



**THE CIVIL AVIATION REGULATIONS 1953,
AMENDMENT NO. 35**

CATHERINE A. TIZARD, Governor-General

ORDER IN COUNCIL

At Wellington this 26th day of September 1994

Present:

HER EXCELLENCY THE GOVERNOR-GENERAL IN COUNCIL

PURSUANT to section 8 of the Civil Aviation Amendment Act 1991, Her 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. 35, 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 30th day of October 1994.

2. Interpretation—(1) Regulation 4 (1) of the principal regulations is hereby amended by revoking the definition of the term “agricultural operations” (as substituted by regulation 2 (2) (c) of the Civil Aviation Regulations 1953, Amendment No. 22), and substituting the following definition:

“‘Agricultural aircraft operations’ means the operation of an aircraft on a single flight, or on a series of flights, for one or more of the following purposes:

“(a) Dispensing any agricultural chemical:

“(b) Dispensing any other substance intended for plant nourishment, soil treatment, propagation of plant life, or pest control:

“(c) Engaging in dispensing activities directly affecting agriculture, horticulture, or forest preservation:

“(d) Dropping supplies or delivering farm materials:

“(e) Surveying agricultural areas or forest areas or water areas, at a height of less than 500 feet above the terrain:

“(f) Feeding or transferring stock.”

(2) Regulation 2 (2) of the Civil Aviation Regulations 1953, Amendment No. 22 is hereby consequentially amended by revoking paragraph (c).

3. Dropping of articles—(1) Regulation 32 of the principal Regulations (as substituted by regulation 2 of the Civil Aviation Regulations 1953, Amendment No. 5) is hereby amended by revoking subclause (1), and substituting the following subclause:

“(1) Except as otherwise provided by this regulation, no person shall—

“(a) Drop anything from an aircraft or permit anything to be dropped from an aircraft; or

“(b) Dispense anything from an aircraft or permit anything to be dispensed from an aircraft,—

unless such action is authorised by, and carried out in accordance with, rules made under the Civil Aviation Act 1990.”

(2) Regulation 32 (2) of the principal regulations (as so substituted) is hereby amended by revoking paragraphs (b) and (c).

(3) Regulation 32 (2A) of the principal regulations (as inserted by regulation 14 of the Civil Aviation Regulations 1953, Amendment No. 33) is hereby revoked.

(4) Regulation 32 (3) of the principal regulations (as added by regulation 12 of the Civil Aviation Regulations 1953, Amendment No. 12) is hereby amended—

(a) By inserting, after the words “negligently drop”, the words “or dispense”:

*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
Amendment No. 31: S.R. 1990/201
Amendment No. 32: S.R. 1991/76
Amendment No. 33: S.R. 1993/267
Amendment No. 34: S.R. 1994/100

(b) By inserting, after the words “permit to be dropped”, the words “or dispensed”.

(5) Regulation 14 of the Civil Aviation Regulations 1953, Amendment No. 33 is hereby consequentially revoked.

4. Minimum safe heights—Regulation 38 (3) of the principal regulations is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) The aircraft is engaged in any agricultural aircraft operation performed in accordance with rules made under the Civil Aviation Act 1990.”.

5. Revocation—(1) Regulation 46A of the principal regulations (as inserted by regulation 15 of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby revoked.

(2) Regulation 15 of the Civil Aviation Regulations 1953, Amendment No. 22 is hereby consequentially revoked.

6. Maintenance of pilot skill—Regulation 76 of the principal regulations (as substituted by regulation 4 of the Civil Aviation Regulations 1953, Amendment No. 31) is hereby amended by revoking subclause (3).

7. Fuel and oil requirements—Regulation 86 (2) of the principal regulations is hereby amended by omitting the word “The”, and substituting the words “Except as otherwise provided in rules made under the Civil Aviation Act 1990, the”.

8. Aerodrome traffic rules—(1) Regulation 91 (2) of the principal regulations (as substituted by regulation 13 (1) of the Civil Aviation Regulations 1953, Amendment No. 11) is hereby amended by revoking paragraph (a), and substituting the following paragraph:

“(a) Make all turns to the left when approaching for a landing, and after taking off, except—

“(i) Where different procedures have been prescribed by the Director for the aerodrome concerned; or

“(ii) Where rules made under the Civil Aviation Act 1990 otherwise provide:”.

(2) Regulation 91 (8) of the principal regulations (as added by regulation 6 of the Civil Aviation Regulations 1953, Amendment No. 16) is hereby amended—

(a) By omitting the word “The”, and substituting the words “Except as otherwise provided in any rules made under the Civil Aviation Act 1990, the”;

(b) By revoking paragraphs (c) and (d) (as substituted by regulation 21 (2) of the Civil Aviation Regulations 1953, Amendment No. 22).

(3) The following regulations are hereby consequentially revoked:

(a) Regulation 21 (1) of the Civil Aviation Regulations 1953, Amendment No. 22:

(b) Regulation 31 of the Civil Aviation Regulations 1953, Amendment No. 33:

(c) Regulation 4 of the Civil Aviation Regulations 1953, Amendment No. 34.

9. Power-driven heavier than air aircraft—Regulation 113 of the principal regulations (as substituted by regulation 18 (1) of the Civil

Aviation Regulations 1953, Amendment No. 12) is hereby amended by omitting the word “Every”, and substituting the words “Except as otherwise provided in rules made under the Civil Aviation Act 1990, every”.

10. Ground signals—Regulation 126 (4) of the principal regulations (as added by regulation 41 (3) of the Civil Aviation Regulations 1953, Amendment No. 22) is hereby amended—

- (a) By omitting the words “agricultural operations” in both places where they occur, and substituting in each case the words “agricultural aircraft operations”;
- (b) By omitting the words “agricultural training operations”, and substituting the words “training for agricultural aircraft operations”.

11. Classification of operations—Regulation 131 (1) of the principal regulations (as substituted by regulation 6 (1) of the Civil Aviation Regulations 1953, Amendment No. 17) is hereby amended—

- (a) By omitting from paragraph (a) the words “being operations in which an aircraft is not used for hire or reward, and”, and substituting the words “not being operations in which an aircraft is used for hire or reward, and not being agricultural aircraft operations performed in accordance with rules made under the Civil Aviation Act 1990, but”;
- (b) By revoking subparagraph (vi) of paragraph (a);
- (c) By revoking subparagraph (vii) of paragraph (b).

12. Use of aircraft—(1) The principal regulations are hereby amended by revoking regulation 131A (as inserted by regulation 5 of the Civil Aviation Regulations 1953, Amendment No. 22), and substituting the following regulation:

“131A. Subject to the provisions of these regulations, the following provisions shall apply to aircraft classified pursuant to regulation 162 of these regulations:

“(a) Any aircraft classified on its certificate of airworthiness in the standard category may be used—

“(i) In any class of operation set out in regulation 131 of these regulations; or

“(ii) For any operation governed by rules made under the Civil Aviation Act 1990:

“(b) Any aircraft classified on its certificate of airworthiness in the agricultural category may be used—

“(i) In any class of operation set out in regulation 131 of these regulations other than air transport operations; or

“(ii) For any agricultural aircraft operation governed by rules made under the Civil Aviation Act 1990:

“(c) Any aircraft classified on its certificate of airworthiness in the restricted category—

“(i) Shall not be used for air transport operations; but

“(ii) May be used in such other class or classes of operations set out in regulation 131 of these regulations as are specified in the aircraft flight manual or other approved document.”

13. Maintenance of aircraft—Regulation 171 (2) (d) of the principal regulations is hereby amended by inserting, after the words “aerial work,”, the word “agricultural,”.

14. Type of returns—Regulation 201 (3) of the principal regulations is hereby amended by inserting, after the words “aerial work aircraft”, the words “or agricultural aircraft”.

15. Classes of flight crew 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 (ag) and (ah).

16. Revocations—Regulations 254 and 255 of the principal regulations (as substituted by regulation 56 of the Civil Aviation Regulations 1953, Amendment No. 22) are hereby revoked.

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 30 October 1994, amend the Civil Aviation Regulations 1953.

The regulations consequentially amend the principal regulations to make them consistent with the provisions in Part 137 of the Civil Aviation Rules relating to general operating and flight rules for pilots carrying out agricultural aircraft operations and the certification of, and operational requirements for, commercial agricultural aircraft operators. Those rules, which come into force on 30 October 1994, are made under the Civil Aviation Act 1990.

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

Date of notification in *Gazette*: 29 September 1994.

These regulations are administered in the Ministry of Transport.