



**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 *Novembe* 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 fluid and cursive, with a long horizontal stroke at the end.

Minister of Transport

**Civil Aviation Rules**

**Part 47, Amendment 3**

**Aircraft Registration and Marking**

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

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## Rule objective

The objective of amendment 3 to Part 47 is to amend rules relating to the application for, and issue of a certificate of registration for an aircraft issued with a *special category – exhibition* airworthiness certificate or a *special category – limited* airworthiness certificate. These amendments are consequential to:

- Amendment 8 to Part 21
- 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.

These amendments to Part 47 were not included in NPRM 07-03 but the matters contained in these amendments to Part 47, namely the details for an operator statement required for an aircraft issued with a *special category – exhibition* airworthiness certificate or a *special category – limited* airworthiness certificate were included for consultation. The details were included in the proposed changes to Part 91 that were included in NPRM 07-03. However as the proposed operator statement and the validity period for the statement are to be associated with the holder of a certificate of registration for an aircraft and to the validity period for the certificate of registration, it is more appropriate for the applicable requirements to be included in Part 47 and be associated with the issue of a certificate of registration for the applicable aircraft.

A consequential amendment is also required to rule 47.104(a) to delete the word “experimental” in relation to aircraft issued with a special category airworthiness certificate.

### **Summary of submissions**

Seven written submissions were received on the NPRM but there was no comment on the proposed requirement for an operator statement for *special category –exhibition* aircraft or *special category – limited* aircraft.

The rule 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 the revocation of existing rules and the insertion of new rules.

### **Effective date of rule**

Amendment 3 to Part 47 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 47 Amendments

### Subpart B — Aircraft Registration and Certificate of Registration

*Rule 47.53 is revoked and replaced by the following new rule:*

#### **47.53 Application for registration and grant of certificate**

(a) An application for the registration of an aircraft and for the grant of a New Zealand certificate of registration must be made by, or on behalf of—

- (1) the person who is lawfully entitled to the possession of the aircraft for 28 days or longer; or
- (2) the person who, on a date specified in the application, will be lawfully entitled to the possession of the aircraft for 28 days or longer.

(b) The applicant must complete form CAA 24047/01, which requires—

- (1) the manufacturer, model and serial number of the aircraft; and
- (2) the name and address for service in New Zealand of the person specified in paragraph (a)(1) or (2); and
- (3) such further particulars relating to the aircraft and the person specified in paragraph (a)(1) or (2) as may be required by the Director as indicated on the form—

and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

(c) The Director may require the applicant, or the person on whose behalf the application is made, to produce all or any of the following, as may be reasonable in the circumstances:

- (1) evidence of the manufacturer, model and serial number of the aircraft:

- (2) evidence of the identity of the person specified in paragraph (a)(1) or (2):
  - (3) a statutory declaration by the person specified in paragraph (a)(1) or (2) that that person is, or on a date specified in the application will be, lawfully entitled to the possession of the aircraft for 28 days or longer.
- (d) An applicant applying under this rule for the registration of an aircraft and for the grant of a New Zealand certificate of registration for an aircraft that, in accordance with Part 21, has, or is to be issued with, a *special category—exhibition* airworthiness certificate or a *special category—limited* airworthiness certificate must provide the Director with the details required by rule 47.55(d) for the operator statement.

***Rule 47.55 is revoked and replaced by the following new rule:***

#### **47.55 Registration and grant of certificate**

- (a) Subject to paragraph (c), an applicant is entitled to have an aircraft registered, and is entitled under section 9 of the Act, to the grant of a New Zealand certificate of registration if the Director is satisfied that—
- (1) in accordance with section 6 of the Act the aircraft is not registered in any other country; and
  - (2) the applicant satisfies the applicable requirements of rule 47.53(b); and
  - (3) the evidence and statutory declaration that may be required under rule 47.53(c) is acceptable; and
  - (4) the person lawfully entitled to the possession of the aircraft for 28 days or longer is a fit and proper person; and
  - (5) if the aircraft has, or is to be issued with, a *special category—exhibition* airworthiness certificate or a *special category—limited* airworthiness certificate in accordance with Part 21, the information required by paragraph (d) is acceptable; and

- (6) the granting of the certificate is not contrary to the interests of aviation safety.
- (b) If the Director is satisfied that a certificate of registration may be granted in accordance with paragraph (a), the Authority must enter in the New Zealand Register of Aircraft—
- (1) the date of registration; and
  - (2) the description of the aircraft given in the application; and
  - (3) the name and address for service of the person lawfully entitled to the possession of the aircraft for 28 days or longer; and
  - (4) the registration mark allocated to the aircraft by the Director under rule 47.103; and
  - (5) if applicable, the description of the identifiable paint scheme and markings approved under rule 47.104.
- (c) A certificate of registration granted under paragraph (a) for an aircraft that, in accordance with Part 21 has, or is to be issued with, a *special category–exhibition* airworthiness certificate or a *special category–limited* airworthiness certificate must be accompanied by an operator statement as specified in paragraph (d).
- (d) The operator statement must contain the following information:
- (1) the make, model and registration marking of the aircraft:
  - (2) the name of the following persons—
    - (i) the person representing the holder of the certificate of registration for the aircraft:
    - (ii) the person responsible for controlling flight operations and crew member training for the aircraft:
    - (iii) the person responsible for controlling the maintenance of the aircraft:

- (3) details of the minimum fuel reserve required for the safe operation of the aircraft under VFR, including the maximum flying time at normal cruise speed for the minimum fuel reserve:
- (4) the name of the principal provider of maintenance services for the aircraft:
- (5) the identity of the maintenance programme required by rule 91.605(b)(2):
- (6) details of procedures for operating the aircraft with inoperative equipment:
- (7) details of any restrictions or qualifications imposed on a person who may taxi the aircraft:
- (8) if applicable, details of any restrictions regarding the carriage of passengers in the aircraft:
- (9) information regarding any ejection seat, explosive egress device or jettison system installed in the aircraft including—
  - (i) details of the equipment fitted; and
  - (ii) procedures for use in flight; and
  - (iii) procedures for training a person, who maintains or otherwise has access to the aircraft, and safety practices for any ejection seat, explosive egress device or jettison system fitted; and
  - (iv) safety measures on the ground, including control of stored equipment such as spare cartridges for any ejection seat, explosive egress device or jettison system; and
  - (v) the name of every person who holds a certificate of maintenance approval issued under Part 66 and who is authorised by the holder of the certificate of registration to perform maintenance of any ejection



seat, explosive egress device or jettison system fitted;  
and

- (vi) the name of every person responsible for conducting training on any ejection seat, explosive egress device or jettison system; and
- (vii) the name of the person responsible for notifying local emergency services of the existence of an ejection seat, explosive egress device or jettison system and the safety precautions required.

***Rule 47.61 is revoked and replaced by the following new rule:***

**47.61 Currency of information in certificate**

(a) The holder of a New Zealand certificate of registration must notify the Director, as soon as practicable, of any change that affects the currency of—

- (1) any information contained in the certificate; or
- (2) any information contained in the operator statement required by rule 47.55(c).

(b) If, after receiving a notification under paragraph (a)(1), the Director amends or revokes the certificate of registration and issues a new certificate in its place in accordance with section 20 of the Act, the Authority must update the relevant particulars in the New Zealand Register of Aircraft.

(c) The Director may amend the information contained in the operator statement required by rule 47.55(c) if a change notified under paragraph (a)(2) is acceptable to the Director.

(d) The Director may impose a change to the information contained in the operator statement required by rule 47.55(c) if the Director considers the change is necessary in the interest of aviation safety.

***Rule 47.65 is revoked and replaced by the following new rule:***

**47.65 Duration of certificate**

- (a) A New Zealand certificate of registration remains valid until—
- (1) it expires under rule 47.57(a); or
  - (2) it is suspended or revoked by the Director.
- (b) The holder of a New Zealand certificate of registration that is suspended must immediately produce the certificate to the Director for appropriate endorsement.
- (c) The holder of a New Zealand certificate of registration that is revoked must immediately surrender the certificate to the Director.
- (d) The operator statement required by rule 47.55(c) for an aircraft that has a *special category–exhibition* airworthiness certificate or a *special category–limited* airworthiness certificate issued in accordance with Part 21 remains valid only while the certificate of registration for the aircraft remains valid under paragraph (a).

## **Subpart C — Aircraft Marking**

***Rule 47.104 is revoked and replaced by the following new rule:***

**47.104 Approval of identifiable paint scheme and markings**

- (a) The holder of the certificate of registration for an aircraft issued with a special category airworthiness certificate in accordance with Part 21 Subpart H, may apply to the Director for approval to display an identifiable paint scheme and markings on the aircraft as an alternative to the display of the nationality and registration marks allocated under rule 47.103.
- (b) The holder of a certificate of registration for a microlight aircraft, or an aircraft issued with a standard or restricted category airworthiness certificate in accordance with Part 21 Subpart H, may for historical reasons, apply to the Director for approval to display an identifiable paint scheme and markings on the aircraft as an alternative to the display of the nationality and registration marks allocated under rule 47.103.

(c) The applicant for the approval of an identifiable paint scheme and markings must complete form CAA24047/04, which requires—

- (1) the nationality and registration mark allocated to the aircraft by the Director; and
- (2) a written description of the proposed identifiable paint scheme and markings of the aircraft; and
- (3) a three-view set of colour drawings, photographs, sketches, or similar means of clearly depicting the proposed identifiable paint scheme and markings of the aircraft; and
- (4) such further particulars as may be required by the Director or as indicated on the form regarding the aircraft or the holder of the certificate of registration—

and submit it to the Director with the payment of any applicable fees or charges prescribed by regulations made under the Act.

(d) The Director may approve the display of an identifiable paint scheme and markings, applied for under paragraph (a), if satisfied that the paint scheme and markings are sufficiently clear so as to distinguish the aircraft from other aircraft of the same or similar type and model.

(e) The Director may approve the display of an identifiable paint scheme and markings, applied for under paragraph (b), if satisfied that the paint scheme and markings are appropriate for historical or other special reasons, and are sufficiently clear so as to distinguish the aircraft from other aircraft of the same or similar type and model.

(f) The holder of a certificate of registration for an aircraft that has an identifiable paint scheme and markings approved under paragraph (d) or (e) on the basis of drawings or sketches, must provide the Director with a three-view set of photographs of the aircraft displaying the approved identifiable paint scheme and markings.

## Consultation Details

*(This statement does not form part of the rules contained in Part 47. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 07-03 Part 21 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 2007.

A period of 41 days was allowed for comment on the proposed rule. A total of 7 responses to the NPRM were received but none related to the operator statement requirements that have been transferred from the original proposals in Part 91 to this Part 47 amendment.

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