

1972/172



THE CIVIL AVIATION REGULATIONS 1953,
AMENDMENT NO. 17

ARTHUR PORRITT, Governor-General
By his Deputy
ALEXANDER TURNER

ORDER IN COUNCIL

At the Government House at Wellington this 14th day of August 1972

Present:

HIS EXCELLENCY THE GOVERNOR-GENERAL 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. 17, and shall be read together with and deemed part of the Civil Aviation Regulations 1953* (hereinafter referred to as the principal regulations).

(2) These regulations shall come into force on the day after the date of their notification in the *Gazette*.

2. Interpretation—Subclause (1) of regulation 4 of the principal regulations is hereby amended—

(a) By revoking the definition of the term “air service”, and substituting the following definition:

“‘Air service’ means any flight performed by aircraft for the transport of passengers or cargo for hire or reward.”:

(b) By omitting from the definition of the term “airline” the word “scheduled”, and substituting the word “regular”:

(c) By inserting, after the definition of the term “glider flight time”, the following definition:

“‘Goods’ means all kinds of moveable property, including animals and mail.”:

(d) By inserting, after the definition of the term “operator”, the following definition:

“‘Owner’, in relation to a New Zealand aircraft, means the person lawfully entitled to the possession thereof, except where the aircraft is subject to a bailment not exceeding 28 days.”.

*Reprinted with Amendments Nos. 1 to 14: S.R. 1970/173
Amendment No. 15: S.R. 1970/253
Amendment No. 16: S.R. 1972/91

3. Carriage of dangerous goods—The principal regulations are hereby further amended by revoking regulation 31, and substituting the following regulation:

“31. (1) The Director may prescribe, by Civil Aviation Safety Order, a schedule of items the carriage of which by air is prohibited, or which may only be carried subject to conditions specified in that behalf in the order.

“(2) The Director may, in any order made under this regulation, approve the conditions and regulations published by any organisation for the purpose of controlling, prohibiting, or restricting the carriage of dangerous goods; and any such conditions and regulations, when so approved by the Director, and any amendment thereto, shall be deemed to form part of the requirement provided for in subclause (1) of this regulation.”

4. Operation of aircraft controls—(1) Regulation 66 of the principal regulations is hereby amended by revoking subclause (3) (as substituted by regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 2), and substituting the following subclause:

“(3) An aircraft shall not be taxied on the manoeuvring area of an aerodrome unless a pilot or a person approved for that purpose in writing by the operator of the aircraft is at the controls.”

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

5. Aerodrome traffic rules—(1) Regulation 91 of the principal regulations (as substituted by regulation 13 (1) of the Civil Aviation Regulations 1953, Amendment No. 11 and amended by regulation 6 of the Civil Aviation Regulations 1953, Amendment No. 16) is hereby further amended by adding to paragraph (d) of subclause (8) the word “; or”.

(2) The said regulation 91 (as so substituted and amended) is hereby further amended by adding to subclause (8) the following paragraph:

“(e) The aircraft is engaged in glider-towing operations, and good aviation practice requires such a turn to be made, and—

“(i) Where aerodrome control is operative, the turn has been approved by Air Traffic Control; or

“(ii) Where flight service is in operation, or the aerodrome is unattended, an approved signal is displayed which indicates that glider operations are in progress.”

6. Classification of operations—(1) The principal regulations are hereby further amended by revoking regulation 131, and substituting the following regulation:

“131. (1) For the purposes of these regulations, flight operations shall be divided into the following classes:

“(a) Private operations, being operations in which an aircraft is not used for hire or reward, and including operations involving—

“(i) The personal transport of the owner of the aircraft:

“(ii) The personal transport of a hirer who is the pilot of the aircraft:

“(iii) The personal transport of a hirer or hirers, one of whom is the pilot of the aircraft and all of whom are bona fide members of the organisation from which the aircraft is hired:

“(iv) The carriage of persons or goods without any charge being made:

“(v) The flight checking of the aircraft or its equipment:

“(vi) Agricultural or farming operations on land belonging to the operator of the aircraft, and including the carriage of articles and materials intended to be dropped from the aircraft during flight pursuant to paragraphs (a), (b), or (c) of subclause (2) of regulation 32 hereof, and also including the carriage of persons approved as essential to the purpose of the operation:

“(vii) Ferry operations when the delivery of the aircraft and associated spares and equipment is the only purpose of the flight:

“(viii) Other approved operations of a character substantially similar to any of those specified in this paragraph and for which no charge is made:

“(b) Aerial work operations, being operations in which an aircraft is used for—

“(i) Aerial advertising, including banner towing, drogue towing, and sky writing:

“(ii) Aerial photography where the photographs are taken for the purpose of sale by the operator, and including the carriage of persons essential to the purpose of the operation:

“(iii) Aerial survey, aerial inspection, and aerial search, including the carriage of persons essential to the purpose of the operation:

“(iv) Aerial construction of power and telephone lines, including the positioning of persons providing essential ground support:

“(v) The lifting, carriage, or positioning of machinery, equipment, or the like, for installation, servicing, or removal purposes when there is no more practical method of carriage, and including the carriage of persons essential to the purpose of the operation:

“(vi) Air ambulance functions in undeveloped areas, but including as passengers only the patient and the necessary attendants:

“(vii) Agricultural and farming operations, other than those referred to in subparagraph (vi) of paragraph (a) of this subclause, and including the carriage of articles and materials intended to be dropped from the aircraft during flight pursuant to paragraphs (a), (b), or (c) of subclause (2) of regulation 32 hereof, and also including the carriage of persons approved as essential to the purpose of the operation:

“(viii) The carriage of supplies, produce, or articles to, from, or within undeveloped or remote areas:

“(ix) The carriage, for the purposes of trade, of goods which are the property of the operator or the pilot of the aircraft:

“(x) The approved carriage of persons and equipment directly concerned with oil and mineral exploration, development, and recovery between the place of exploration, development, or recovery and the nearest suitable licensed aerodrome or place authorised pursuant to regulation 186 of these regulations for use as an aerodrome:

“(xi) Flight training operations, being operations involving the instruction and checking of flight crew members for the purpose of the issue, renewal, or extension of any flight crew licence or rating:

“(xii) Other approved operations of a character substantially similar to any of those specified in this paragraph:

“(c) Air transport operations, being operations in which the aircraft is used for—

“(i) Regular air services in which the aircraft is used for the carriage of passengers or goods for hire or reward over specific routes:

“(ii) Other air services in which the aircraft is used for the carriage of passengers or goods for hire or reward, and including air charter services, air taxi services, scenic flights, joy rides, and air ambulance services:

“Provided that air ambulance services in undeveloped areas shall not be air transport operations:

“(iii) Other approved operations of a character substantially similar to any of those specified in this paragraph:

“(d) Special operations, being operations in which the aircraft is used for—

“(i) Type approval, type certification, or experimental purposes:

“(ii) Other approved operations of a character substantially similar to any of those specified in this paragraph.

“(2) The Director may prescribe operational or technical requirements not inconsistent with these regulations in respect of any class of operations.”

(2) The following regulations are hereby consequentially revoked:

(a) Subclause (2) of regulation 2 of the Civil Aviation Regulations 1953, Amendment No. 2:

(b) Regulation 9 of the Civil Aviation Regulations 1953, Amendment No. 6:

(c) Regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 13.

7. Use of aircraft—Regulation 132 of the principal regulations is hereby revoked.

8. Classifications—Regulation 133 of the principal regulations is hereby revoked.

9. Permit to fly—Subclause (2) of regulation 161A of the principal regulations (as inserted by regulation 10 of the Civil Aviation Regulations 1953, Amendment No. 6) is hereby amended—

- (a) By omitting from paragraph (b) the expression "1,200 lb", and substituting the expression "1,500 lb":
- (b) By omitting from paragraph (c) the expression "95 b.h.p.", and substituting the expression "115 b.h.p."

10. Private pilot licence—Regulation 235 of the principal regulations is hereby amended by inserting in subclause (1), after the word "shall" where it first occurs, the words "be the holder of a flight radio telephone operator rating, and shall".

11. Airline transport pilot licence—(1) Regulation 238 of the principal regulations is hereby amended by revoking subparagraph (iii) of paragraph (d) of subclause (1), and substituting the following subparagraph:

"(iii) 100 hours of night-flight time as pilot in command, or 50 hours of night-flight time as pilot in command, and 100 hours of night-flight time as co-pilot:".

(2) The said regulation 238 is hereby further amended by omitting from the proviso to paragraph (d) of subclause (1) the words ", but not towards the requirements of subparagraphs (i) to (iv) hereof".

12. Medical requirements—The principal regulations are hereby further amended by revoking regulation 259, and substituting the following regulation:

"259. (1) The Director may, in Civil Aviation Safety Orders, specify medical requirements and standards required to be met by any person for the issue or renewal of any licence or rating referred to in these regulations.

"(2) Every person who knowingly makes a false or misleading declaration or statement for the purposes of this regulation commits an offence against these regulations."

13. Classification of medical requirements—The principal regulations are hereby further amended by revoking regulation 260, and substituting the following regulation:

"260. **Medical examination**—(1) Any examination carried out for the purpose of establishing the fitness of any person for the requirements made pursuant to regulation 259 hereof shall be conducted by a registered medical practitioner designated in that behalf by the Director.

"(2) The medical re-examinations to verify the continuing fitness and efficiency of the holder of a licence or rating shall, unless otherwise provided, be of the same standard as for the original issue of the licence."

14. Revoking certain provisions relating to medical requirements—(1) Regulation 261 of the principal regulations (as substituted by regulation 39 (1) of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby revoked.

(2) Regulation 261A of the principal regulations (as inserted by regulation 74 of the Civil Aviation Regulations 1953, Amendment No. 3) is hereby revoked.

(3) The Third Schedule to the principal regulations (as substituted by regulation 24 of the Civil Aviation Regulations 1953, Amendment No. 6) is hereby revoked.

(4) The following regulations are hereby consequentially revoked:

(a) Regulation 74 of the Civil Aviation Regulations 1953, Amendment No. 3:

(b) Regulation 24 of, and the Schedule to, the Civil Aviation Regulations 1953, Amendment No. 6:

(c) Regulation 39 of the Civil Aviation Regulations 1953, Amendment No. 9:

(d) Regulation 39 of the Civil Aviation Regulations 1953, Amendment No. 11:

(e) Regulation 38 of the Civil Aviation Regulations 1953, Amendment No. 12:

(f) Regulation 10 of the Civil Aviation Regulations 1953, Amendment No. 16.

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 amends certain definitions and inserts new ones.

Regulation 3 empowers the Director of Civil Aviation to prescribe, by Civil Aviation Safety Order, dangerous goods the carriage of which is prohibited or restricted.

Regulation 4 amends regulation 66 (3) of the principal regulations. The amendment provides that a person other than a pilot may taxi an aircraft if he is approved by the aircraft's operator. At present he must be approved by the Director.

Regulation 5 amends regulation 91 (8) of the principal regulations which prohibits, with certain specified exceptions, a turn after take-off until a height of 500 ft has been attained. The amendment specifies a further exception relating to glider-towing operations.

Regulation 6 rewrites regulation 131 of the principal regulations relating to the classification of flight operations.

Regulations 7 and 8 revoke regulations 132 and 133 of the principal regulations. The revocations are consequential on the new regulation 131 inserted by regulation 6 of these regulations.

Regulation 9 amends regulation 161A of the principal regulations by increasing the maximum permissible weight and engine power of an aircraft for which a permit to fly may be issued.

Regulation 10 amends regulation 235 of the principal regulations relating to private pilot licences. The amendment will require every applicant for a private licence to hold a flight radio telephone operator rating.

Regulation 11 amends regulation 238 of the principal regulations relating to airline transport pilot licences. The amendment is to the night flight requirement. The present requirement is 100 hours including not less than 50 hours as pilot in command. The new requirement is 100 hours as pilot in command, or 50 hours as pilot in command and 100 hours as co-pilot.

Regulations 12 to 14 provide for a revision of the medical requirements. Instead of being specified in the regulations the requirements will be specified by Civil Aviation Safety Order.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 17 August 1972.

These regulations are administered in the Ministry of Transport.