation 37 of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby amended by adding to paragraph (b) of subclause (1) the following subparagraph:

“(v) A course in the techniques of flying instruction, comprising at least 10 hours of dual flight time, given by a Category A or Category B flight instructor.”

38. Third Schedule amended—The Third Schedule to the principal regulations (as substituted by regulation 24 of the Civil Aviation Regulations 1953, Amendment No. 6) is hereby amended as follows:

(a) By revoking subclause (5) of clause 1:

(b) By omitting from subparagraph (ii) of paragraph (d) of clause 2 the words “In an examination for the first issue of a licence, electrocardiography shall form part of the heart examination and should be included in re-examination of candidates, at the discretion of the examiner, and in all doubtful cases”, and substituting the words “An electrocardiographic examination shall form part of the heart examination—

“(aa) In an examination for the first issue of a licence; and

“(bb) In a re-examination for the renewal of a licence at any first examination after the candidate has attained the following ages – 30, 35, 40, 43, 46, 49, 51, 53, 55, 57, 59, and in examination in each year after attaining the age of 60 years.

“The electrocardiographic tracing and report in respect of the examination referred to above shall be submitted with the examination report. Notwithstanding the provisions of this paragraph, in respect of electrocardiographic examination, the medical examiner shall require such an examination to be included if he considers such an examination necessary.”:

(c) By omitting from subparagraph (ii) of paragraph (d) of clause 3 the words “In an examination for the first issue of a licence, electrocardiography shall form part of the heart examination and shall be included at re-examinations of candidates, at the discretion of the examiner, and in all doubtful cases”, and substituting the words “An electrocardiographic examination shall form part of the heart examination under the same conditions as those specified in subparagraph (ii) of paragraph (d) of clause 2 of this Schedule.”:

(d) By adding to subparagraph (ii) of paragraph (d) of clause 4 the words “An electrocardiographic examination shall form part of the heart examination when, in the opinion of the medical examiner, such examination is necessary for the purposes of his examination and shall be included in an examination in each year after attaining the age of 60 years.”:

(e) By inserting in clause 5, after the words “methods of testing adopted”, the words “Candidates with vision better than 6/36 and who are required to use corrective glasses should be recommended to use case-hardened lenses to avoid breakage. A candidate with vision less than 6/36 shall be required to carry

a second pair of glasses on his person while exercising the privilege of his licence if his glasses have not been made with case-hardened lenses.”:

- (f) By adding to subparagraph (ii) of paragraph (a) of clause 5 (under the heading Visual Requirement No. 2) the words “if the glasses have not been made with case-hardened lenses.”

P. J. BROOKS,
Clerk of the Executive Council.

EXPLANATORY NOTE

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

Regulation 2: Interpretation—definitions of “conversion instruction” and “flight instruction” are inserted in the regulations to assist in interpretation.

Regulation 3 enables the Director to issue Civil Aviation Safety Orders for the purpose of promulgating medical requirements.

Regulations 4 and 5 are revisions of the existing regulations relating to the production of documents and records and the alteration or mutilation of documents and records. Additional classes of documents are enumerated.

Regulation 6 makes a minor change of a drafting nature.

Regulations 7, 8, and 9 make minor changes of a drafting nature.

Regulation 10 is a new regulation relating to the operation within New Zealand of foreign aircraft. Foreign aircraft will require the prior approval of the Director if they are to engage in air transport, aerial work, or flying training operations in New Zealand. The Director may require foreign aircraft to comply with the regulations in whole or in part.

Pilotless aircraft may be operated only with the prior written authorisation of the Director. Regulation 11 permits the Director to exempt balloons, kites, and model aircraft from compliance with this requirement.

Regulation 12 prohibits the dropping of articles from aircraft in a hazardous manner.

Regulation 13 makes a minor change of a drafting nature to overcome an inconsistency between two provisos in the principal regulation.

Regulation 14 is a new regulation which makes it an offence for a person knowingly to permit himself to be carried by a student pilot.

Regulation 15 is a revision of a provision in the principal regulation relating to the weight and load carried by an aircraft.

Regulation 16 permits two children to occupy one seat under certain specified circumstances.

Regulation 17 requires a slip indicator to be fitted to aerial work aircraft.

Regulation 18 is a revision of the existing regulation relating to the lights to be fitted to power-driven heavier-than-air aircraft. The revised regulation adds a requirement for an additional flashing red light.

Regulation 19 provides that an air service certificate may not be transferred except with the written consent of the Director.

Regulation 20 is a revision of a provision in the principal regulation relating to the issue of certificates of registration.

Regulations 21 to 25, 27, 28, and 29 make changes of a drafting nature so that the principal regulations apply only to New Zealand aircraft and not to foreign aircraft.

Regulation 26 merely introduces a change in terminology, viz., the substitution of “the operator of an air transport aircraft” for “an operating agency”.

Regulation 29 authorises approved persons employed by approved inspection organisations to give certificates of compliance when an aircraft undergoes modification or repair.

Regulation 30 provides for the reporting of defects discovered in foreign aircraft in New Zealand. The principal regulation already requires the reporting of defects discovered in New Zealand aircraft.

Regulation 31 permits the conditions of an aerodrome licence to be specified otherwise than in the licence itself.

Regulation 32 adds general service facilities to the equipment required to be maintained by the licensee of an aerodrome.

Regulation 33 is a new regulation relating to the abatement of hazards caused by birds in the vicinity of an aerodrome. It is made an offence for any person to have waste foodstuffs or waste materials on land in circumstances which cause attraction to birds and a hazard to aircraft. The Director may require the removal of such waste materials and in the event of default may request authorised persons and members of the Police to enter upon the land to do so. There is a right of appeal to a Magistrate.

The principal regulations require entries to be made in logbooks within 24 hours.

Regulation 34 makes the exception that where the logbook has been produced for inspection, the entries shall be made within seven days of its return.

Regulation 35 makes a minor change of a drafting nature.

Regulation 36 makes special provisions for student pilots undertaking solo cross-country flights or acting as pilot-in-command during cross-country flights. It also limits the period of validity of a student pilot licence.

Regulation 37 alters the requirements for a category "C" flight instructor rating.

Regulation 38 makes miscellaneous amendments to the medical requirements set out in the Third Schedule, in particular those requirements relating to electrocardiographic examinations and visual requirements.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 August 1968.

These regulations are administered in the Department of Civil Aviation.