



**THE CIVIL AVIATION REGULATIONS 1953,
AMENDMENT NO. 27**

PAUL REEVES, Governor-General

ORDER IN COUNCIL

At Wellington this 30th day of November 1987

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.

ANALYSIS

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REGULATIONS

1. Title and commencement—(1) These regulations may be cited as the Civil Aviation Regulations 1953, Amendment No. 27, 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 28th day after the date of their notification in the *Gazette*.

2. Flight over New Zealand by foreign aircraft—(1) The principal regulations are hereby amended by revoking regulation 20 (as amended by regulation 2 (3) and regulation 8 of the Civil Aviation Regulations 1953, Amendment No. 22), and substituting the following regulation:

“20. (1) Except as provided in subclause (2) of this regulation, no foreign aircraft shall be flown in New Zealand unless—

“(a) It possesses the nationality of a contracting State:

“(b) It complies with the requirements of the Convention in respect of—

“(i) Nationality and registration marks:

“(ii) Certificates of airworthiness and associated flight manuals:

“(iii) The number and description of flight crew members and the licences and ratings to be held by them:

“(iv) The documents to be carried:

“(c) It complies with the provisions of these regulations and with all orders, requirements, and instructions issued under these regulations and with all requirements of an air traffic control unit.

“(2) An aircraft may be flown in New Zealand without complying with the provisions of subclause (1) of this regulation if the prior approval of the Minister has been obtained and the aircraft complies with such conditions in respect of the flight as the Minister may impose.”

(2) Regulation 8 of the Civil Aviation Regulations 1953, Amendment No. 22 is hereby consequentially revoked.

3. Night operations—(1) Regulation 41 of the principal regulations (as amended by regulation 15 (a) and (b) of the Civil Aviation Regulations 1953, Amendment No. 3, regulation 8 of the Civil Aviation Regulations 1953, Amendment No. 9, and regulation 4 of the Civil Aviation Regulations 1953, Amendment No. 16) is hereby amended by revoking subclause (1), and substituting the following subclauses:

“(1) Subject to the provisions of this regulation, no aircraft shall be operated at night unless—

“(a) The aircraft displays the lights and is fitted with the instruments and equipment prescribed by these regulations; and

“(b) The members of the flight crew (other than any undergoing instruction for the issue or extension of a licence) possess licences valid for night flying; and

“(c) The aircraft is operated in accordance with instrument flight rules.

“(1A) The Director may grant exemption in whole or in part from the requirements of subclause (1) (a) or (c) of this regulation in respect of flights

*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. 1985/100
Amendment No. 25: S.R. 1985/112
Amendment No. 26: S.R. 1987/70

in visual meteorological conditions but any such flights shall be subject to such conditions as the Director may prescribe.”

(2) The following regulations are hereby consequentially revoked:

- (a) Paragraphs (a) and (b) of regulation 15 of the Civil Aviation Regulation 1953, Amendment No. 3:
- (b) Regulation 8 of the Civil Aviation Regulations 1953, Amendment No. 9:
- (c) Regulation 4 of the Civil Aviation Regulations 1953, Amendment No. 16.

4. Persons qualified to engage in flight under IFR—(1) The principal regulations are hereby amended by revoking regulation 46 (as substituted by regulation 14 of the Civil Aviation Regulations 1953, Amendment No. 22), and substituting the following regulation:

“46. (1) Subject to subclause (2) of this regulation, no pilot shall engage in flight under IFR unless the pilot is the holder of an instrument rating for the category of aircraft used for the flight.

“(2) A person undergoing instrument flight instruction or an instrument flight test may engage in flight under IFR if the pilot in command of the aircraft is the holder of an instructor rating, and an instrument rating, for the category of aircraft used for the flight.”

(2) Regulation 14 of the Civil Aviation Regulations 1953, Amendment No. 22 is hereby consequentially revoked.

5. IFR training flights—(1) The principal regulations are hereby amended by revoking regulation 105A (as inserted by regulation 20 of the Civil Aviation Regulations 1953, Amendment No. 11).

(2) Regulation 20 of the Civil Aviation Regulations 1953, Amendment No. 11 is hereby consequentially revoked.

6. Airworthiness certification after maintenance—Regulation 171A (a) of the principal regulations is hereby amended by inserting, after the word “licence”, the words “and ratings”.

7. New Part VIIA inserted—The principal regulations are hereby amended by inserting, after Part VII, the following Part:

“PART VIIA

NOISE CERTIFICATION

“178A. **Noise certification of aircraft**—(1) An aircraft flown in New Zealand shall comply with any requirements issued under this regulation that apply to that aircraft or class or type of aircraft.

“(2) The Director may issue requirements—

“(a) Requiring that in specified circumstances there be in force in respect of specified aircraft or classes or types of aircraft documents attesting or recording compliance with specified noise standards:

“(b) Making provision in respect of such documents and, in particular, in relation to New Zealand aircraft, making provision for the issue of such documents, the imposition of conditions and limitations to which they shall be subject, and the variation and revocation of such documents, conditions, or limitations:

“(c) Making provision for the waiver of requirements issued under this regulation and the circumstances in which such requirements may be waived:

“(d) Making any other provision in respect of standards with which aircraft must comply for the reduction of aircraft noise and the certification or recording of such compliance.

“(3) The Director shall, before issuing any requirements under this regulation, consult with such persons interested in civil aviation as the Minister may direct.”

8. 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 adding the following subclauses:

“(5) The Director may, by notice in writing to the licensee of an aerodrome, require the licensee to take measures specified in the notice for the reduction of the presence of birds within or in the vicinity of the aerodrome or the prevention of bird strikes on aircraft using the aerodrome.

“(6) If any requirements made in relation to an aerodrome under subclause (5) of this regulation are not complied with, the Director may issue orders limiting or restricting the use of the aerodrome for aircraft operations or closing the aerodrome to aircraft operations.”

9. Powers with respect to refuse, sewage, etc., attracting birds in vicinity of aerodrome—(1) The principal regulations are hereby amended by revoking regulation 190B (as inserted by regulation 33 of the Civil Aviation Regulations 1953, Amendment No. 12), and substituting the following regulation:

“190B. (1) Where the Director is satisfied that the depositing, discharge, or presence of refuse, sewage, or other waste material within or in the vicinity of an aerodrome is causing such an attraction to birds as to endanger aircraft using or flying in the vicinity of the aerodrome, the Director may, by notice in writing, direct the person on whom the notice is served to do either or both of the following:

“(a) Ensure that no further refuse, sewage, or other waste material is deposited or discharged within such area as is specified in the notice:

“(b) Take such action as is specified in the notice to remove or otherwise deal with refuse, sewage, or other waste material within such area as is specified in the notice.

“(2) A notice under subclause (1) of this regulation—

“(a) May be served personally or by post on the owner or occupier of land within the area specified in the notice or on any person by whose act, default, or sufferance the refuse, sewage, or other waste material has been deposited or discharged or is present within the area:

“(b) Shall, in the case of a notice containing a direction under subclause (1) (b) of this regulation, fix the period for compliance with the direction, being a period of not less than 28 days from the date of service of the notice.

“(3) A person on whom a notice is served pursuant to this regulation may, within 14 days after service of the notice, by complaint under the Summary Proceedings Act 1957, require the Director to show cause why

any direction under subclause (1) (b) of this regulation contained in the notice should not be set aside.

“(4) A complaint made pursuant to this regulation shall be heard and determined by a Court presided over by a District Court Judge and the provisions of the Summary Proceedings Act 1957 shall apply in relation to the proceedings with such modifications as are necessary.

“(5) The Court may, on the hearing of a complaint pursuant to this regulation, confirm the direction to which the complaint relates or, if not satisfied that the direction is necessary and reasonable in the circumstances, set it aside, and in either event the decision of the Court shall be final.

“(6) Where a direction is confirmed by a Court under subclause (5) of this regulation, the period allowed pursuant to subclause (2) (b) of this regulation for compliance with the direction shall run from the date of the Court’s decision.

“(7) Subject to any decision of a Court on a complaint made pursuant to this regulation, if a person on whom a notice has been served pursuant to this regulation, fails to comply with any direction contained in the notice—

“(a) The person shall be guilty of an offence against these regulations; and

“(b) In the case of non-compliance with a direction under subclause (1) (b) of this regulation—

“(i) An authorised person or member of the Police may, with such assistance as may be necessary, enter the area to which the direction relates and carry out the direction; and

“(ii) The Minister may recover any expenses incurred in doing so as a civil debt from the person on whom the notice was served.”

(2) Regulation 33 of the Civil Aviation Regulations 1953, Amendment No. 12 is hereby consequentially revoked.

10. General—The principal regulations are hereby amended by revoking regulation 202 (as substituted by regulation 18 (1) of the Civil Aviation Regulations 1953, Amendment No. 18), and substituting the following regulation:

“202. (1) Subject to the conditions prescribed in this Part, the Director may grant—

“(a) Aircraft maintenance engineer type I licences in such categories as the Director may prescribe:

“(b) Aircraft maintenance engineer type II licences in such categories as the Director may prescribe:

“(c) Aircraft maintenance engineer licence ratings:

“(d) Maintenance approvals:

“(e) Certificates of competency.

“(2) The Director may prescribe categories of aircraft maintenance engineer type I licences and aircraft maintenance engineer type II licences by prescribing different types or groups of aircraft or aircraft components to which the different categories shall relate.

“(3) Any licence, rating, maintenance approval, or certificate of competency shall be subject to such limitations and conditions as the Director may endorse thereon.

“(4) Notwithstanding any other provision of these regulations, a licence, rating, maintenance approval, or certificate of competency shall not be

granted or renewed under this Part if the Minister is satisfied that the applicant for it, or holder of it, is not a fit and proper person to hold it, or that to grant or renew it would not be in the public interest."

11. Holders of licences or equivalent documents issued in other contracting States—The principal regulations are hereby amended by inserting, after regulation 203 (as substituted by regulation 18 (1) of the Civil Aviation Regulations 1953, Amendment No. 18), the following regulation:

"203A. (1) Notwithstanding regulation 203 of these regulations, where—

"(a) Application is made to the Director by a person who is the holder of an aircraft maintenance engineer licence or substantially equivalent document issued by the competent authority in a contracting State; and

"(b) The Director is satisfied, after production of that licence or document and consideration of such other evidence as the Director may require, that the applicant has appropriate knowledge and experience,—

the Director may—

"(c) Validate the licence or document so that it has effect as a New Zealand aircraft maintenance engineer licence; or

"(d) Grant a New Zealand aircraft maintenance engineer licence to the applicant.

"(2) The Director may require an applicant under subclause (1) of this regulation to pass such examinations as the Director determines to be appropriate in the circumstances.

"(3) Where the Director validates a licence or other document under subclause (1) of this regulation, the validation shall not have effect beyond the period of validity of the licence or document and shall be subject to such limitations as may be imposed by the Director."

12. Aircraft maintenance engineer licence ratings—Regulation 204 (2) of the principal regulations (as substituted by regulation 18 (1) of the Civil Aviation Regulations 1953, Amendment No. 18) is hereby amended by omitting the word "specified", and substituting the word "prescribed".

13. Privileges of licences—(1) The principal regulations are hereby amended by revoking regulation 205 (as substituted by regulation 18 (1) of the Civil Aviation Regulations 1953, Amendment No. 18 and amended by regulation 12 of the Civil Aviation Regulations 1953, Amendment No. 19), and substituting the following regulation:

"205. (1) An aircraft maintenance engineer type I licence of any category authorises the holder to issue certificates of compliance in respect of major maintenance carried out to aircraft components to which the category of licence relates and for which the person holds ratings.

"(2) An aircraft maintenance engineer type II licence of any category authorises the holder to—

"(a) Issue certificates of compliance in respect of minor maintenance carried out to aircraft and aircraft components to which the category of licence relates and for which the person holds ratings; and

“(b) Issue maintenance releases in respect of aircraft to which the category of licence relates and for which the person holds ratings.

“(3) The Director may prescribe in New Zealand Civil Airworthiness Requirements limitations, demarcations, and additional privileges applicable to particular licence categories and ratings.”

(2) Regulation 12 of the Civil Aviation Regulations 1953, Amendment No. 19 is hereby consequentially revoked.

14. Validity of licences, ratings, approvals, and certificates—The principal regulations are hereby amended by revoking regulation 208 (as substituted by regulation 18 (1) of the Civil Aviation Regulations 1953, Amendment No. 18), and substituting the following regulation:

“208. (1) Subject to regulation 12 of these regulations, an aircraft maintenance engineer licence, maintenance approval, or certificate of competency shall remain valid for such period not exceeding 2 years as may be endorsed thereon and may be renewed if the holder has met such requirements as may be prescribed by the Director.

“(2) Subject to regulation 12 of these regulations, an aircraft maintenance engineer licence rating shall be valid only for the period of validity (including any renewal period) of the licence on which it is endorsed.”

15. Transitional procedure—The principal regulations are hereby amended by revoking regulation 212 (as substituted by regulation 18 (1) of the Civil Aviation Regulations 1953, Amendment No. 18).

16. Classes of licences and ratings—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 revoking paragraphs (aa), (ab), (ac), and (ad), and substituting the following paragraphs:

“(aa) Instrument rating—*aeroplane*:

“(ab) Instrument rating—*helicopter*.”

17. Medical requirements—(1) Regulation 233 of the principal regulations (as substituted by regulation 56 of the Civil Aviation Regulations 1953, Amendment No. 22 and amended by regulation 12 of the Civil Aviation Regulations 1953, Amendment No. 26) is hereby amended by revoking subclause (3), and substituting the following subclause:

“(3) Notwithstanding subclause (2) of this regulation, the Director may, in the Director’s absolute discretion, exempt any person from compliance with any of the prescribed medical requirements and standards if the person complies with such conditions as the Director prescribes and with such other conditions and limitations as the Director considers necessary in the interests of safety and endorses on the person’s licence or rating.”

(2) Regulation 12 of the Civil Aviation Regulations 1953, Amendment No. 26 is hereby consequentially revoked.

18. Category D flight instructor rating—Regulation 246 of the principal regulations (as substituted by regulation 56 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended by omitting

from the second proviso the words "the appropriate class 1", and substituting the word "an".

19. Category C flight instructor rating—Regulation 247 of the principal regulations (as substituted by regulation 56 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended by omitting from subclause (2) (c) the words "the appropriate class 1", and substituting the word "an".

20. Category B flight instructor rating—Regulation 248 of the principal regulations (as substituted by regulation 56 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended by omitting from subclause (2) (b) the words "the appropriate class 1", and substituting the word "an".

21. Category A flight instructor rating—Regulation 249 of the principal regulations (as substituted by regulation 56 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended by omitting from subclause (2) (b) the words "the appropriate class 1", and substituting the word "an".

22. Instrument rating—The principal regulations are hereby amended by revoking regulations 250 and 251 (as substituted by regulation 56 of the Civil Aviation Regulations 1953, Amendment No. 22), and substituting the following regulation:

"251. An instrument rating authorises the holder to—

"(a) Act as a pilot in command or co-pilot of an aircraft under instrument flight rules:

"(b) Supervise the duties of a pilot who is gaining recent instrument flight experience in order to qualify for the renewal of an instrument rating or to comply with the recent experience requirements of an instrument rating:

"Provided that the holder of the rating shall not carry out a let-down procedure under instrument flight rules unless the rating includes an endorsement for the type of radio aid to be used."

23. Examinations, etc.—(1) Regulation 264 (1) of the principal regulations (as substituted by regulation 2 of the Civil Aviation Regulations 1953, Amendment No. 23) is hereby amended by revoking the following items:

"Instrument rating class 1	..	..	8	4	20	90
"Instrument rating class 2	8	4	20	40":

and substituting the following item:

"Instrument rating	8	4	20	90".
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(2) Regulation 264 (1) of the principal regulations (as so substituted) is hereby further amended by omitting the following items:

"Aircraft Maintenance Engineer Licence, in Category 'Minor'	..	..	..	12	..	8	..
"Aircraft Maintenance Engineer Licence, in Category 'Major'	..	..	..	12	..	8	..
"Each Aircraft Maintenance Engineer rating				8	8	8	..":

and substituting the following items:

"Aircraft Maintenance Engineer Type I Licence, in each category	12	8	8	..
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“Aircraft Maintenance Engineer Type II
Licence, in each category 12 8 8 ..
“Each Aircraft Maintenance Engineer Licence
Rating 8 .. 8 ..”.

(3) Regulation 264 (1) of the principal regulations (as so substituted) is hereby further amended by omitting the note at the foot of the table.

(4) Regulation 264 of the principal regulations (as so substituted) is hereby further amended by adding the following subclause:

“(4) A single fee of \$8 shall be payable in respect of the renewal of aircraft maintenance engineer licences of different types or categories where the licences are held by the same person and renewed at the same time.”

24. Transitional provisions—(1) The Director shall, on the commencement of these regulations, without requiring any application, issue to the holder of every aircraft maintenance engineer licence in force immediately before that commencement a new aircraft maintenance engineer licence of such type and category (according to the provisions of the principal regulations as amended by these regulations) and with such ratings as the Director considers will confer privileges equivalent to, or as nearly as practicable equivalent to, the privileges conferred by the licence and ratings held by the person immediately before that commencement.

(2) Every licence issued pursuant to subclause (1) of this regulation shall have endorsed on it a period, not exceeding 2 years, for which the licence shall remain valid and shall be deemed to have been issued in accordance with the provisions of the principal regulations as amended by these regulations.

(3) Every class 1 instrument rating for a particular category of aircraft endorsed on a licence immediately before the commencement of these regulations shall, on and from that commencement, be deemed to be an instrument rating for the same category of aircraft under the provisions of the principal regulations as amended by these regulations, and every class 2 instrument rating shall, on and from that commencement, cease to be of any effect.

MARIE SHROFF,
Clerk of the Executive Council.

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 the 28th day after the date of their notification in the *Gazette*, make various amendments to the Civil Aviation Regulations 1953.

Regulation 20 of the principal regulations which provides for the general conditions of flight for foreign aircraft in New Zealand is reworded so that both aircraft possessing the nationality of a contracting State and other foreign aircraft may be exempted by the Minister from compliance with conditions of flight.

Regulation 41 relating to night flying operations is reworded for greater clarity.

Various amendments are made consolidating class 1 and class 2 instrument ratings so that existing class 1 instrument ratings continue as the new instrument ratings while class 2 instrument ratings cease to be of further effect.

Regulation 105A is revoked. Under that regulation the Director was empowered to grant exemptions from the instrument and equipment requirements for IFR flights where a flight was in visual meteorological conditions and an IFR flight plan had been filed.

A new Part VIIA is inserted empowering the Director to issue noise certification requirements for aircraft.

Amendments are made relating to hazards associated with the presence of birds near aerodromes. New provisions are added to regulation 187 empowering the Director to require licensees of aerodromes to carry out measures to reduce such hazards. Regulation 190B is reworded to enlarge the Director's powers with respect to refuse, sewage, etc., attracting birds in the vicinity of aerodromes.

Amendments are made in the area relating to licensing of aircraft maintenance personnel. The structure of aircraft maintenance engineer licences is revised. The new structure is to consist of "type I" and "type II" licences, each type to be divided into categories specified by the Director of the Civil Aviation Division in the New Zealand Civil Airworthiness Requirements. In relation to the privileges conferred by the licences, the new structure preserves the distinction between authority to certify major maintenance work and authority to certify minor maintenance work and issue maintenance releases; however, through the new arrangement for licence categories, greater differentiation is allowed with respect to types of aircraft and aircraft components. The new licences are to have effect for a period not exceeding 2 years specified in the licence and may be renewed. Aircraft maintenance engineer licence ratings will no longer require renewal. Under the transitional provisions of the regulations, the Director is required to issue to each existing licence holder a licence under the new structure that confers privileges that are equivalent to, or as nearly as practicable equivalent to, the privileges conferred by the person's licence under the existing structure. A new regulation 203A is also inserted which allows a more flexible procedure for the issue of aircraft maintenance engineer licences to persons who hold equivalent licences issued in other countries that are parties to the Convention on International Civil Aviation.

Finally, regulation 233 relating to the medical requirements for flight crew licences and ratings is amended so that a person exempted from compliance with any such medical requirement is not necessarily precluded from engaging in international air navigation.

Issued under the authority of the Regulations Act 1936.

Date of notification in *Gazette*: 3 December 1987.

These regulations are administered in the Ministry of Transport.