



**PURSUANT** to Sections 28 and 30 of the Civil Aviation Act 1990

**I, STEVEN JOYCE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

-----This 2nd day of November 2009-----

by **STEVEN JOYCE**

A handwritten signature in black ink, appearing to be 'S. Joyce', is written over the printed name 'STEVEN JOYCE'. The signature is stylized and slanted.

Minister of Transport

**Civil Aviation Rules**

**Part 43, Amendment 7**

**General Maintenance Rules**

*Special Category Aircraft - Docket 5/CAR/2*

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## **Rule objective**

The objective of amendment 7 to Part 43 is to amend existing rules and to insert new rules relating to the maintenance of aircraft issued with a *special category* airworthiness certificate under Part 21.

Amendment 7 to Part 43 is associated with the following amendments to other Parts:

- Amendment 41 to Part 1
- Amendment 8 to Part 21
- Amendment 3 to Part 47
- Amendment 3 to Part 66
- Amendment 20 to Part 91

## **Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 07-03, containing the proposed changes to Part 21 and other consequential rule amendments was issued for public consultation under Docket 5/CAR/2 on 26 October 2006.

The publication of this NPRM was notified in the Gazette on 26 October 2006 and advertised in the daily newspapers in the five main provincial centres on 26 October 2006. 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 41 days was allowed for comment on the proposed rule.

## **Summary of submissions**

Seven written submissions were received on the NPRM. These submissions have been considered and as a result there has been one significant change to the proposed rules. This change concerns the deletion of the proposed rules for release to service of special category aircraft as the requirements are adequately covered in the current rule. Some editorial changes have also been made to clarify the rules and to

include rule 43.151 which was omitted from the NPRM but needs to be amended for consistency with the other amended rules in Subpart D.

The rule as amended was then referred to Parliament's Regulations Review Committee before being signed by the Minister of Transport.

### **Examination of submissions**

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority 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 revocation of existing rules and insertion of new rules. A new Subpart F has been inserted to address special maintenance requirements for special category aircraft.

### **Effective date of rule**

Amendment 7 to Part 43 comes into force on 3 December 2009.

### **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 43 Amendments

### Subpart B — Maintenance

*Rule 43.51 is revoked and replaced by the following new rule:*

#### **43.51 Persons to perform maintenance**

(a) Except as provided in paragraphs (b), and (d), and subject to paragraph (e), and rule 43.54, a person must not perform maintenance on an aircraft or component unless the person—

- (1) holds a current aircraft maintenance engineer licence in an appropriate category and with an appropriate rating issued in accordance with Part 66; or
- (2) holds an appropriate current aircraft maintenance engineer licence and an appropriate rating issued by the Civil Aviation Safety Authority of Australia, and has had that licence registered by the Director in New Zealand under the Trans Tasman Mutual Recognition Act 1997; or
- (3) is authorised to perform the maintenance by the holder of an aircraft maintenance organisation certificate issued, with an appropriate rating, in accordance with Part 145; or
- (4) holds a current certificate of maintenance approval, with appropriate endorsement, issued in accordance with Part 66; or
- (5) for maintenance performed outside of New Zealand, holds an appropriate current maintenance engineer licence or approval issued under the authority of an ICAO Contracting State for the type of aircraft or component; or
- (6) performs the maintenance under the direct supervision of an appropriate person referred to in paragraphs (a)(1), (a)(2), (a)(3), (a)(4), or (a)(5).

(b) Subject to paragraph (c), a person who does not meet the requirements of paragraph (a) but holds any of the following licences may perform the maintenance specified in Appendix A.1 on an aircraft

that is used to perform air operations under the authority of an air operator certificate issued in accordance with Part 119, or may perform the maintenance specified in Appendices A.1 and A.2 on an aircraft that is not used to perform air operations:

- (1) a current pilot licence with an aircraft type rating for the aircraft, issued in accordance with Part 61:
  - (2) a current aircraft maintenance engineer licence issued in accordance with Part 66:
  - (3) a current aircraft maintenance engineer licence issued by the Civil Aviation Safety Authority of Australia if that licence is registered by the Director in New Zealand under the Trans Tasman Mutual Recognition Act 1997.
- (c) The person referred to in paragraph (b) must—
- (1) be authorised in writing by the operator of the aircraft to perform the maintenance and be appropriately trained by the holder of a current and appropriate aircraft maintenance engineer licence with an appropriate rating issued in accordance with Part 66; or
  - (2) for an aircraft that is required by this Part or Parts 121, 125, or 135, to be maintained under the authority of a maintenance organisation certificate issued in accordance with Part 145, be appropriately trained and hold an appropriate authorisation, issued by the holder of the maintenance organisation certificate, to perform the maintenance on the aircraft type.
- (d) A person who does not meet the requirements of paragraph (a) may perform maintenance on a glider or glider component if the person—
- (1) is authorised by a gliding organisation to perform maintenance on a glider or glider component; or

- (2) performs the maintenance under the direct supervision of a person who is authorised by a gliding organisation to perform maintenance on a glider or glider component.
- (e) A person must not perform maintenance on an aircraft that has a *special category—exhibition* airworthiness certificate or *special category—limited* airworthiness certificate unless the person is appropriately trained and is authorised by the principal provider of maintenance services named in the operator statement required for the aircraft by rule 47.55(c).

***Rule 43.54 is revoked and replaced by the following new rule:***

**43.54 Maintenance required under Part 145**

(a) A person must not (except under the authority of, and in accordance with the provisions of, a maintenance organisation certificate issued in accordance with Part 145) perform maintenance on, or release-to-service—

- (1) an aircraft that is used to perform air operations under the authority of an air operator certificate issued in accordance with Part 119 and has—
- (i) a MCTOW of more than 5700 kg; or
  - (ii) a maximum certificated passenger seating configuration, excluding any required crew member seat, of 10 seats or more; or
- (2) a component fitted or intended to be fitted to an aircraft referred to in paragraph (a)(1).

(b) Except as provided in paragraph (c), a person must not (except under the authority of, and in accordance with the provisions of, a maintenance organisation certificate issued in accordance with Part 145) perform any of the following kinds of maintenance on an aircraft or component, or certify the aircraft or component for release-to-service after the maintenance:

- (1) overhaul of a component:

- (2) maintenance on an aircraft or component if the relevant instructions for continued airworthiness require the use of a jig that is approved or certified by the manufacturer or that is approved by the Director:
- (3) maintenance on a component if the maintenance involves the disturbance of any part of the component that is supplied as a bench tested unit, except if—
  - (i) the disturbance is for the replacement or adjustment of a part normally replaceable or adjustable in service; and
  - (ii) subsequent functioning of the part disturbed can be demonstrated without the use of test apparatus that is additional to the test apparatus used for normal functioning checks:
- (4) maintenance on an aircraft engine if the maintenance involves—
  - (i) dismantling and reassembly of a piston engine, except where the dismantling and reassembly is to obtain access to the piston or cylinder assembly; or
  - (ii) dismantling and reassembly of a main casing or main rotating assembly of a turbine engine, except if the dismantling and reassembly is for the replacement of a main casing or rotating assembly and the instructions for continued airworthiness for the engine provides instructions for the replacement, and the replacement of the main casing or rotating assembly of the engine is achieved solely by disconnecting the flanges of main casings; or
  - (iii) disturbance of reduction gear:
- (5) aircraft propeller balancing other than in situ dynamic propeller balancing in accordance with the aircraft manufacturer's instructions:



- (6) maintenance on a helicopter if the maintenance involves the dismantling of any transmission gearbox, except if the dismantling is for separation of casings to obtain access for the purpose of internal inspection in accordance with the helicopter manufacturer's instructions.

(c) Paragraph (b) does not apply to an aircraft that has a *special category* airworthiness certificate issued under Subpart H of Part 21, or a microlight aircraft, a glider, or a balloon.

*Subpart D is revoked and replaced by the following new Subpart D:*

## **Subpart D — Review of Airworthiness**

### **43.151 Persons to perform review**

(a) Except as provided in paragraph (b), a person must not perform a review of airworthiness for an aircraft unless the person holds an inspection authorisation issued under Part 66.

(b) A person may perform a review of airworthiness on a glider if—

- (1) the person is authorised to perform a review of airworthiness on a glider by a gliding organisation; and
- (2) the person has satisfactorily completed a course of instruction, including an examination, that is acceptable to the Director, on the inspection of aircraft and components for conformity with the CAR.

### **43.153 Review requirements**

(a) Except as provided in paragraph (b), a person performing a review of airworthiness, required under rule 91.615, for an aircraft must, within the 30 day period immediately before certifying that the review has been completed—

- (1) check that the aircraft conforms to its type certificate data sheet or equivalent type data that is acceptable to the Director; and

- (2) check that every instrument and item of equipment required under Subpart F of Part 91 is fitted; and
- (3) for an aircraft that is required under rule 91.509(b) to be fitted with a time-in-service recorder—
  - (i) record the time-in-service recorder reading in the appropriate maintenance logbook; and
  - (ii) compare the aircraft's total time-in-service recorded in the technical log with the time-in-service recorder reading; and
  - (iii) ensure that any discrepancy in the aircraft's total time-in-service that is identified under paragraph (a)(3)(ii) is included in the reports required under rule 43.155(a)(4); and
- (4) check that since the last review of airworthiness, or inspection for the issue of an airworthiness certificate—
  - (i) every modification and repair has been correctly recorded and certified for release-to-service referencing the applicable technical data listed in Appendix D to Part 21; and
  - (ii) all due maintenance specified in the applicable maintenance programme has been correctly recorded and certified for release-to-service; and
  - (iii) every airworthiness directive relevant to the aircraft type and its installed components has been assessed and certified as being 'embodied', 'found embodied', or 'not applicable', and if an airworthiness directive is repetitive, check that it is recorded in the repetitive section of the appropriate maintenance logbook; and
  - (iv) every defect recorded in the technical log has been rectified and the aircraft released to service or the defective instruments and equipment are recorded in

- the technical log, and placarded as inoperative if they are permitted to be inoperative under rule 91.537; and
- (v) every applicable release-to-service has been completed and certified in accordance with Subpart C; and
  - (vi) the recorded weight and balance data reflects any changes to the aircraft's weight and balance and that the recorded weight and balance data is within the published weight and balance limitations for the aircraft; and
  - (vii) the flight manual, including every applicable supplement is the current version for the aircraft in its existing state; and
- (5) check that the overhaul and finite life of each lifed component is recorded and is within the limits laid down in the applicable manufacturer's document and, if practicable, verify serial numbers by physical inspection; and
- (6) perform a general condition inspection of the aircraft.
- (b) The requirements in paragraphs (a)(1) and (a)(4)(i) do not apply to an aircraft that has a *special category* airworthiness certificate issued under Subpart H of Part 21.
- (c) The person performing the review of airworthiness must record any new defects identified during the review in the technical log and in the appropriate maintenance logbook.

#### **43.155 Certifying review**

- (a) Subject to paragraph (b), a person who performs a review of airworthiness for an aircraft must, on completion of the review—
- (1) certify that the review has been completed by entering the following statement in the appropriate maintenance logbook:

*"I certify that an (annual)\*(biennial)\* review of airworthiness has been carried out on this aircraft and that*

*the requirements of Civil Aviation Rule Part 43.153(a) have been complied with*"; and

\* delete as applicable

- (2) adjacent to that statement, enter—
  - (i) the person's name; and
  - (ii) the person's signature except if the maintenance logbook is in electronic format; and
  - (iii) the person's inspection authorisation number; and
  - (iv) the date that the review was completed; and
- (3) in accordance with paragraph (c), enter the due date for the next review of airworthiness in the technical log; and
- (4) forward a report of the review to the Director in a form acceptable to the Director—
  - (i) within 7 days from the date of completing and certifying the review in accordance with paragraphs (a)(1) and (a)(2); or
  - (ii) if the review is not completed and certified in accordance with paragraphs (a)(1) and (a)(2), within 7 days from the expiry of the 30 day period specified in rule 43.153(a) for completing the review.

(b) Except for instruments and equipment that are permitted to be inoperative in accordance with rule 91.537, a person who performs a review of airworthiness for an aircraft must not certify the review as being complete unless every defect has been rectified and the aircraft certified for release-to-service in accordance with Subpart C.

(c) The due date for the next review of airworthiness must not be more than 1 year or 2 years, in accordance with rule 91.615(a)(1), after—

- (1) the date that the review is certified under paragraph (a); or

- (2) the beginning of the extension period if the due date for the review has been extended under rule 91.615(c)(1).

*The following new Subpart F — Maintenance for Special Category Aircraft is inserted after Subpart E.*

## **Subpart F — Maintenance for Special Category Aircraft**

### **43.301 Purpose**

This Subpart prescribes rules, that are additional to, or exceptions from the requirements of Subparts B and C for the maintenance of an aircraft that has a *special category* airworthiness certificate issued under Subpart H of Part 21.

### **43.303 Performance of maintenance**

In addition to rule 43.53, a person performing maintenance in accordance with a maintenance programme required under rule 91.605 on an aircraft that has a *special category* airworthiness certificate or a component fitted or intended to be fitted to an aircraft that has a *special category* airworthiness certificate must—

- (1) at the start of the maintenance programme, inspect the aircraft for any defect or configuration anomalies which would be unlikely to be detected by the inspections required under paragraph (2); and
- (2) after the initial inspection, conduct routine inspections and detailed inspections in accordance with the maintenance programme.

### **43.305 Recording of overhaul**

(a) In spite of rule 43.55, and subject to paragraph (b), a person may state in an appropriate maintenance document for an aircraft that has a *special category* airworthiness certificate that an airframe, engine, propeller, or component of the aircraft has been overhauled if it has been disassembled, cleaned, inspected, repaired as necessary, reassembled, and tested using methods and techniques documented—

- (1) by the aircraft or component manufacturer; or

- (2) by a military authority to standards acceptable to the Director.

(b) For an aircraft that has a *special category—exhibition* airworthiness certificate or a *special category—limited* airworthiness certificate, the methods and techniques required by paragraphs (a)(1) and (a)(2) must be specified in the maintenance programme required under rule 91.605.

### **43.307 Maintenance records**

In spite of rule 43.69(a)(2)(iii), a person performing maintenance on an aircraft that has a *special category* airworthiness certificate must on completion of the maintenance, record the following references for any replacement part or component—

- (1) the origin of the part or component; and
- (2) the source of the part or component; and
- (3) documentation associated with the part or component; and
- (4) the history of the part or component.

## Consultation Details

*(This statement does not form part of the rules contained in Part 43. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 07-03 Special Category Aircraft, containing the proposed rules for Part 21 and other consequential rule amendments was issued for public consultation under Docket 5/CAR/2 on 26 October 2006.

A period of 41 days was allowed for comment on the proposed rule. A total of seven responses to the NPRM were received, and two included comment on the proposed amendments to Part 43.

The Summary of submissions is attached to Amendment 8 to Part 21.