

1970/136



THE CIVIL AVIATION REGULATIONS 1953, AMENDMENT NO. 14

RICHARD WILD, Administrator of the Government

ORDER IN COUNCIL

At the Government House at Wellington this 6th day of July 1970

Present:

HIS EXCELLENCY THE ADMINISTRATOR OF THE GOVERNMENT IN COUNCIL
PURSUANT to the Civil Aviation Act 1964, His Excellency the Administrator of the Government, acting by and with the advice and consent of the Executive Council, hereby makes the following regulations.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Civil Aviation Regulations 1953, Amendment No. 14, and shall be read together with and deemed part of the Civil Aviation Regulations 1953* (hereinafter referred to as the principal regulations).

*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
 Amendment No. 12: S.R. 1968/143
 Amendment No. 13: S.R. 1968/203

(2) These regulations shall come into force on the 17th day of September 1970.

2. Interpretation—(1) Regulation 4 of the principal regulations is hereby amended as follows:

(a) By revoking from subclause (1) the definition of the term “Air Traffic Control”, and substituting the following definition:

“‘Air traffic control’ means a service provided for the purpose of—

(a) Preventing collisions between aircraft:

(b) Preventing collisions on the manoeuvring area between aircraft and obstructions:

(c) Expediting and maintaining an orderly flow of air traffic.”:

(b) By revoking from subclause (1) the definition of the term “air traffic control clearance” (as substituted by regulation 2 (2) of the Civil Aviation Regulations 1953, Amendment No. 3), and substituting the following definition:

“‘Air traffic control clearance’ means an authorisation for an aircraft to proceed under conditions specified by an air traffic control unit.”:

(c) By inserting in subclause (1), after the definition of the term “air traffic control clearance” (as substituted by paragraph (b) of this regulation), the following definitions:

“‘Air traffic control unit’ means a unit for providing air traffic control service, and includes either an area control centre, an approach control office, or an aerodrome control tower:

“‘Air traffic services unit’ means either an air traffic control unit, a flight information centre, or a flight service unit.”:

(d) By revoking from subclause (1) the definition of the term “approach control”:

(e) By revoking from subclause (1) the definition of the term “controlled airspace” (as inserted by regulation 2 (1) of the Civil Aviation Regulations 1953, Amendment No. 3), and substituting the following definition:

“‘Controlled airspace’ means an airspace of defined dimensions for which an air traffic control service is provided in respect of controlled flights.”:

(f) By inserting in subclause (1), after the definition of the term “controlled airspace” (as substituted by paragraph (e) of this regulation), the following definition:

“‘Controlled flight’ means any flight which is provided with an air traffic control service.”:

(g) By inserting in subclause (1), after the definition of the term “customs airport”, the following definitions:

“‘Danger area’ means an airspace of defined dimensions within which activities dangerous to the flight of aircraft exist or are likely to exist:

“‘Designated reporting point’ means a specified geographical location in relation to which the position of an aircraft can be reported.”:

- (h) By inserting in subclause (1), after the definition of the term "flight information region" (as inserted by regulation 2 (1) (f) of the Civil Aviation Regulations 1953, Amendment No. 11), the following definition:
"‘Flight information service’ means a service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights:"
- (i) By revoking from subclause (1) the definition of the term "flight level" (as inserted by regulation 2 (1) of the Civil Aviation Regulations 1953, Amendment No. 3), and substituting the following definition:
"‘Flight levels’ means surfaces of constant atmospheric pressure which are related to a specific pressure datum of 1013.2 millibars (29.92 in.) and are separated by specific pressure intervals:"
- (j) By revoking from subclause (1) the definition of the term "flight plan", and substituting the following definition:
"‘Flight plan’ means specified information provided to an air traffic services unit relative to an intended flight or a portion of the flight of an aircraft:"
- (k) By inserting in subclause (1), after the definition of the term "flight release", the following definition:
"‘Flight service unit’ means a unit established to provide flight information and alerting service:"
- (l) By revoking the definition of the term "flight visibility" (as inserted by regulation 2 (1) of the Civil Aviation Regulations 1953, Amendment No. 3), and substituting the following definition:
"‘Flight visibility’ means the visibility forward from the cockpit of an aircraft in flight:"
- (m) By inserting in subclause (1), after the definition of the term "IFR", the following definition:
"‘IFR flight’ means a flight conducted in accordance with the instrument flight rules:"
- (n) By inserting in subclause (1), after the definition of the term "IMC" (as inserted by regulation 2 (1) of the Civil Aviation Regulations 1953, Amendment No. 3), the following definition:
"‘Instrument approach procedure’ means a series of predetermined manoeuvres for the orderly transfer of an aircraft which the pilot is flying by reference to instruments—
(a) From the commencement of the aircraft’s initial approach to the commencement of its landing; or
(b) From the commencement of its initial approach to a point from which a landing may be made visually:"
- (o) By inserting in subclause (1), after the definition of the term "Minister", the following definition:
"‘Missed approach procedure’ means the procedure to be followed by a pilot after his aircraft has made an instrument approach and a landing is not effected:"
- (p) By revoking from subclause (1) the definition of the term "prohibited area", and substituting the following definition:

“‘Prohibited area’ means an airspace of defined dimensions within which the flight of aircraft is prohibited.”:

- (q) By revoking from subclause (1) the definition of the term “restricted area”, and substituting the following definition:
 “‘Restricted area’ means an airspace of defined dimensions within which the flight of aircraft is restricted in accordance with conditions specified by the Director.”:
- (r) By inserting in subclause (1), after the definition of the symbol “VFR”, the following definition:
 “‘VFR flight’ means a flight conducted in accordance with the visual flight rules.”.

(2) Regulation 2 of the Civil Aviation Regulations 1953, Amendment No. 3, are hereby consequentially amended—

- (a) By omitting from subclause (1) the definitions of the terms “controlled airspace”, “flight level”, and “flight visibility”:
- (b) By omitting from subclause (2) the definition of the term “Air Traffic Control clearance”.

3. Carriage of firearms—The principal regulations are hereby further amended by inserting, after regulation 31, the following regulation:

“31A. (1) Except as provided in subclause (2) of this regulation, no person shall carry in or discharge in or from an aircraft any loaded firearm or tranquilliser gun.

“(2) Subject to the provisions of the Arms Act 1958, and of any regulations made under that Act, any person may—

- “(a) Subject to such conditions as the Director may prescribe, carry in or discharge in or from a helicopter a loaded firearm or tranquilliser gun:
- “(b) Carry or discharge a tranquilliser gun in an aircraft which is engaged in the carriage of livestock if the pilot in command of the aircraft or the person in charge of the stock considers it necessary to do so for the purpose of the protection or safety of the aircraft or its occupants.

“(3) For the purposes of this regulation—

“‘Firearm’ has the same meaning as in the Arms Act 1958:

“‘Tranquilliser gun’ means the instrument known as a tranquilliser gun or syringe gun; and also includes every instrument of a substantially similar description which is used substantially for the same purpose as a tranquilliser gun or syringe.”

4. Air traffic control clearances—(1) The principal regulations are hereby further amended by revoking regulation 37, and substituting the following regulation:

“37. Every pilot in command of an aircraft shall obtain from air traffic control an air traffic control clearance before making a controlled flight, or a portion of a flight as a controlled flight.

“(2) A pilot in command shall not depart from the requirements of an air traffic control clearance unless an emergency arises which requires him to take immediate action; and, in the case of any such emergency, he shall as soon as practicable inform the appropriate air traffic control unit of any departure from the clearance made as a result of the emergency and, if necessary, shall obtain from the unit an amended clearance.

“(3) If an air traffic control clearance involving priority is requested by any pilot-in-command, he shall, if so requested, submit to the appropriate air traffic control unit an explanation of the need for the priority.

“(4) Where a pilot-in-command flying an aircraft in visual meteorological conditions is required to conform to the instructions contained in an air traffic control clearance, it shall be his responsibility to ensure that the aircraft does not collide with—

“(a) Any aircraft which is in the aerodrome traffic circuit or on the manoeuvring area of the aerodrome; and

“(b) Any aircraft flying in controlled airspace under visual flight rules, which is not receiving an air traffic control service.

“(5) An air traffic control clearance shall not constitute authority for a pilot-in-command to violate the provisions of these regulations, or of any instructions, orders, or requirements issued under these regulations.”

(2) Regulation 10 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby consequentially revoked.

5. Carriage of flight engineer—Regulation 53 of the principal regulations is hereby further amended by revoking subclause (2).

6. Carriage of flight navigator—Regulation 54 of the principal regulations is hereby further amended by revoking subclause (2).

7. Flight plans—(1) The principal regulations are hereby further amended by revoking regulation 92, and substituting the following regulation:

“92. (1) The Director may from time to time prescribe the requirements for the submission to air traffic services units of flight plans by pilots-in-command.

“(2) The Director may also prescribe any special procedures and conditions relating to flight plans.”

(2) Regulation 28 of the Civil Aviation Regulations 1953, Amendment No. 3, and regulation 14 of the Civil Aviation Regulations 1953, Amendment No. 11, are hereby consequentially revoked.

8. Visual flight rules—(1) The principal regulations are hereby further amended by revoking regulation 95, and substituting the following regulation:

“95. Any flight conducted in accordance with the requirements prescribed by the Director pursuant to regulation 96 of these regulations is referred to in these regulations as a flight under visual flight rules or as a ‘VFR flight’.”

(2) Regulation 29 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby consequentially revoked.

9. Meteorological requirements for VFR flights—(1) The principal regulations are hereby further amended by revoking regulation 96, and substituting the following regulation:

“96. The Director may from time to time prescribe the requirements (including requirements relating to distance from cloud and visibility) to be met by pilots-in-command when flying aircraft under visual flight rules.”

(2) Regulation 30 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby consequentially revoked.

10. Classification of IFR flights—(1) The principal regulations are hereby further amended by revoking regulation 99, and substituting the following regulation:

“99. (1) Any flight which falls into any of the following categories shall be classed as a flight under instrument flight rules:

“(a) Flights in instrument meteorological conditions:

“(b) Flights by night, except as provided for in subclause (1) of regulation 41 of these regulations:

“(c) Flights to points more than 100 miles from land:

“(d) Flights for which an IFR flight plan has been submitted:

“(e) Such other flights as may be prescribed by the Director.

“(2) Notwithstanding the provisions of paragraph (c) of subclause (1) of this regulation, the Director may authorise VFR flights of more than 100 miles from land under such conditions as he may prescribe.”

(2) Regulation 32 of the Civil Aviation Regulations 1953, Amendment No. 3, is hereby consequentially revoked.

11. Procedures for IFR flights—(1) The principal regulations are hereby further amended by revoking regulation 100, and substituting the following regulation:

“100. (1) The Director may from time to time prescribe the conditions and procedures under which aircraft operating under instrument flight rules may be flown.

“(2) The Director may from time to time prescribe instrument approach procedures and missed-approach procedures in relation to the use of any aerodrome.

“(3) The pilot-in-command of an aircraft intending to land at any aerodrome in respect of which procedures have been prescribed under subclause (2) of this regulation shall comply with those procedures where the meteorological conditions at the material time warrant the procedures being followed.”

(2) Regulation 17 of the Civil Aviation Regulations 1953, Amendment No. 11, is hereby consequentially revoked.

12. Use of prescribed signals—Regulation 119 of the principal regulations is hereby amended by omitting the figures “130”, and substituting the figures “129”.

13. Observance of signals—Regulation 120 of the principal regulations is hereby amended by omitting the figures “130”, and substituting the figures “129”.

14. Transmission—Regulation 121 of the principal regulations is hereby amended by omitting the word and figures “129, and 130” and substituting the word and figures “and 129”.

15. Ground signals—(1) Regulation 126 of the principal regulations is hereby amended by omitting from subclause (1) the words “Aerodrome Control” where they first appear, and substituting the words “an air traffic services unit”.

(2) The said regulation 126 is hereby further amended by revoking paragraph (f) (except the diagram denoted as “fig. 6” illustrated in that paragraph), and substituting the following paragraph:

“(f) A horizontal landing white or orange ‘T’ (fig. 6) shall indicate the direction in which aircraft must land or take-off (that is, along the shaft of the ‘T’ towards the crossarm):”.

(3) Regulation 91 of the principal regulations (as substituted by regulation 13 (1) of the Civil Aviation Regulations 1953, Amendment No. 11) is hereby consequentially amended by revoking paragraph (b) of subclause (2), and substituting the following paragraph:

“(b) Subject to the provisions of paragraph (c) of this subclause, and unless good aviation practice in relation to aircraft performance and safety otherwise requires—

“(i) Land and take-off in the direction indicated by the landing ‘T’ as provided in paragraph (f) of subclause (1) of regulation 126 of these regulations; or

“(ii) In the case of an aerodrome at which no such landing ‘T’ is displayed, land and take-off into the wind:”.

16. Classes of licences and ratings—Regulation 227 of the principal regulations is hereby further amended by revoking subparagraphs (v), (vi), and (vii) of paragraph (b) of subclause (1).

17. Cadet flight radio operator licence—Regulation 244 of the principal regulations is hereby revoked.

18. Flight radio operator licence—Regulation 245 of the principal regulations is hereby revoked.

19. Restricted flight radio operator licence—Regulation 246 of the principal regulations is hereby revoked.

20. Flight operations officer licence—Regulation 262 of the principal regulations is hereby revoked.

21. New Part XV of the principal regulations substituted—(1) The principal regulations are hereby further amended by revoking Part XV, and substituting the following Part:

"PART XV—FEES

"264. Examinations—(1) Fees in respect of technical examinations and flight tests for, and the granting or renewal of, licences, ratings, or certificates, shall be payable in accordance with the following table:

Licence, Rating, or Certificate	Fee for Issue	Fee for Renewal	Fee for each Technical Examination Paper taken	Fee for Flight or Practical Test
<i>Flight Crew</i>				
	\$	\$	\$	\$
Student pilot licence	1.00	1.00	..	..
Private pilot licence	3.00	2.00	2.00	3.00
Commercial pilot licence	3.00	2.00	2.00	10.00
Senior commercial pilot licence	3.00	2.00	2.00	10.00
Airline transport pilot licence	3.00	2.00	2.00	10.00
Commercial glider pilot licence	3.00	2.00	2.00	10.00
Cadet flight navigator licence	1.00	1.00	..	..
Flight navigator licence	3.00	2.00	2.00	10.00
Cadet flight engineer licence	1.00	1.00	..	..
Flight engineer licence	3.00	2.00	2.00	10.00
Instrument rating	2.00	1.00	2.00	15.00
Flight instructor rating categories A, B, and C	2.00	1.00	2.00	10.00
Flight instructor rating category D	2.00	..	..	6.00
Aircraft type rating	1.00	..	2.00	6.00
Flight radio telephone operator rating	2.00	..	2.00	2.00
Glider towing rating	2.00	1.00	..	2.00
Chemical rating	2.00	..	2.00	..
Compass rating	2.00	..	..	6.00
Special flight tests not otherwise provided for .. ..	..	..	..	6.00
Foreign licence validations	3.00	..	2.00	6.00
<i>Aircraft Maintenance Engineer</i>				
	\$	\$	\$	\$
Aircraft maintenance engineer's licence .. ..	..	3.00	..	..
Each category	3.00	..	4.00	..
Each extension to a category, irre- spective of the number of types	3.00	..	4.00	..

"(2) No fee shall be payable for oral and practical technical examinations which are supplementary to written examinations. If oral or practical examinations are conducted instead of written examinations, the fee shall be the same as that prescribed for the written examination.

"(3) The fee for recount of marks in each paper shall be \$2.

"265. Certificates of registration and airworthiness—(1) The fee in respect of the first registration of every aircraft shall be \$2. Thereafter a fee of \$1 shall be payable in respect of each registration on transfer.

"(2) The fee to be charged in respect of every type certificate of airworthiness or certificate of type approval shall be in the discretion of the Director and shall be based upon, but shall not exceed, the cost of the investigation into the design and construction of the aircraft or aircraft components for the purposes of the certificate.

“(3) The fee in respect of the issue of every series certificate of airworthiness shall be \$10. A fee of \$4 shall be charged in respect of every renewal of any such certificate.

“266. **Aerodrome licences**—(1) A fee of \$10 shall be payable in respect of the issue or renewal of a licence for every public aerodrome.

“(2) A fee of \$4 shall be payable in respect of the issue or renewal of a licence for every private aerodrome.

“267. **Miscellaneous fees**—(1) The fee payable in respect of the validation of a certificate of airworthiness, pursuant to regulation 164 of these regulations, shall be \$4.

“(2) No fee shall be payable in respect of the issue or renewal of any licence, rating, or certificate pursuant to these regulations in any case where the applicant is an employee of the State and is under the jurisdiction of the Director, and the licence, rating, or certificate is required by the applicant in the performance of his duties.

“(3) A fee of \$2 shall be payable for the issue of a duplicate licence, rating, or certificate of any kind when the original is lost or destroyed.

“(4) A fee of \$1 shall be payable for the issue or renewal of a permit to fly.

“(5) A fee of \$5 shall be payable for the issue of an air service certificate. A fee of \$2 shall be payable in respect of every renewal of any such certificate.

“(6) A fee of \$3 may be charged for the issue of any licence, rating, or certificate not otherwise specified in Part XV of these regulations and a fee of \$2 may be charged in respect of every renewal thereof. A fee of \$2 may be charged for each paper in any examination taken for the purpose of attaining any such licence, rating, or certificate.

“268. **Payment of fees**—Until the appropriate fee has been paid the Director may decline to do any act, or permit any act to be done, or to receive any document, in respect of which that fee is payable under the provisions of this Part.”

(2) Regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 7, is hereby revoked.

22. **Miscellaneous revocations**—The regulations specified in the Schedule to these regulations are hereby consequentially revoked.

SCHEDULE
REGULATIONS REVOKED

Regulations	Published in Statutory Regulations	
	Year	Serial Numbers
The Civil Aviation Regulations 1953, Amendment No. 3: regulation 3	1959	3
The Civil Aviation Regulations 1953, Amendment No. 8: regulation 2	1964	2
The Civil Aviation Regulations 1953, Amendment No. 9: regulations 41 and 42	1965	16
The Civil Aviation Regulations 1953, Amendment No. 11: regulations 36, 37, and 38	1966	147

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 makes miscellaneous amendments to regulation 2 of the principal regulations, which defines the terms used in the regulations.

Regulation 3 inserts a new regulation 31A in the principal regulations, which regulates the carrying and discharge of firearms on aircraft.

Regulation 4 rewrites regulation 37 of the principal regulations, which relates to air traffic control clearances. The pilot in command of an aircraft is required to obtain a clearance from air traffic control in the instances specified in the regulation.

Regulation 5 revokes subclause (2) of regulation 53 of the principal regulations, which relates to the carriage on aircraft of flight engineers. The revocation will enable a flight engineer to perform duties other than engineering ones during a flight.

Regulation 6 revokes subclause (2) of regulation 54 of the principal regulations, which relates to the carriage on aircraft of flight navigators. The revocation will enable a flight navigator to perform duties other than those of a navigator during a flight.

Regulation 7 rewrites regulation 92 of the principal regulations and will enable the Director of the Civil Aviation Division to prescribe requirements relating to flight plans.

Regulation 8 rewrites regulation 95 of the principal regulations, which relates to visual flight rules.

Regulation 9 rewrites regulation 96 of the principal regulations. The rewritten regulation empowers the Director of the Civil Aviation Division to prescribe the distance from cloud, visibility and other requirements under which aircraft operating in accordance with visual flight rules may be flown.

Regulation 10 rewrites regulation 99 of the principal regulations, which classifies flights under instrument flight rules.

Regulation 11 rewrites regulation 100 of the principal regulations, which relates to the procedures to be followed on flights under instrument flight rules.

Regulations 12, 13, and 14 make minor consequential amendments to the principal regulations.

Regulation 15 rewrites paragraph (f) of subclause (1) of regulation 126 of the principal regulations, which relates to a certain type of ground signal. The clause also makes a consequential amendment to regulation 91 of the principal regulations, which relates to aerodrome traffic rules.

Regulation 16 revokes that part of regulation 227 of the principal regulations which relates to regulations 244, 245, and 246 of the principal regulations.

Regulation 17 revokes regulation 244 of the principal regulations. A cadet flight operator licence is now obsolete and no future need for such a licence is envisaged.

Regulation 18 revokes regulation 245 of the principal regulations. A flight radio operator licence is now obsolete and no future need for such a licence is envisaged.

Regulation 19 revokes regulation 246 of the principal regulations. A restricted flight radio operator licence is now obsolete and no future need for such a licence is envisaged.

Regulation 20 revokes regulation 262 of the principal regulations. This licence has never been used in this country and no use is expected in the future.

Regulation 21 substitutes a new Part XV of the principal regulations and prescribes a new scale of fees payable under the regulations.

Regulation 22 revokes certain regulations that are now spent.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 9 July 1970.

These regulations are administered in the Ministry of Transport.