



**THE CIVIL AVIATION REGULATIONS 1953, AMENDMENT  
NO. 31**

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PAUL REEVES, Governor-General

**ORDER IN COUNCIL**

At Wellington this 20th day of August 1990

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. 31, 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 31st day of August 1990.

**2. Interpretation**—(1) Regulation 4 (1) of the principal regulations is hereby amended by omitting from the definition of the term “aerodrome” the words “surface movement, and servicing of aircraft”, and substituting the words “and surface movement of aircraft”.

(2) Regulation 4 (1) of the principal regulations is hereby further amended by omitting from paragraph (c) of the definition of the term “air traffic control” the words “an orderly”, and substituting the words “a safe and efficient”.

(3) Regulation 4 (1) of the principal regulations is hereby further amended by revoking the definition of the term “controlled airspace”, and substituting the following definition:

“‘Controlled airspace’ means an airspace of defined dimensions within which an air traffic control service is provided to controlled flights.”

(4) Regulation 4 (1) of the principal regulations is hereby further amended by omitting from the definition of the term “New Zealand aircraft” the words “pursuant to these regulations”.

(5) Regulation 4 (1) of the principal regulations is hereby further amended by omitting from the definition of the term “operator” the word “means”, and substituting the word “includes”.

(6) Regulation 4 (1) of the principal regulations is hereby further amended by revoking the definition of the term “owner”, and substituting the following definition:

“‘Owner’, in relation to any aircraft, includes any person lawfully entitled to possession of the aircraft for 28 days or longer.”

**3. Notification of accidents**—The principal regulations are hereby amended by inserting, after regulation 59, the following regulation:

“59A. (1) This regulation applies to every air accident in which a person is killed or seriously injured, or in which an aircraft suffers damage or structural failure that adversely affects its structural strength, performance, or flight characteristics and that requires major repair or the replacement of the component affected.

“(2) Where a notifiable accident occurs, the pilot in command at the time of the accident or, if he or she is dead or incapacitated, the operator of the aircraft, shall forthwith give notice thereof to the Secretary by the quickest means of communication available; and, if the accident has caused injury to any person or damage to any third party property, that person shall also notify forthwith the nearest office of the New Zealand Police of the accident and of the place where it occurred.

\*S.R. 1953/108 (Reprinted with Amendments Nos. 1 to 22: S.R. 1980/88)

Amendment No. 23: (Revoked by S.R. 1988/292)

Amendment No. 24: S.R. 1983/100

Amendment No. 25: S.R. 1985/112

Amendment No. 26: S.R. 1987/70

Amendment No. 27: S.R. 1987/375

Amendment No. 28: S.R. 1988/112

Amendment No. 29: (Revoked by S.R. 1989/131)

Amendment No. 30: S.R. 1989/131

“(3) Where an aircraft that has taken off, or is due to land, within the territorial limits of New Zealand is overdue—that is to say where it has not arrived at its intended destination within the maximum flying time it would have with a full load of fuel—a notifiable accident shall be deemed to have occurred to that aircraft.

“(4) Every notice under this regulation shall state, as far as possible, the following information:

“(a) The type, nationality, and registration marks of the aircraft:

“(b) The name of the owner, operator, and hirer (if any) of the aircraft:

“(c) The name of the pilot in command of the aircraft:

“(d) The date and time of the accident:

“(e) The last point of departure and the next point of intended landing of the aircraft:

“(f) The position or last known position of the aircraft with reference to some easily defined geographical point:

“(g) The number of persons on board the aircraft:

“(h) The number of persons killed as the result of the accident:

“(i) The number of persons seriously injured as the result of the accident:

“(j) The number of persons killed or seriously injured elsewhere than on the aircraft as a result of the accident:

“(k) The nature of the accident and brief particulars of damage to the aircraft.

“(5) The person who is required to give notice under this regulation shall not delay giving it if all the matters specified in subclause (4) of this regulation are not immediately known, but shall give notice of any matters not contained in his or her initial notice as they become known to him or her.

“(6) In addition to the notice required to be given under this regulation, the pilot in command of an aircraft involved in an accident or, if he or she is dead or incapacitated, the operator of the aircraft shall complete a written report and forward it within 10 days of the accident to the Secretary.”

**4. Maintenance of pilot skill**—The principal regulations are hereby amended by revoking regulation 76 (as substituted by regulation 19 of the Civil Aviation Regulations 1953, Amendment No. 22), and substituting the following regulation:

“76. (1) No operator shall carry out an air transport or aerial work operation unless all members of the flight crew have undergone a check at which they have demonstrated their technical knowledge, piloting competence, and ability to execute normal and emergency manoeuvres appropriate to the operation and the aircraft concerned.

“(2) Every such check shall be carried out—

“(a) By a training and checking organisation approved under regulation 191 of these regulations or under the supervision of an authorised person; and

“(b) In an aircraft or approved simulator or combination thereof, in which the member’s ability to perform the required manoeuvres can be adequately assessed.

“(3) In the case of a person flying a single seat agricultural aircraft, the person carrying out the check may—

- “(a) Require the check to be carried out in a suitable aircraft fitted with dual controls; or
- “(b) Observe the demonstration from the ground or another aircraft.
- “(4) In the case of an IFR air transport operation, the check shall be carried out during the period of 6 months prior to the flight.
- “(5) In the case of a VFR air transport operation, or an aerial work operation, the check shall be carried out during the period of 12 months prior to the flight.”

**5. Route and aerodrome qualification of pilot in command**—Regulation 77 (1) (c) of the principal regulations (as so substituted) is hereby amended by revoking subparagraph (iii), and substituting the following subparagraph:

- “(iii) The operator qualifies the pilot in command by means of a briefing, and a presentation that adequately depicts the physical characteristics of the aerodrome, the flight procedures that may be utilised for arrival and departure, including the nominated alternate aerodromes; or”.

**6. Meteorological information**—The principal regulations are hereby amended by inserting, after regulation 84, the following regulation:

“84A. No person shall use in the planning, conduct, or control of flights any meteorological report or forecast, unless the report or forecast has been supplied by a person or by persons approved for the purpose by the Secretary.”

**7. Basic instruments and equipment**—Regulation 104 of the principal regulations is hereby amended by revoking paragraph (e), and substituting the following paragraph:

- “(e) Current aeronautical charts, and flight guides or route guides, that are appropriate having regard to the route to be flown and whether it is an IFR flight or a VFR flight:”.

**8. Air service certificates**—(1) Regulation 136 of the principal regulations (as substituted by regulation 44 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended—

- (a) By inserting in subclause (2), after the words “to an applicant”, the words “or renew an air service certificate, as the case may require,”;
  - (b) By adding to subclause (6) the words “or may vary the certificate’s period of validity”.
- (2) Regulation 136 of the principal regulations (as so substituted) is hereby further amended by revoking subclause (7), and substituting the following subclause:
- “(7) An air service certificate under this regulation shall continue in force until—
    - “(a) The certificate’s period of validity expires; or
    - “(b) The certificate is either—
      - “(i) Surrendered by the holder; or
      - “(ii) Lawfully suspended or cancelled, or otherwise lawfully terminated, by the Director,—whichever first occurs.”

**9. Aerial work certificates**—The principal regulations are hereby amended by inserting, after regulation 136 (as so substituted), the following regulation:

“136A. (1) No operator shall use, or permit to be used, an aircraft on an aerial work operation except under the authority of and in accordance with the provisions of an aerial work certificate issued by the Director.

“(2) The Director may issue an aerial work certificate to an applicant or renew an aerial work certificate, as the case may require, if satisfied that the applicant is competent to safely operate and maintain an aircraft engaged in aerial work operations.

“(3) The Director may include in an aerial work certificate such conditions as he or she considers necessary in the interests of safety.

“(4) Application for an aerial work certificate shall be made on the form available from the Director for that purpose, and the applicant shall provide, together with the completed application form or at such later time as is agreed to by the Director, such information as to the following matters as the Director may require:

“(a) The type of service proposed:

“(b) The area or areas within which, the locations between which, and the routes on which, the service will operate:

“(c) The aircraft to be used in the service:

“(d) The facilities for the repair and maintenance of the aircraft:

“(e) The operational conditions under which the aircraft will be used.

“(5) The holder of an aerial work certificate shall notify the Director of any intended material alteration in the internal organisation of the holder, equipment, routes, or other matters that affect safety.

“(6) The Director may, at any time by notice in writing to any holder of an aerial work certificate under this regulation, require additional information to be supplied in relation to the operation to which the certificate relates and may, in like manner, amend any conditions to which the certificate is subject or may add further conditions thereto or may vary the certificate's period of validity.

“(7) An aerial work certificate under this regulation shall continue in force until—

“(a) The certificate's period of validity expires; or

“(b) The certificate is either—

“(i) Surrendered by the holder; or

“(ii) Lawfully suspended or cancelled, or otherwise lawfully terminated, by the Director,—

whichever first occurs.

“(8) Nothing in this regulation shall require an aerial work certificate to be held in respect of any of the following:

“(a) Any air service for the carriage of passengers operated by any club affiliated as a full member of the Royal New Zealand Aero Club (Incorporated), if the service is operated in aircraft having a maximum certificated take-off mass of 2 500 kilograms or less that are owned or hired by the club, and, if all persons carried on any flight in any such service, whether as pilots or passengers, are members of the club with full rights of membership:

“(b) Any air service carried on in an emergency for the purpose of saving or protecting life or property:

“(c) Any air service carried on for firefighting purposes:

- “(d) Any air ambulance service:
- “(e) Any air service carried on for the purpose of an air accident investigation:
- “(f) Any air service carried on solely for the purpose of the sport of gliding or parachute jumping:
- “(g) Any air service carried on for the purpose of flight training in gliders, hang gliders, powered gliders, microlight aeroplanes, and balloons:
- “(h) The carriage, for the purposes of trade, of goods that are the property of the operator or of the pilot of the aircraft.”

**10. Operations manual**—(1) Regulation 141 (1) of the principal regulations (as substituted by regulation 45 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended by omitting the words “for the use and guidance of its operations personnel, an approved operations manual containing”, and substituting the words “for compliance by its operations personnel, an operations manual containing”.

(2) Regulation 141 of the principal regulations (as so substituted) is hereby further amended by adding the following subclause:

“(6) An operator may combine the operations manual with any other manual that is required, by or under these regulations, to be maintained by the operator.”

**11. Maintenance manual**—(1) Regulation 146 of the principal regulations (as substituted by regulation 46 (1) of the Civil Aviation Regulations 1953, Amendment No. 3) is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) The operator of an air transport aircraft shall provide, for compliance by the operator’s maintenance personnel, a maintenance manual and other publications containing information pertaining to the operations and procedures necessary for maintenance and testing the aircraft.”

(2) Regulation 146 of the principal regulations (as so substituted) is hereby further amended by omitting from subclause (4) the word “approved”.

(3) Regulation 146 of the principal regulations (as so substituted) is hereby further amended by adding the following subclause:

“(5) An operator may combine the maintenance manual with any other manual that is required, by or under these regulations, to be maintained by the operator.”

**12. Airways services operations manual**—Regulation 149B of the principal regulations (as inserted by regulation 6 of the Civil Aviation Regulations 1953, Amendment No. 26) is hereby amended—

- (a) By omitting from subclause (1) the words “the use and guidance of”, and substituting the words “compliance by”;
- (b) By omitting from subclause (6) the words “No operations manuals shall be approved”, and substituting the words “No operations manual complies with this regulation”.

**13. Permit to fly**—The principal regulations are hereby amended by revoking regulation 161A (as inserted by regulation 10 of the Civil Aviation Regulations 1953, Amendment No. 6), and substituting the following regulation:

“161A. (1) Subject to subclauses (2) and (3) of this regulation, the Director may issue or renew a permit to fly in respect of any microlight aircraft or other aircraft that is amateur-built in New Zealand.

“(2) The Director may issue or renew a permit to fly under this regulation only if,—

“(a) Having regard to the evidence furnished by the applicant and any inspection made by or on behalf of the Director, the Director is satisfied that the aircraft complies with all the requirements prescribed under regulations 19c and 19d of these regulations; and

“(b) The applicant has furnished to the Director such documents relating to the design, manufacture, maintenance, and operation of the aircraft as the Director may require.

“(3) The Director may issue or renew a permit to fly under this regulation subject to such conditions as the Director considers necessary in the interests of safety.

“(4) The Director may, at any time by notice in writing to the holder of a permit to fly under this regulation, require the holder to supply additional information relating to the operation to which the permit relates, and may, in like manner, amend any conditions to which the permit is subject or may add further conditions or may vary the permit’s period of validity.

“(5) A permit to fly under this regulation shall continue in force until—

“(a) The permit’s period of validity expires; or

“(b) The permit is either—

“(i) Surrendered by the holder; or

“(ii) Lawfully suspended or cancelled, or otherwise lawfully terminated, by the Director,—

whichever first occurs.”

**14. Grant of certificates of approval and delegation of responsibility**—(1) Regulation 176 (1) of the principal regulations is hereby amended by inserting, after the words “aircraft components,” the words “or renew such a certificate, as the case may require,”.

(2) Regulation 176 of the principal regulations is hereby further amended by adding the following subclauses:

“(3) Every holder of a certificate of approval under this regulation shall provide for compliance by persons employed by the holder, a manual prescribing responsibilities of employees and procedures for performing functions under the approval.

“(4) The Director may, at any time by notice in writing to the holder of a certificate of approval under this regulation, require the holder to supply additional information relating to the operation to which the certificate relates, and may, in like manner, amend any conditions to which the certificate is subject or may add further conditions or may vary the certificate’s period of validity.

“(5) A certificate of approval under this regulation shall continue in force until—

“(a) The certificate’s period of validity expires; or

“(b) The certificate is either—

“(i) Surrendered by the holder; or

“(ii) Lawfully suspended or cancelled, or otherwise lawfully terminated, by the Director,—

whichever first occurs.

“(6) A certificate of approval may be renewed by the Director if the Director is satisfied that the competency, organisation, and equipment of the holder is of the required standard.”

**15. General provisions**—Regulation 187 of the principal regulations (as substituted by regulation 51 of the Civil Aviation Regulations 1953, Amendment No. 22, and amended by regulation 8 of the Civil Aviation Regulations 1953, Amendment No. 27) is hereby amended by adding the following subclauses:

“(7) The Director may from time to time prescribe the standard markers, markings, signs, and information boards on or relating to movement areas that shall be used at aerodromes, and the licensees of aerodromes shall comply with such requirements.

“(8) The Director may from time to time prescribe the emergency organisation and emergency plan to be maintained by licensees of aerodromes.

“(9) The Director may at any time require an emergency organisation or emergency plan to be subjected to such exercises and tests as the Director may require in the interests of safety.”

**16. Approval of schools and training organisations**—The principal regulations are hereby amended by revoking regulation 191, and substituting the following regulation:

“191. (1) The Director may grant or renew an approval in respect of any aeronautical training organisation, training and checking organisation, or ground school established for the purpose of imparting aeronautical instruction or establishing aeronautical competence.

“(2) Such organisations and ground schools shall be classified according to the instruction or checking carried out, and any approval under subclause (1) of this regulation shall be endorsed accordingly.

“(3) The equipment and personnel employed by such an approved organisation or ground school shall be adequate for the purpose of carrying out the class of activity proposed.

“(4) The curricula, sequence of instruction, and method of training and checking shall be detailed by the operator of the organisation or ground school, and the Director shall consider this and any other matter the Director considers appropriate when deciding whether to grant or renew an approval.

“(5) The Director shall prescribe the requirements for the grant or renewal of an approval for the various classes of activity.

“(6) The Director may include in a certificate of approval under this regulation such conditions as he or she considers necessary in the interests of safety.

“(7) The Director may, at any time by notice in writing to any holder of a certificate of approval under this regulation, require additional information to be supplied in relation to the operation to which the certificate relates and may, in like manner, amend any conditions to which the certificate is subject or may add further conditions thereto or may vary the certificate’s period of validity.

“(8) A certificate of approval under this regulation shall continue in force until—

“(a) The certificate’s period of validity expires; or

“(b) The certificate is either—

“(i) Surrendered by the holder; or



“(ii) Lawfully suspended or cancelled, or otherwise lawfully terminated, by the Director,—

whichever first occurs.

“(9) A certificate of approval may be renewed by the Director if the Director is satisfied that the competency, organisation, and equipment of the holder is of the required standard.”

**17. Revocations**—(1) Regulations 13, 17, 59 (1), 59 (2), 59 (4), 150, 154 (2), 192, 193, 202 (4) (as substituted by regulation 10 of the Civil Aviation Regulations 1953, Amendment No. 27), 210, 211, 229 (3), and 230 (3) of the principal regulations are hereby revoked.

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

MARIE SHROFF,  
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 31 August 1990, amend the Civil Aviation Regulations 1953.

The principal changes are as follows:

- (a) *Regulation 3* inserts into the principal regulations new *regulation 59A* and requires air accidents to be notified to the Secretary for Transport:
- (b) *Regulation 4* replaces regulation 76 of the principal regulations and provides for the competence of pilots to be checked periodically by an approved organisation or under the supervision of an authorised person:
- (c) *Regulation 6* inserts into the principal regulations new *regulation 84A* and provides that meteorological reports and forecasts must not be used in the planning, conduct, or control of flights unless they are supplied by a person or persons approved by the Secretary for Transport:
- (d) *Regulation 9* inserts into the principal regulations new *regulation 136A* and provides for aerial work certificates to be issued by the Director of Civil Aviation:
- (e) *Regulation 13* replaces regulation 161A of the principal regulations and provides for permits to fly to be issued by the Director of Civil Aviation. The new provision relates to aircraft that are amateur-built in New Zealand:
- (f) *Regulation 16* replaces regulation 191 of the principal regulations. The new provision broadens the range of organisations that can be approved for the purposes of giving instruction for a licence or rating.

The principal regulations are continued by section 103 of the Civil Aviation Act 1990. By virtue of section 102 of that Act, references to the Director in the regulations are, on and from 1 September 1990, to be read as references to the Secretary for Transport.

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Issued under the authority of the Acts and Regulations Publication Act 1989.

Date of notification in *Gazette*: 23 August 1990.

These regulations are administered in the Ministry of Transport.