



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MARK GOSCHE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *20th* day of *May* 2002

by **MARK GOSCHE**

Mark Gosche
Minister of Transport
Minister of Transport

Civil Aviation Rules

Part 1, Amendment 21

Definitions and Abbreviations

Docket 97/CAR/1255

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Rule objective

The objective of amendment 21 to Part 1 is to bring into force changes that result from amendment 7 to Part 91.

Extent of consultation

A Notice of Proposed Rulemaking 98-1 contained the amendment proposals and was issued under Docket 97/CAR/1255 on 11 March 1998.

The publication of this NPRM was advertised in the daily newspapers in the five main provincial centres on 11 March 1998 and in the Gazette on 12 March 1998. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 36 days was allowed for comment on the proposed rule. Additional consultation on certain issues took place after the 36 day period with certain aviation industry members as well as with members of the CAA Industry Rules Advisory Group (CIRAG) executive. Pursuant to section 34(1)(d) of the Act, the Environmental Risk Management Authority was consulted on 21 August 2001 in respect of the rules relating to the carriage and discharge of firearms on aircraft.

The submissions and verbal comments were considered and where appropriate the proposed rule was amended to take account of the comments made.

The amendment was then referred to and signed by the Minister of Transport.

Examination of comments

Comments may be examined by application to the Docket Clerk at Aviation House between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of existing definitions and insertion of new definitions.

Effective date of rule

Amendment 21 to Part 1 comes into force on 1 July 2002.

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 1 amendments

Definitions

The definition for Aircraft component is revoked.

The definition for Aircraft flight manual is revoked.

The definition for Category III precision approach procedure is revoked and the following new definition inserted:

“**Category III precision approach procedure** means one of the following precision instrument approaches and landings:

- (1) **Category IIIA:** A precision instrument approach and landing with—
 - (i) a decision height lower than 100 feet or no decision height; and
 - (ii) a runway visual range not less than 200 m:
- (2) **Category IIIB:** A precision instrument approach and landing with—
 - (i) a decision height lower than 50 feet or no decision height; and
 - (ii) a runway visual range less than 200 m but not less than 50 m:
- (3) **Category IIIC:** A precision instrument approach and landing with no decision height and no runway visual range limitations:

The definition for Component is revoked and the following new definition inserted:

Component means any instrument, mechanism, equipment, part, or accessory, including a complete airframe or power plant, that is used, or is intended to be used, in operating or controlling an aircraft in flight, or is installed in or attached to the aircraft, that has a part number or a serial number allocated by the product manufacturer,

unless the manufacturer has designated such an item as a standard part:

The definition for Flight manual is revoked and the following new definition inserted:

Flight manual means a manual, associated with the certificate of airworthiness, containing limitations within which the aircraft may be considered airworthy, and instructions and information necessary to the flight crew members for the safe operation of the aircraft:

The definition for Helicopter is revoked and the following new definition inserted:

Helicopter means a rotorcraft incorporating one or more power driven rotors:

The definition for Turbine powered is revoked and the following new definition inserted:

Turbine powered means powered by turbojet, or turbofan, or turboprop, or turboshaft:

Turboshaft has now been defined as follows and is inserted after the definition of Turboprop:

Turboshaft means a gas turbine engine that uses the residual gas flow energy to drive a shaft:

Summary of comments

(These statements do not form part of the rules contained in Part 1. They provide details of the consultation undertaken in making the rules)

Northland Aviation Limited stated that an addition to the definitions should be the words *Finite Life Components* as used in 91.509(b)(2).

CAA response: The CAA notes the comment and has amended 91.509(b) to read ‘components that have a finite life’. The CAA believes that this is quite clear as is and does not warrant defining in Part 1. There is therefore also no need to define the term Finite Life Components.

Aerobatic flight (not included in NPRM)

The **NZGA** stated that the Part 1 definition of ‘Aerobatic flight’ inappropriately includes the teaching of spinning to ab initio pilots within the definition. It is their belief that this is too prescriptive. They also stated that the recognition of and correct and prompt recovery from incipient and fully developed spins are crucial exercises that must be taught to all pilots. The NZGA requires all trainee glider instructors to show competence in teaching these exercises before they are approved as instructors. In addition, the NZGA stated that the inclusion of these exercises under the label of aerobatic flight creates an unnecessary duplication of training requirements for the instructors in that they must be rated as instructors and must also be rated as approved for aerobatic flight. The NZGA also believes that this does not enhance safety and merely creates additional paperwork with no demonstrable advantage.

The **Wellington Gliding Club** stated that given the nature of gliding flight it is inappropriate to define SPINS in gliders as an aerobatic manoeuvre. They added that for safety reasons the NZGA approved ‘Trainee and Student Pilot training syllabus’ requires briefings, flight demonstrations and flying exercises involving stalling, stalling in turns and spins and spin recovery. They explained that such exercises will be reinforced at flight reviews and type conversions and that glider pilots are encouraged to explore the characteristics of and practice such in gliders they fly. The WGC submitted that either; (a) the definition of Aerobatic Flight be amended to exclude Spins in gliders, or (b) an

exemption to the requirements of 91.701 for spins in gliders be incorporated in CAR Part 104.

CAA response: These comments do not relate to a proposed change in the NPRM. However, an exemption 99/EXE/42 was granted to glider pilots to allow spin training and spin practise in a glider below 3000 feet but no lower than 1000 feet.

Aircraft

It was proposed to amend the definition of aircraft to include devices as well as machines. This proposed amendment was the result of comments received from industry participants.

There were no written objections to the proposed amendment of this definition. However, after holding discussions with certain industry members, it was decided to not go ahead with the proposed amendment. The definition therefore remains unaltered.

Aircraft component

It was proposed to remove this definition as it is now covered by the amended definition of component.

There were no objections to the proposed removal of this definition and it has been removed.

Aircraft flight manual

In the NPRM it was proposed to amend this definition to reflect the proposed removal of the definition of flight manual.

Taupo Air Services stated that Part 21 Subpart H refers to a ‘flight manual’ and not an ‘aircraft flight manual’. They added that they would like to see a clearer definition of the specific information that is required to be kept in an aircraft flight manual and the information that constitutes an aircraft flight manual.

CAA response: The CAA accepts the comment. This definition has been revoked and the definition of flight manual has been amended to be the same as the ICAO definition.

Aviation event

It was proposed to amend the definition of aviation event by deleting subparagraph (4) aerobatic training and practice. This proposed amendment is consequential to the proposed amendment to 91.701 Aerobatic flight

One commenter stated that ‘Practice for an airshow’ is loose in that it does not define under whose authorisation the practice takes place or where. Given that 91.701 will now permit a pilot with an aerobatic flight rating to conduct aerobatic flight down to his or her individual limits in accordance with the rules pertaining to aerobatic flight, the definition of airshow should be reworded to clearly indicate that ‘practice’ in this context is an official practice organised by those persons organising a subsequent event.

CAA response: The CAA does not agree with this comment because ‘practice’ for an airshow may involve manoeuvres other than aerobatics, which may or may not be practised at the ‘official practice’.

Definition revision postponed: The revision of the definition of aviation event has been postponed as aviation events is now to be the subject of a separate Technical Study Group.

Category III precision approach procedure

This has been amended to correct grammatical errors in the opening sentence of the definition and in paragraph (2)(ii).

Evening civil twilight and Morning civil twilight

It was proposed to add the definitions of Evening civil twilight and Morning civil twilight to clarify the definitions of night and day.

Mount Cook Airline Limited stated that the use of quite large areas for determining evening and morning civil twilight is a simple but quite crude method of determining the times that can stop operation of VFR aircraft when in fact the actual twilight time can vary by several minutes. They added that GPS receivers have the capability to calculate the actual sunrise or sunset time for an aerodrome very accurately and it is only a matter of applying the 30 minute correction to have the actual

civil twilight time. They recommended that the method proposed in the notice be retained but an alternative means of calculation should be allowed for, for example – ECT/MCT means the time of sunset/sunrise as determined from a GPS receiver plus/minus 30 minutes.

CAA response: The CAA has considered this but decided to remove Appendix A. The suggestion of a fixed 30 minutes has also been considered but not used as it would disadvantage southern areas which enjoy longer twilight.

Airways Corporation of New Zealand (ACNZ) stated that the inclusion of these terms is supported. They also stated that the abbreviations ECT and MCT should be added to Part 1 as they have been used in NZ for many years.

CAA response: The CAA has considered this but the inclusion of these terms is no longer necessary as Appendix A has been removed. It is also no longer considered necessary to add the definitions of Evening civil twilight and Morning civil twilight.

Flight manual

This definition has been amended to be the same as the ICAO definition.

Helicopter

This definition has been amended to reflect the existing definition of rotorcraft.

SARWATCH

This definition had been proposed consequential to the proposed new rule 91.308 SARWATCH

ACNZ stated that the proposed definition is satisfactory, however they noted that the definition of SARTIME was not included. They believe that the definition of SARTIME should be included as SAR action is taken as soon as SARTIME is reached, as opposed to a flight plan where the ETA of an aircraft is used and time factors are added. They added that SARTIME could be used by a pilot on a flight plan to nominate the

time to take SAR action where it is known or suspected that a delay may be incurred in terminating the flight plan at completion of the flight.

CAA response: SARTIME is defined in Part 1. There were no objections to the proposed definition of SARWATCH. However, SARWATCH is now being dealt with under a special project on VFR flight planning and it is therefore not considered necessary to define the term at this point.

Turbine powered

A definition of ‘turbine powered’ has been included. The CAA believes that this definition is necessary and it is consequential to the acceptance of the definition of Turboshaft.

Turboshaft

A definition of turboshaft has been added to complete the list of turbine powered engine variations.

Appendix A – Daylight zones and tables

It was proposed to add these tables to Part 1 in order to detail the morning and evening civil twilight periods.

One commenter asked what the point was of the Daylight Zone Tables and added that these would need to be amended every year. This commenter did not believe that the CAA needed to get involved in this.

CAA response: The CAA agrees and has amended the rule accordingly. The definitions of evening civil twilight, morning civil twilight, and the daylight zones and tables are no longer included.

Ansett New Zealand asked whether this is also going to be repeated in the planning manual as it is presently.

CAA response: This information will remain in the planning manual.

ACNZ noted that each diagram has a comment box alluding to the fact that more accurate figures are available from ATS for some exact locations. They added that since, within some time zones, the difference between an actual figure for the location and the zone figure can be as

much as 8-12 minutes, it is significant for some operations. They suggested that the text needs to be written in such a way to highlight that the exact figures from ATC can also be used to determine ECT and MCT at those selected locations.

CAA response: The definitions of evening civil twilight, morning civil twilight, and the daylight zones and tables are no longer included.