



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *17th* day of *February* 1997

by **JENNIFER MARY SHIPLEY**

Jennifer Mary Shipley
Minister of Transport

**Civil Aviation Rules
Part 43 Amendment 1**

Docket Nr. 1062

**Civil Aviation Rules
Part 43 Amendment 1**

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 43 Amendment 1 is to bring into force changes that result from the coming into force of Part 21 Amendment 3.

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. The Register was identified as the Regulatory Review Consultative Group.

A draft of Part 21 including Part 43 Amendment 1 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed on 20 October 1995 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking 96-7 under Docket 1062 on 22 May 1996.

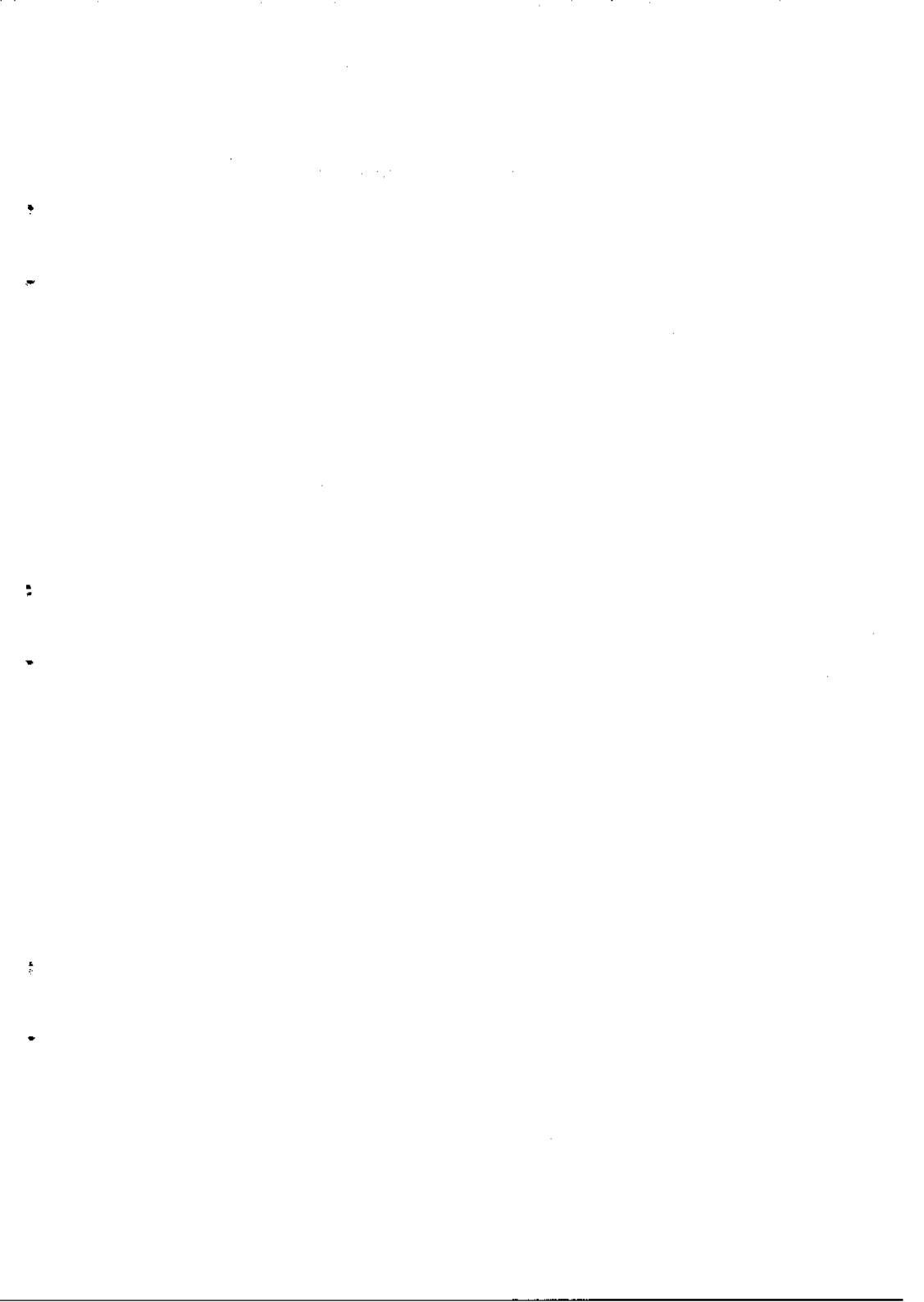
The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 22 May 1996. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas aviation authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 37 days was allowed for comment on the proposed rule. Eleven written submissions were received in response to this notice. Two meetings were held with representative aviation industry organisations. There were three specific issues raised but no significant disagreements with the rule. The majority of the changes requested by the commenters were included. The specific issues were further discussed with the commenters at the meetings and subsequently examined in conjunction with specialists within the CAA.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made. The details of the consultation process are contained in Part 21 Amendment 3, under which this amendment was introduced.

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

Part 43 Amendment 1 comes into force on 1 April 1997.



Part 43 — Amendments

43.103 is amended by substituting it with the following:

“43.103 Certifying requirements

(a) A person shall not certify an aircraft or aircraft component for release to service after maintenance unless that maintenance has been performed in accordance with the CAR and, in respect of that maintenance, the aircraft or aircraft component is fit for release to service.

(b) A person shall not certify an aircraft or aircraft component for release to service after the performance of a major modification or a major repair unless that major modification or major repair has been certified in accordance with Subpart E.”

Part 43 is amended by inserting after Subpart D the following:

“Subpart E – Certifying Conformity following Major Modification or Major Repair

43.201 Applicability

This Part prescribes rules governing the certification of aircraft issued with standard or restricted category airworthiness certificates under Part 21, Subpart H for conformity with acceptable technical data following major modifications or major repairs.

43.203 Persons to certify conformity

A person shall not certify that an aircraft or aircraft component conforms to acceptable technical data following a major modification or a major repair unless they—

- (1) hold an inspection authorisation issued under Part 66, Subpart E; or
- (2) are authorised by the holder of a maintenance organisation certificate, issued under Part 145, to perform conformity certifications; or
- (3) for gliders and glider components—
 - (i) are authorised by the holder of a recreational organisation certificate, issued under Part 149, to perform conformity certifications; and

- (ii) have attended a course of instruction and passed an examination that are acceptable to the Director.

43.205 Certifying requirements

Each person certifying conformity of an aircraft or aircraft component following a major modification or a major repair shall, before certifying to that effect, ensure that the modification or repair conforms to the applicable technical data acceptable to, or approved by, the Director.

43.207 Certification

(a) Except as provided by paragraph (b), each person who certifies that an aircraft or aircraft component conforms to the applicable technical data required by 43.205 following a major modification or a major repair shall complete form CAA 337 and provide the holder of the certificate of registration for the aircraft with a copy of the completed form.

(b) A maintenance organisation certificated under Part 145 may use documents other than the form CAA 337 to record the information required by paragraph (a).

(c) Each person who certifies conformity on a form CAA 337 shall forward a copy of the completed form to the Director within seven days of the completion of the certification."