



**WELLINGTON NEW ZEALAND**

**PURSUANT** to Section 28 of the Civil Aviation Act 1990

**I, MAURICE WILLIAMSON**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *29* day of *August* 1995

by **MAURICE WILLIAMSON**

*M. Williamson*  
Minister of Transport

**Civil Aviation Rules**

**Part 21, Amendment No. 1**

**Subpart Q — Identification of Products and Parts**

*Docket Nr. 1039*

**Civil Aviation Rules**  
**Part 21, Amendment No. 1**

**Subpart Q —**  
**Identification of Products and Parts**

## **RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT**

The objective of Part 21, Subpart Q is to define the requirements for the identification of aircraft, aircraft engines, propellers and aircraft parts.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. This register was identified as the Regulatory Review Consultative Group. Some 67 organisations and individuals registered their wish to be consulted in the development of airworthiness rules including aircraft manufacture.

A draft document was developed by the rules rewrite team in consultation with the members of the consultative group. A draft document was published and distributed in October 1991. Seven comments were received.

A period of informal consultation followed. This informal consultative process culminated in the issue of Notice of Proposed Rule Making (NPRM) 91-8 under Docket Number 1039 NR on 18 December 1991.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 18 December 1991. The notice was mailed to all members of the Regulation Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of seventy two days was allowed for comment on the proposed rules. Seven written submissions and one oral submission were received in response to this notice. No changes were requested by the commenters.

This Subpart was originally entitled *Part 21, Subpart P* in accordance with the numbering system of the European Joint Aviation Requirements (JAR) draft requirements on this subject available at the time of the issue of the NPRM. The latest draft of the JAR Part 21 has moved these requirements from Subpart P to Subpart Q, to allow Subpart P to cover an additional subject. To continue to provide consistency with the JAR, this Subpart is now entitled *Part 21, Subpart Q*.

The rules were then referred to and signed by the Minister of Transport.

Part 21, Subpart Q comes into force on the 28th day after the date of its notification in the *New Zealand Gazette*.

## Part 21 Amendments

### List of Rules

The List of Rules is amended by omitting the words “**Subpart I - Q** [Reserved]” and substituting the following:

“**Subpart I - P** [Reserved]

### Subpart Q — Identification of Products and Parts

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#### 21.1 **Applicability**

21.1 is amended by omitting the word “aircraft.” in subparagraph (4) and inserting the words “aircraft; and”

21.1 is amended by inserting the following subparagraph after subparagraph (4):

- “(5) the identification of—
- (i) aircraft, aircraft engines, and propellers; and
  - (ii) critical parts; and
  - (iii) certain replacement and modification parts.”

#### 21.3 **Definitions**

21.3 is amended by inserting before the definition of the word **product**, the following definition:

“**Critical part** means an aircraft part for which a replacement time, inspection interval, or related procedure is specified in the Airworthiness Limitations section of a manufacturer's Maintenance Manual or Instructions for Continued Airworthiness.”

**21.31 Inspections and tests**

21.31 is amended by omitting the word “subparagraph” in paragraph (b) and inserting the word “paragraph”

21.35 is amended by omitting the word “subparagraphs” in paragraph (b)(2) and inserting the word “paragraphs”

21.35 is amended by omitting the word “subparagraphs” in paragraph (b)(3) and inserting the word “paragraphs”

**21.191 Standard and Restricted Category Requirements**

21.191 is amended by omitting the words “aircraft is identified in accordance with” in paragraph (b)(6) and substituting the words “aircraft, its engines, propellers, and propeller hubs and blades are identified by the means specified in”

21.191 is amended by revoking the following note:

*“Until Part 21, Subpart Q comes into force, the identification requirements are prescribed in section C.4 of Volume 1 of the New Zealand Civil Airworthiness Requirements.”*

**21.193 Experimental Certificate Requirements**

21.193 is amended by omitting the words “is identified in accordance with” in paragraph (a)(5)(iii) and substituting the words “is identified by the means specified in”

21.193 is amended by revoking the following note:

*“Until Part 21, Subpart Q comes into force, the identification requirements are prescribed in section C.4 of Volume 1 of the New Zealand Civil Airworthiness Requirements.”*

**Appendix C Airworthiness Design Standards**

Appendix C is amended by omitting the word “subparagraph” in paragraph (b)(1) and inserting the word “paragraph”

**Subpart Q**

Part 21 is amended by revoking the words “**Subpart I - Q** [Reserved]” and substituting the following:

**“Subparts I - P**                    *[Reserved]***Subpart Q — Identification of Products and Parts****21.801    *Applicability***

This Subpart prescribes rules governing the identification of—

- (1) aircraft, aircraft engines, and propellers; and
- (2) critical parts; and
- (3) certain replacement and modification parts.

**21.803    *Identification of Aircraft, Aircraft Engines, and Propellers***

(a) Each person who manufactures an aircraft or aircraft engine under Subpart G shall identify the aircraft or engine by means of a fireproof plate that is—

- (1) marked with the identification information prescribed in 21.805 by etching, stamping, engraving, or other approved method of fireproof marking; and
- (2) secured in such a manner that it is not likely to be—
  - (i) defaced or removed during normal service; or
  - (ii) lost or destroyed in an accident; and
- (3) for an aircraft other than a manned free balloon, secured to the fuselage so that it is legible to a person on the ground—
  - (i) at an accessible location near an entrance; or
  - (ii) externally on another part of the fuselage; and
- (4) for an aircraft engine, secured to the engine at an accessible location; and
- (5) for a manned free balloon—
  - (i) secured to the balloon envelope; and
  - (ii) located where it is visible to the operator when the balloon is inflated.

(b) Each person who manufactures a manned free balloon shall, in addition to paragraph (a), permanently and legibly mark the basket and any heater assembly with—

- (1) the manufacturer's name; and
  - (2) a part number or an equivalent; and
  - (3) a serial number or an equivalent.
- (c) Each person who manufactures a propeller, propeller blade or propeller hub under Subpart G shall identify it by means of a fireproof plate, or by etching, stamping, engraving, or other approved method of fireproof marking, that—
- (1) contains the identification information prescribed in 21.805; and
  - (2) is placed on a non-critical surface; and
  - (3) is not likely to be—
    - (i) defaced or removed during normal service; or
    - (ii) lost or destroyed in an accident.

*[Until Part 21, Subpart G comes into force, the manufacturer of the products in paragraphs (a) and (b) is the holder of a certificate of approval for the purpose of construction issued under regulation 176 of the Civil Aviation Regulations 1953]*

#### **21.805 Identification Information**

The identification information marked in accordance with 21.803(a)(1) or 21.803(c)(1) shall include—

- (1) the manufacturer's name; and
- (2) the model designation; and
- (3) the manufacturer's serial number; and
- (4) where applicable, the type certificate or type acceptance certificate number; and
- (5) where applicable, the manufacturing certificate number or foreign equivalent; and
- (6) for aircraft engines, the established rating; and
- (7) any other information the Director may require.

#### **21.807 Removal, Alteration and Replacement of Identification Information**

(a) Except as provided in paragraph (b), a person shall not remove, alter, or replace the identification information prescribed in 21.805 on any product or part without the approval of the Director.

(b) A person performing maintenance in accordance with Part 43 may remove, alter, or replace the identification information prescribed in 21.805 if it is removed, altered, or replaced in accordance with methods, techniques and practices acceptable to the Director.

**21.809 Removal and Reinstallation of Identification Plate**

(a) Except as provided by paragraph (b), a person shall not remove or reinstall the identification plate required by 21.803 without the approval of the Director.

(b) A person performing maintenance in accordance with Part 43 may remove or reinstall the identification plate required by 21.803 if—

- (1) the removal of the plate is necessary during the maintenance; and
- (2) the identification plate is removed and reinstalled in accordance with methods, techniques and practices acceptable to the Director; and
- (3) the removed plate is reinstalled on the product or part from which it was removed.

**21.811 Identification of Critical Parts**

Each person who manufactures a critical part shall permanently and legibly mark the part with—

- (1) a part number or an equivalent; and
- (2) a serial number or an equivalent.

**21.813 Identification of Replacement and Modification Parts**

*[The provisions of this rule are suspended until introduced by notice in the New Zealand Gazette and will come into force concurrently with Part 21, Subpart K]*

(a) Each person who manufactures a replacement or modification part under an approval issued under Subpart K shall, in addition to the identification information prescribed in 21.805, permanently and legibly mark the part with—

- (1) *[Reserved]*
- (2) the name, trademark, or symbol of the holder of the approval; and
- (3) the part number; and
- (4) the name and model designation of each product issued with a type certificate or type acceptance certificate, on which the part is eligible for installation.

(b) *[Reserved]*



(c) Where the Director finds that a part is too small or that it is otherwise impractical to mark the part with any of the information required by paragraph (a), the information shall be recorded on a tag attached to the part, or its container.

(d) Where the marking required in paragraph (a)(4) is so extensive that to record it on a tag is impractical, the tag attached to the part or the container may refer to a specific readily available manual or catalogue for the name and model designation of each product issued with a type certificate or type acceptance certificate, on which the part is eligible for installation."

## CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 21.  
It provides details of the consultation undertaken in making the rules.)

### Background to the Rules

In April 1988 the Swedavia - McGregor Report on civil aviation regulation in New Zealand was completed. This report concluded that aviation safety should be a joint responsibility of both the Civil Aviation Authority and the participants in the civil aviation system. There was widespread agreement that a complete overhaul of the civil aviation regulatory system was necessary. As a result, the Government enacted the Civil Aviation Act 1990 to implement the first stage of the report's recommendations. To implement the remaining recommendations of the report the Civil Aviation Authority is undertaking a complete review and rewrite of all existing secondary civil aviation legislation.

Considerable research was carried out to determine the format for the new legislation. The Authority decided that the most suitable legislative framework should incorporate the advantages from the system being developed by the European Joint Aviation Authorities (JAA) and from the existing United States of America Federal Aviation Administration (FAA) system. The European Joint Aviation Requirements (JAR) are being structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA and aim to achieve maximum harmonisation while allowing for national variations.

New Zealand's revised requirements will be published in several parts as Civil Aviation Rules (CAR). Each Part will set out a series of individual rules that relate to a particular aviation activity.

Accompanying each Part of the CAR will be at least one associated Advisory Circular (AC). These will expand, in an informative way, specific requirements of the CAR Part and show an acceptable means of compliance. For example, an AC will contain the minimum acceptable practice or practices that will be necessary to meet the rules.

The CAR numbering system is based on the FAR Part numbering system. As a general principle the subject matter of a CAR Part will harmonise with the FAR, although the title may differ to suit New Zealand terminology. Where a proposed CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The FAR has been used as the start point for the development of many of the CAR, but there are likely to be significant differences in the content of each Part of the rules. The structure and content of Part 21, Subpart Q follows that of the FAR. Changes have been made to conform to New Zealand legal practices and terminology.

The objective of the new rules system is to strike a balance of responsibility between the State Authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State Authority to maintain continuing regulatory control and supervision while providing the maximum flexibility for participants to develop their own means of compliance.

Section 30(b)(v) of the Civil Aviation Act 1990 (the Act) allows the Civil Aviation Rules to specify the standards of identification of aeronautical products. Section 12 of the Act requires the holders of documents to carry out their activities safely, and in accordance with the relevant prescribed safety standards and practices.

### **Notice of Proposed Rule Making**

The Authority issued Notice of Proposed Rule Making 91-8 under Docket Number 1039 NR on 18 December 1991 for Part 21, Subpart Q to provide public notice of, and the opportunity for comment on, the proposed new rule. These Notices proposed the introduction of Civil Aviation Rules Part 21, Subpart Q to provide regulations for the minimum standard of identification for aircraft, aircraft engines, propellers, and other critical, replaced or modified parts.

### **Supplementary Information**

All comments made on the Notice of Proposed Rule Making (NPRM) are available in the Rules Docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

### **Availability of the Document**

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

## Summary of Comments on Docket Number 1039 NPRM

### 1. General Comments on the NPRM

Seven written submissions and one telephoned submission were received. Two of the submissions fully accepted the proposed rule and another two offered no comments. Two submissions supported the rule or did not object to it and addressed a single issue. Two submissions supported the rule or did not object to it and addressed two issues.

Comments relate to the NPRM which was issued as Part 21, Subpart P. This summary refers to the rule as it is now entitled, Part 21, Subpart Q.

#### 1.1 Title

*Air New Zealand suggested that the title of this part should reflect FAR Part 45 Subpart B. That is - Identification of Aircraft and Related Products.*

**CAA response:** The title 'Identification of Products and Parts' refers to the term *product* as defined in rule 21.3. The CAA considers that this title suitably reflects the CAR system and has not been amended.

#### 1.2 Applicability

*One commenter questioned the applicability of Part 21, Subpart Q to microlights and their engines.*

**CAA response:** Part 21, Subpart Q requires identification for aircraft, aircraft engines, and propellers manufactured under Subpart G, critical parts and certain replacement and modification parts. Compliance is required for the issue of an airworthiness certificate in the standard, restricted, or experimental categories. Non-certificated aircraft types are not required to be identified in accordance with Subpart Q. If the owner chooses to identify the aircraft then it should be done by the means specified in Subpart Q.

### 2. Specific comments on Rules proposed in the NPRM

#### 2.1 21.801 Applicability

*Air New Zealand suggested that the definition of 'product' was not required, and reference should be made to the part instead.*

**CAA response:** The CAA agrees. The definition of 'product' is already included in rule 21.3. For clarity, the specific parts requiring identification information to be attached have been detailed in Part 21, Subpart Q.

#### 2.2 21.803(a) Identification of Aircraft, Aircraft Engines and Propellers

*One commenter expressed concern that the requirement for fireproof identification to be fitted extended only to an aircraft engine and not to the aircraft itself.*

**CAA response:** The CAA agrees. The rule has been amended to require all of the applicable products or parts to carry the identification information on a fireproof plate or other approved method of fireproof marking.

### **Regulatory Evaluation**

Subject to any fine tuning necessary to satisfy legal requirements, the following action will occur at the time of commencement of this Part:

#### **Civil Aviation Regulations**

1. Revocation of regulations — none
2. Amendments of regulations — none

#### **Civil Aviation Rules — none**

**New Zealand Civil Airworthiness Requirements** — revocation of section 6 of E.2

#### **Commencement**

Part 21, Subpart Q comes into force on the 28th day after the date of its notification in the *New Zealand Gazette*.

The provisions contained in 21.813, dealing with identification of replacement and modification parts, will not come into force until the introduction of Part 21 Subpart K.

#### **Conclusion**

The CAA concludes from this consultation that the majority of persons and organisations involved with airworthiness are in favour of the direction and content of these new rules. Specific issues that have been identified in the comments have been addressed and, where appropriate, changes have been made to meet the concerns raised.