

1987/70



**THE CIVIL AVIATION REGULATIONS 1953,  
AMENDMENT NO. 26**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 23rd day of March 1987

Present:

THE HON. R. O. DOUGLAS 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.

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## REGULATIONS

**1. Title and commencement**—(1) These regulations may be cited as the Civil Aviation Regulations 1953, Amendment No. 26, 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 1st day of April 1987.

**2. Interpretation**—Regulation 4 (1) of the principal regulations is hereby amended by inserting, after the definition of the term “airway” (as inserted by regulation 2 (1) (f) of the Civil Aviation Regulations 1953, (Amendment No. 11), the following definition:

“‘Airways services’ means—

“(a) Air traffic control service for aerodrome traffic (in these regulations called ‘aerodrome control service’):

“(b) Air traffic control service for controlled flights in control areas (in these regulations called ‘area control service’):

“(c) Air traffic control service for arriving or departing controlled flights (in these regulations called ‘approach control service’):

“(d) A service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights (in these regulations called ‘flight information service’):

“(e) A service provided for the purpose of giving advice and information useful for the safe and efficient conduct of flights in the immediate environment of an aerodrome, irrespective of whether or not any aircraft to which such advice or information is directed is in the immediate environment of an aerodrome (in these regulations called ‘aerodrome flight information service’):

“(f) Aerodrome rescue fire services”.

**3. Production of documents and records**—Regulation 10 (b) of the principal regulations is hereby amended by inserting,—

(a) After the words “aircraft components”; and

(b) After the words “operation of aircraft”,—  
the words “or the provision of any airways service”.

**4. Right of access**—Regulation 14 of the principal regulations is hereby amended by adding the following paragraph:

“(c) Any building or place for the purpose of—

“(i) Examining any equipment; or

“(ii) Checking the competence of any person where the equipment is being used or the person is engaged in any activity related to the provision of any airways service.”

**5. Recent experience limitation**—Regulation 34A of the principal regulations (as inserted by regulation 12 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended by adding to the proviso the words “or (where the licence or rating relates to an airways service) such other test as the Director may require or prescribe”.

\*S.R. 1953/108 (Reprinted with Amendments Nos. 1 to 22: S.R. 1980/88)  
Amendment No. 23: S.R. 1982/90  
Amendment No. 24: S.R. 1983/100  
Amendment No. 25: S.R. 1985/112

**6. New Part VA inserted**—The principal regulations are hereby amended by inserting, after Part V, the following Part:

**“PART VA—AIRWAYS SERVICES**

**“149A. Airways services certificates**—(1) No person shall provide any airways service except under the authority of, and in accordance with, the provisions of an airways service certificate issued by the Director.

“(2) The Director may issue an airways service certificate to an applicant if the Director is satisfied that the applicant is competent to safely operate and maintain the airways services applied for.

“(3) The Director may include in any airways service certificate such conditions as the Director considers necessary in the interests of safety.

“(4) Application for an airways service certificate shall be made on the form available from the Director for that purpose, together with the prescribed application fee, and the applicant shall provide, together with the completed application form or at such later time as is agreed to by the Director an operations manual of a kind required by regulation 149B of these regulations relating to the airways service or services to be provided by the applicant.

“(5) The holder of an airways service certificate shall, as soon as reasonably practicable, notify the Director of any intended material alteration in the internal organisation of the holder, equipment, or other matters that affect safety.

“(6) The Director may at any time by notice in writing to any holder of an airways service certificate, require additional information to be supplied in relation to the operation for which the certificate is granted and may, in like manner, amend any conditions subject to which the certificate was issued or may add further conditions thereto.

“(7) An airways service certificate issued under this regulation shall continue in force until either surrendered by the holder or suspended or cancelled by the Director pursuant to regulation 12 of these regulations.

“(8) An airways service certificate shall not be transferred except with the written consent of the Director and payment of the prescribed fee.

“(9) Subject to the approval of the Director, nothing in this regulation shall prevent the operation of a radio facility by suitably qualified persons providing information to aircraft at aerodromes where no comparable airways service is being provided.

**“149B. Airways services operational manual**—(1) Every person who is the holder of an airways service certificate shall provide, for the use and guidance of its operations personnel, an operations manual or manuals containing (as appropriate)—

“(a) Instructions outlining the responsibilities of operations personnel relating to the provision of airways services:

“(b) The standards and procedures to be applied and followed in the provision of any airways service:

“(c) Descriptions and specifications of the equipment intended to be used in providing any such service:

“(d) Emergency procedures (if any):

“(e) Procedures for the investigation of air safety incidents and the reporting of them to the Director.

“(2) Every such holder shall revise its operations manuals when required to do so by the Director or when necessitated by changes in the operations or equipment or in the light of experience.

“(3) Every such holder shall supply copies of its operations manuals, including any amendments thereto, to the Director and to such persons as the Director specifies.

“(4) Every such holder shall ensure that those parts of its operations manuals that are relevant to the functions carried out by particular personnel are available to those personnel in the course of carrying out those functions.

“(5) Every such holder shall ensure that all copies of its operations manuals are kept up to date.

“(6) No operations manuals shall be approved unless the Director is satisfied that the services to be carried on pursuant to it will be in accordance with current standards and recommended practices promulgated under the Convention by the International Civil Aviation Organisation (ICAO) and adopted by the Government of New Zealand.

“149C. **Training and checking of airways service personnel**—Every holder of an airways service certificate shall provide a training and checking organisation to ensure that all personnel involved in the provision of services related to that certificate and who are required to be holders of licences or ratings maintain their competence.

“149D. **Instruction of airways service personnel**—Every holder of an airways service certificate shall ensure that all its personnel are properly instructed concerning their particular duties and responsibilities.

“149E. **Investigation of air safety incidents**—When an incident, occurrence, or defect which affects or has the potential to affect air safety occurs, the provider of the appropriate airways services shall, as soon as practicable,—

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

“(b) Notwithstanding that the matter is to be investigated by an Accident Inspector pursuant to Part III of the Act, investigate or cause to be investigated the air safety incident, occurrence, or defect and report to the Director on the cause and on the remedial action taken.

“149F. **Air traffic controller’s duty time limitation**—(1) No holder of an airways service certificate, where the service involves the supply of air traffic control services, shall require or permit an air traffic controller to be on duty for a period in excess of that prescribed by the Director pursuant to subclause (2) of this regulation.

“(2) The Director may prescribe duty time limitations in respect of the length of time which may be spent on duty by air traffic controllers having regard to—

“(a) The type of operating position; and

“(b) The time of day in which the duty is carried out; and

“(c) The location, usual density of air traffic, or other factors affecting the degree of mental concentration required by the controller.

“149G. **Requirements as to airways services personnel licences and ratings**—Every person who exercises the privileges attaching to an

airways service personnel licence or rating shall, while exercising such privileges, be the holder of the appropriate licence or rating under Part XIII of these regulations.”

**7. General provisions**—Regulation 187 of the principal regulations (as substituted by regulation 51 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended by inserting, after subclause (2), the following subclause:

“(2A) The Director may at any time require the licensee of an aerodrome to ensure the provision of an aerodrome flight information service or an aerodrome control service.”

**8. Heading to Part XIII**—The principal regulations are hereby amended by omitting from the heading to Part XIII the words “FLIGHT CREW LICENCES AND RATINGS”, and substituting the words “FLIGHT CREW AND AIRWAYS SERVICES PERSONNEL LICENCES AND RATINGS”.

**9. Classes of licences and ratings**—(1) Regulation 228 (1) of the principal regulations (as substituted by regulation 56 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended by inserting, before the words “licences and ratings”, the words “flight crew”.

(2) Regulation 228 of the principal regulations (as so substituted) is hereby further amended by inserting, after subclause (1), the following subclause:

“(1A) The airways services personnel licences and ratings that may be granted pursuant to this Part of these regulations are as follows:

“(a) Air traffic controller licence:

“(b) Aeronautical station operator licence:

“(c) Aerodrome control rating:

“(d) Approach control rating:

“(e) Area control rating:

“(f) Approach control (Radar) rating:

“(g) Area control (Radar) rating.”

(3) Regulation 228 (2) of the principal regulations (as so substituted) is hereby amended by inserting, after the words “a licence or rating”, the words “of any of the kinds referred to in subclause (1) of this regulation”.

(4) Regulation 228 of the principal regulations (as so substituted) is hereby further amended by adding, after subclause (2), the following subclause:

“(2A) The holder of a licence or rating of any of the kinds referred to in subclause (1A) of this regulation shall have the privileges prescribed by the Director and be subject to the limitations specified in respect of that licence or rating in regulations 34A and 34B of these regulations.”

(5) Regulation 228 of the principal regulations (as so substituted) is hereby further amended by adding the following subclause:

“(9) Nothing in subclauses (7) and (8) of this regulation shall apply to a licence or rating of any of the kinds referred to in subclause (1A) of this regulation.”

**10. Grant of licences and ratings**—Regulation 229 (1) of the principal regulations (as so substituted) is hereby amended by inserting, after the expression “regulation 228 (1)”, the expression “or (1A)”.

**11. Minimum age requirements**—Regulation 232 of the principal regulations (as so substituted) is hereby amended by adding the following paragraphs:

“(j) Air traffic controller, 21 years:

“(k) Aeronautical station operator, 18 years.”

**12. Medical requirements**—Regulation 233 (3) (a) of the principal regulations (as so substituted) is hereby amended by inserting, before the words “The holder”, the words “In the case of a licence or rating of any of the kinds referred to in regulation 228 (1) of these regulations, ”.

**13. Miscellaneous fees**—(1) Regulation 267 of the principal regulations (as substituted by regulation 2 of the Civil Aviation Regulations 1953, Amendment No. 23) is hereby amended by revoking subclause (2), and substituting the following subclause:

“(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—

“(a) The applicant is an employee of the State and is under the jurisdiction of the Director; or

“(b) The licence, rating, or certificate of any applicant is issued or renewed by any person, not being an officer of the Department, pursuant to the power delegated to that person by the Director under section 17 of the Act,—

and the licence, rating, or certificate is required by the applicant in the performance of the applicant’s duties.”

(2) Regulation 267 of the principal regulations (as so substituted) is hereby further amended by adding the following subclause:

“(7) A fee of \$200 shall be payable for the issue of an airways service certificate and a fee of \$50 shall be payable for the transfer of any such certificate.”

**14. Transitional provisions**—Any licence, rating, or certificate required pursuant to Part VA of the principal regulations (as inserted by regulation 6 of these regulations) and issued on or before the 30th day of April 1987, shall be as valid and effectual as if it had been issued on the 1st day of April 1987.

P. G. MILLEN,  
Clerk of the Executive Council.

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#### EXPLANATORY NOTE

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

These regulations, which come into force on 1 April 1987, amend the Civil Aviation Regulation 1953.

They bring within the ambit of the regulations suppliers of airways services (as defined) and also the personnel employed in those services, particularly in regard to the licensing and rating of certain of those employees.

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Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 26 March 1987.

These regulations are administered in the Ministry of Transport.