

1975/91



**THE CIVIL AVIATION REGULATIONS 1953,
AMENDMENT NO. 20**

—
DENIS BLUNDELL, Governor-General
ORDER IN COUNCIL

At the Government House at Wellington this 12th day of May 1975

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.

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Civil Aviation Regulations 1953, Amendment No. 20, 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—Regulation 4 (1) of the principal regulations is hereby amended—

(a) By inserting, after the definition of the term “aeroplane flight manual”, the following definition:

“ ‘Agricultural operations’ means operations in which the aircraft is used to provide a work service to those persons engaged in agriculture or farming; and includes topdressing, seed sowing, dusting, spraying, dropping of poison baits, laying of poison, supply-dropping on farms and forests, farm or forest inspection, stock feeding, and stock location, inspection, and mustering:”

(b) By adding to the definition of the term “aircraft” the words “, otherwise than by the reactions of the air against the surface of the earth”:

*Reprinted with Amendments Nos. 1 to 19: S.R. 1974/275

- (c) By inserting, after the definition of the term “avionics” (as inserted by regulation 2 (a) of the Civil Aviation Regulations 1953, Amendment No. 18), the following definition:
“‘Balloon’ means a non-power-driven lighter-than-air aircraft.”:
- (d) By revoking the definition of the term “flight release”:
- (e) By adding to the definition of the term “flight time” the words “; and includes the total time of 2 or more consecutive flights each separated by a period of 2 minutes or less; and the terms ‘block to block’ and ‘chock to chock’ shall have corresponding meanings”:
- (f) By inserting, after the definition of the term “foreign aircraft”, the following definition:
“‘Fuelling operation’ includes the fuelling and defuelling of aircraft, aircraft fuel flow tests, and the calibration and draining of aircraft fuel tanks.”:
- (g) By inserting, after the definition of the term “licensed aerodrome”, the following definition:
“‘Lighter-than-air aircraft’ means any aircraft supported chiefly by its buoyancy in the air.”:
- (h) By inserting, after the definition of the term “rating”, the following definition:
“‘Registered medical practitioner’ means a person registered as a medical practitioner under the law of a contracting State.”:
- (i) By inserting, after the definition of the term “State of registration”, the following definition:
“‘Synthetic flight trainer’ means equipment in which flight conditions are simulated on the ground; and includes—
“‘(a) A flight simulator, being an apparatus which provides an accurate representation of the flight deck of a particular aircraft type to the extent that the normal environment of flight crew members, the systems, and the performance and flight characteristics of that type are realistically simulated:
“‘(b) A flight procedure trainer, being an apparatus that provides a representation of aircraft to the extent that realistic flight deck environment, instrument responses, simple systems, and the performance and flight characteristics of aircraft of a particular class or type are simulated:
“‘(c) A basic instrument flight trainer, being an apparatus equipped with appropriate instruments, simulating the flight deck environment of an aircraft in flight in instrument flight conditions, in which a pilot may be instructed or tested in basic instrument flight manoeuvres and procedures.”.

3. Application of regulations—Regulation 5 (1) of the principal regulations is hereby amended by revoking paragraph (b), and substituting the following paragraph:

“(b) Subject to regulations 21 and 21A of these regulations and to such limitations as may from time to time be prescribed by the Director, to all New Zealand aircraft wherever they may be.”

4. General conditions of flying—Regulation 19 (1) of the principal regulations is hereby amended by revoking paragraph (c), and substituting the following paragraph:

“(c) A valid maintenance release in respect of the aircraft has been issued under these regulations.”

5. Operation of gliders—Regulation 19A of the principal regulations (as inserted by regulation 5 of the Civil Aviation Regulations 1953, Amendment No. 9) is hereby amended by revoking subclause (4), and substituting the following subclause:

“(4) A person may not act as pilot in command of a glider unless—

“(a) He is qualified to act as such in accordance with provisions prescribed under this regulation; or

“(b) He is the holder of a licence issued under these regulations of a class specified by the Director as being appropriate to the duties to be carried out.”

6. Operation of free balloons—The principal regulations are hereby further amended by inserting, after regulation 19A (as so inserted), the following regulation:

“19B. (1) For the purposes of regulating and facilitating the operation of free balloons, the Director may prescribe such requirements for the operation, equipment, flight, manoeuvre, and airworthiness of free balloons as he may consider necessary.

“(2) The Director, in specifying requirements under subclause (1) of this regulation, may, notwithstanding the provisions of any of these regulations, exempt free balloons from such provisions as he may consider necessary to facilitate free-balloon flying and he may prescribe such matters in relation to qualifications, experience, knowledge, skill, and medical fitness of persons who may act as pilot in command of a free balloon as he may consider necessary in the interests of safety.

“(3) The Director may, in prescribing his requirements under this regulation, approve the rules of any body corporate established for the purposes of controlling or facilitating the flying of free balloons and any such rules, when approved by the Director, shall be deemed to form part of the requirements provided for in subclause (1) hereof.

“(4) A person may not act as pilot in command of a free balloon unless—

“(a) He is qualified to act as such in accordance with provisions prescribed under this regulation; or

“(b) He is the holder of a licence issued under these regulations of a class specified by the Director as being appropriate to the duties to be carried out.”

7. Flight over high seas—The principal regulations are hereby further amended by inserting, after regulation 21, the following regulation:

“21A. All New Zealand aircraft in flight over the high seas shall comply with the Rules of the Air contained in Annex 2 to the Convention as amended from time to time.”

8. Documents to be carried on internal flights—Regulation 26 of the principal regulations is hereby amended by revoking paragraph (e).

9. Documents to be carried on international flights—(1) Regulation 27 of the principal regulations is hereby amended by revoking paragraph (f).

(2) The said regulation 27 is hereby further amended by revoking paragraph (i), and substituting the following paragraph:

“(i) If passengers are carried, the General Declaration showing the total number of crew members and the number of passengers embarking, disembarking, or travelling through on the same flight.”.

10. Carriage of dangerous goods—Regulation 31 of the principal regulations (as substituted by regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 17) is hereby amended by adding the following subclauses:

“(3) No shipper shall offer any goods for transportation by air when the carriage by air of such goods is prohibited under subclause (1) of this regulation.

“(4) No shipper shall offer any goods for transportation by air when the carriage by air of such goods is restricted or conditional under subclause (1) of this regulation unless—

“(a) Such goods are declared under their full and proper shipping name;

“(b) Any instructions that are necessary for the safe handling of such goods are given in writing to the operator;

“(c) Such goods are packed, marked, and labelled in accordance with any requirements under subclause (1) of this regulation; and

“(d) The shipper or his authorised agent completes an approved shipper’s certification specifying the goods, the quantity of the goods, and the shipper of the goods, and certifies that the consignment described therein complies with the provisions of this regulation.

“(5) No person shall knowingly send or attempt to send by, or carry or attempt to carry in, any aircraft any goods under a false or misleading description, when the carriage by air of those goods is prohibited or subject to conditions under subclause (1) of this regulation.”

11. Carriage of firearms—Regulation 31A (2) (a) of the principal regulations (as inserted by regulation 3 of the Civil Aviation Regulations 1953, Amendment No. 14) is hereby amended by adding the following proviso:

“Provided that no person shall carry out an aerial search for, or shoot or immobilise or recover, any wild animal unless—

“(i) Prior written approval has been obtained from the statutory Board, Government Department, or other public body controlling or administering the place over which such operations are carried out, or administering the Noxious Animals Act 1956 in respect of that place; or

“(ii) If there is no such controlling or administering authority, prior written approval has been obtained from the occupier of that place—

and such approval is in the possession of the operator and has been sighted by the pilot in command before the commencement of the flight:”.

12. Carriage of portable electronic devices—The principal regulations are hereby further amended by inserting, after regulation 31A (as so inserted), the following regulation:

“31B. (1) Except as provided by subclause (2) of this regulation, no person shall operate, and no operator or pilot in command shall permit to be operated, any portable electronic device on any New Zealand registered civil aircraft engaged in air transport operations or any other New Zealand registered civil aircraft operating under IFR.

“(2) The provisions of this regulation shall not apply to—

“(a) Portable voice recorders:

“(b) Hearing aids:

“(c) Heart pacemakers:

“(d) Electric shavers:

“(e) Any other portable electronic device that the operator of the aircraft has determined will not cause interference with the navigation or communications system of the aircraft on which it is used.”

13. Prohibited, restricted, and danger areas—Regulation 33 of the principal regulations (as substituted by regulation 4 of the Civil Aviation Regulations 1953, Amendment No. 11) is hereby amended by omitting the word “over” wherever it occurs in subclauses (3), (4), (9), and (11), and substituting in each case the word “within”.

14. Use of aerodromes—Regulation 34 of the principal regulations (as substituted by regulation 7 of the Civil Aviation Regulations 1953, Amendment No. 19) is hereby amended by adding to paragraph (a) the following proviso:

“Provided that the Director may grant exemption in whole or in part from the requirements of this paragraph, and any such exemption shall be subject to such conditions as the Director may prescribe:”.

15. Minimum safe heights—(1) Regulation 38 (3) of the principal regulations is hereby amended by revoking paragraph (c), and substituting the following paragraph:

“(c) The aircraft is being flown in an area designated by the Director for use as a low-flying area by the operator of the aircraft and the flight is in accordance with such conditions as the Director may prescribe:”.

(2) The said regulation 38 (3) is hereby further amended by revoking paragraph (e) (as added by regulation 2 (a) of the Civil Aviation Regulations 1953, Amendment No. 1).

16. Towing and picking up objects—Regulation 43 of the principal regulations (as substituted by regulation 6 of the Civil Aviation Regulations 1953, Amendment No. 6) is hereby amended by revoking subclauses (2) and (3), and substituting the following subclauses:

“(2) An aircraft shall not be used for the purpose of towing any aircraft, drogue, banner, or other object except in accordance with such procedures and under such conditions as may be prescribed from time to time by the Director.

“(3) An aircraft shall not be used while in flight for the purpose of picking up from the ground another aircraft or any person, livestock, or articles of any description unless—

“(a) Prior written approval has been obtained from the statutory Board, Government Department, or other public body controlling or administering the place where the pick up occurs, or administering the Noxious Animals Act 1956 in respect of that place or, if there is no such controlling or administering authority, prior written approval has been obtained from the occupier of that place, and such approval is in the possession of the operator and has been sighted by the pilot in command prior to the commencement of the flight:

“Provided that the Director may grant exemption in whole or in part from the requirements of this paragraph and any such exemption shall be subject to such conditions as the Director may prescribe; and

“(b) The operations are carried out in accordance with such procedures and under such conditions as may be prescribed from time to time by the Director.

“(4) Nothing in this regulation shall prevent the reasonable use of trailing radio aerials from an aircraft in flight.”

17. Passengers not to be carried on certain flights—The principal regulations are hereby further amended by revoking regulation 48, and substituting the following regulation:

“48. A pilot in command shall not allow to be carried in an aircraft any person other than the appropriate flight crew members, or a person engaged in flight instruction or in testing an aircraft or aircraft component in flight, or an authorised person, or as otherwise provided in regulation 39 hereof, when it is the intention of that pilot to carry out, in the course of that flight, any of the following types of flying:

“(a) Practice in low flying:

“(b) Practice in forced landings:

“(c) Testing an aircraft, or its power plant, or any component, the failure of which would affect the airworthiness of the aircraft:

“(d) Any other type of flying specified by the Director:

“Provided that on any flight of the type specified in paragraph (c) hereof, any engineering or maintenance personnel who are directly concerned in the overhaul, inspection, or adjustment of the aircraft or its power plant or its components may be carried.”

18. Pilot in command—The principal regulations are hereby further amended by revoking regulation 58, and substituting the following regulation:

“58. When the flight crew of an aircraft includes more than 1 pilot, one of the pilots shall be designated as pilot in command by the operator when the flight is planned and shall remain the pilot in command until the flight is completed.”

19. Revoking provisions relating to flight release—Regulation 61 of the principal regulations is hereby revoked.

20. Route and aerodrome qualifications of pilot in command—The principal regulations are hereby further amended by revoking regulation 79, and substituting the following regulation:

“79. (1) A pilot shall not act as pilot in command of an aircraft engaged in an air transport operation on a particular route unless—

“(a) He has demonstrated to the operator that he has an adequate knowledge of the route to be flown and the aerodromes which are to be used, including an adequate knowledge of—

“(i) The terrain and minimum safe altitudes;

“(ii) The seasonal meteorological conditions;

“(iii) The meteorological, communication, and air traffic facilities, services, and procedures;

“(iv) The search and rescue procedures; and

“(v) The navigational facilities associated with the route along which the flight is to take place; and

“(b) He has demonstrated to the operator that he has an adequate knowledge of procedures applicable to flight paths over heavily populated areas and areas of high traffic density, obstructions, physical layout, lighting, approach aids, and arrival, departure, holding, and instrument approach procedures, and applicable meteorological minima:

“Provided that any portion of the demonstration relating to arrival, departure, holding, or instrument approach procedures may be accomplished in an aircraft flight simulator if specifically approved by the Director; and

“(c) He has made an actual approach into each aerodrome of intended landing and the designated alternate aerodromes on the route as a member of the flight crew or as an observer on the flight deck accompanied by a pilot who is qualified for the aerodrome, except when—

“(i) The approach to the aerodrome is not over difficult terrain and the instrument approach procedures and aids available to the pilot are similar to those with which he is familiar; or

“(ii) The descent from the initial approach altitude to the aerodrome can be made by day in visual meteorological conditions; or

“(iii) The operator qualifies the pilot in command by means of an approved pictorial presentation; or

“(iv) The aerodrome concerned is adjacent to another aerodrome at which the pilot in command is currently qualified to land.

“(2) An operator shall maintain an approved record of the qualifications of all its pilots and the manner in which such qualifications were achieved.

“(3) A pilot previously qualified to act as pilot in command on a particular route shall not continue to act as pilot in command on that route unless within the previous 12 months he has made at least 1 trip between the terminal points of that route as a pilot member of the flight crew or as a check pilot or as an observer on the flight deck or unless he complies with paragraph (c) of subclause (1) of this regulation.”

21. Aircraft-fuelling and ground fire precautions—The principal regulations are hereby further amended by inserting, after regulation 87, the following regulation:

“87A. The Director may prescribe the conditions under which aircraft-fuelling operations are to be conducted and the ground fire precautions to be observed by those persons engaged in fuelling operations.”

22. Carriage of weather radar—The principal regulations are hereby further amended by inserting, after regulation 107, the following regulation:

“107A. (1) On and after the 1st day of December 1975 every turbine-powered aeroplane with a maximum weight exceeding 12,500 lbs shall be equipped with weather radar of an approved type.

“(2) The Director may prescribe the conditions under which aeroplanes to which subclause (1) of this regulation applies may be operated when the required weather radar is unserviceable.”

23. Classification of operations—Regulation 131 (1) (b) of the principal regulations (as substituted by regulation 6 (1) of the Civil Aviation Regulations 1953, Amendment No. 17) is hereby amended by revoking subparagraphs (x) to (xii), and substituting the following subparagraphs:

“(x) The 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) The carriage of persons and equipment directly concerned with the investigation of air accidents under the Act:

“(xii) 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:

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

24. Consequential revocation—Regulation 143 of the principal regulations is hereby revoked.

25. Permit to fly—Regulation 161A (2) (c) of the principal regulations (as inserted by regulation 10 of the Civil Aviation Regulations 1953, Amendment No. 6 and amended by regulation 9 (b) of the Civil Aviation Regulations 1953, Amendment No. 17) is hereby further amended by omitting the expression “115 b.h.p.”, and substituting the expression “150 b.h.p.”.

26. Obstructions to air navigation—The principal regulations are hereby further amended by inserting, after regulation 190B (as inserted by regulation 33 of the Civil Aviation Regulations 1953, Amendment No. 12), the following regulation:

“190c. If the Director is of the opinion that any building, pole, mast, line, structure, or other object is a hazard to air navigation he may require it to be marked or illuminated to a standard specified by him.”

27. Aerial work operations—The principal regulations are hereby further amended by revoking regulation 257, and substituting the following regulation:

“257. (1) The holder of a pilot licence issued pursuant to this Part of these regulations shall not, in any period of 12 consecutive months, exceed 1,100 hours of flight time if he is engaged in aerial work operations as a flight crew member:

“Provided that if he is engaged in agricultural or farming operations, not more than 900 hours of that flight time shall be productive.

“(2) The Director may prescribe basic flight time limitations and duty hours for daily, weekly, monthly, and quarterly periods, but may approve variations in the daily or weekly totals so prescribed after having due regard to—

“(a) Type of work in which the pilot is engaged:

“(b) Time of day of the flight:

“(c) Ground rest facilities available:

“(d) Type of aircraft:

“(e) Seasonal conditions, including ambient temperatures:

“(f) Pilot experience.”

28. Medical examination—Regulation 260 (1) of the principal regulations (as substituted by regulation 13 of the Civil Aviation Regulations 1953, Amendment No. 17) is hereby amended by inserting, after the word “designated”, the words “or accepted”.

29. Examinations—Regulation 264 of the principal regulations (as substituted by regulation 21 (1) of the Civil Aviation Regulations 1953, Amendment No. 14) is hereby amended by revoking subclauses (2) and (3), and substituting the following subclauses:

“(2) 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 examination paper shall be \$3.”

30. Certificates of registration and airworthiness—(1) Regulation 265 (1) of the principal regulations (as so substituted) is hereby amended—

(a) By omitting the expression “\$2”, and substituting the expression “\$3”:

(b) By omitting the expression “\$1”, and substituting the expression “\$2”.

(2) The said regulation 265 is hereby further amended by revoking subclause (3), and substituting the following subclause:

“(3) The fee in respect of the issue of every series certificate of airworthiness shall be \$100 for aircraft over 12 500 lb, \$50 for aircraft over 6500 lb, and \$20 for aircraft of 6500 lb or below. A fee of \$10 shall be charged in respect of every renewal of any such certificate.”

31. Aerodrome licences—Regulation 266 of the principal regulations (as so substituted) is hereby amended—

(a) By omitting from subclause (1) the expression “\$10”, and substituting the expression “\$14”:

(b) By omitting from subclause (2) the expression “\$4”, and substituting the expression “\$6”.

32. Miscellaneous fees—Regulation 267 of the principal regulations (as so substituted) is hereby amended—

(a) By omitting from subclause (1) the expression “\$4”, and substituting the expression “\$6”:

(b) By omitting from subclause (3) the expression “\$2”, and substituting the expression “\$3”:

(c) By omitting from subclause (5) the expressions “\$5”, “\$2”, and “renewal”, and substituting the expressions “\$7”, “\$3”, and “reissue” respectively:

(d) By omitting from subclause (6) the expression “\$3”, and substituting the expression “\$4”:

(e) By omitting from subclause (6) the expression “\$2” in both places where it occurs, and substituting in each case the expression “\$3”.

33. Consequential revocations—The following regulations are hereby consequentially revoked:

(a) Regulation 2 (a) of the Civil Aviation Regulations 1953, Amendment No. 1:

- (b) Regulations 16 and 75 of the Civil Aviation Regulations 1953, Amendment No. 3:
- (c) The Civil Aviation Regulations 1953, Amendment No. 8:
- (d) The Civil Aviation Regulations 1953, Amendment No. 10:
- (e) Regulation 19 of the Civil Aviation Regulations 1953, Amendment No. 18.

P. G. MILLEN,
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 various definitions and inserts new ones.

Regulation 3 exempts from the principal regulations flight by New Zealand aircraft over the high seas (see regulation 7) and also empowers the Director to limit the application of the principal regulations.

Regulation 4 is an amendment which is consequential to the provisions of regulation 8.

Regulation 5 amends the provisions relating to the qualifications required of a pilot in command of a glider.

Regulation 6 inserts new provisions relating to the operation of free balloons.

Regulation 7 requires New Zealand aircraft in flight over the high seas to comply with the Rules of the Air contained in Annex 2 of the Chicago Convention on International Civil Aviation (1944).

Regulation 8 omits the requirement for a flight release to be carried on internal flights.

Regulation 9 omits the requirement for a flight release to be carried on international flights. In addition the requirement of carrying a passenger manifest is replaced by a requirement to carry a general declaration showing the total number of crew members and the number of passengers.

Regulation 10 inserts new provisions relating to the carriage of dangerous goods.

Regulation 11 prohibits the carrying out of an aerial search for, and the shooting, immobilisation, or recovery of, any wild animal without the consent of the public body controlling the area or, if there is no such body, without the consent of the occupier.

Regulation 12 prohibits the operation of electronic devices on civil aircraft engaged in transport operations or operating under IFR. Certain types of devices are exempted.

Regulation 13 is a minor drafting amendment.

Regulation 14 empowers the Director to grant exemptions from the requirements relating to the use of aerodromes.

Regulation 15 empowers the Director to prescribe conditions relating to the use of low-flying areas. In addition the regulation places helicopters on the same footing as other aircraft in respect of low flying.

Regulation 16 inserts new provisions relating to towing and picking up of objects by aircraft.

Regulation 17 rewrites the provisions prohibiting the carriage of passengers on certain types of flight.

Regulation 18 requires an operator to designate a pilot in command when a flight crew includes more than 1 pilot.

Regulation 19 is an amendment which is consequential to the provisions of regulation 8.

Regulation 20 consolidates regulations 79 and 143 of the principal regulations relating to route and aerodrome qualifications of a pilot in command. The new provisions are in accordance with ICAO standards and recommended practices.

Regulation 21 inserts a new provision empowering the Director to prescribe aircraft fuelling and ground fire precautions.

Regulation 22 requires every turbine-powered aircraft with a maximum weight exceeding 12 500 lbs to be equipped with weather radar.

Regulation 23 amends regulation 131 of the principal regulations relating to the classification of flight operations. The amendment removes the requirement for the carriage of persons and equipment directly concerned with oil and mineral exploration, development, and recovery to be approved by the Director. The amendment also classifies the carriage of persons and equipment directly concerned with the investigation of air accidents as an aerial work operation.

Regulation 24 is a consequential revocation (see regulation 20).

Regulation 25 increases the maximum permissible engine power of an aircraft for which a permit to fly may be issued from 115 b.h.p. to 150 b.h.p.

Regulation 26 inserts a new provision which empowers the Director to require the marking or illumination of obstructions to air navigation.

Regulation 27 extends the total flight time limitation in any period of 12 consecutive months from 1,000 hours to 1,100 hours but limits productive flight time in the case of agricultural operations to 900 hours. The matters which the Director must have regard to in approving variations in daily or weekly totals are also specified.

Regulation 28: At present, a medical examination must be carried out by a medical practitioner designated by the Director. The amendment empowers the Director to accept a medical examination made by a medical practitioner who was not designated.

Regulations 29 to 32 provide for a new scale of fees.

Regulation 33 provides for consequential revocations.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 15 May 1975.

These regulations are administered in the Ministry of Transport.