



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *10th* day of *April* 2006
by **HARRY JAMES DUYNHOVEN**

Minister for Transport Safety

A large, handwritten signature in black ink, which appears to be 'Harry James Duynhoven', written over the printed name.

Civil Aviation Rules

Part 61, Amendment 7 (Re-issue)

Pilot Licences and Ratings

Docket 2/CAR/1

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Rule objective

The objective of Amendment 7 to Part 61 is to make amendments relating to pilot licensing requirements. This aims to address; identified problems or errors in the Part 61 rule, concerns about pilot training and competency from within the Civil Aviation Authority (CAA) along with industry comment and aviation representative groups' feedback, update new technology and industry requirements and comply with International Civil Aviation Organisation (ICAO) standards and recommended practices. These changes result in associated changes to Parts 1 and 19 relating to pilot licences, Part 104 relating to glider pilots and amendments to Parts 121, 125, and 135 in regard to logbook entries for competency checks, and grace periods. The amendments are the first stage of a three stage process updating Part 61.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 04-02, containing the proposed changes to Part 61 was issued for public consultation under Docket 2/CAR/1 on 4 June 2004.

The publication of this NPRM was notified in the Gazette on 3 June 2004 and advertised in the daily newspapers in the five main provincial centres on 5 June 2004. The NPRM was published on the CAA web site and 163 copies were mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal and flight training organisations. A series of nationwide presentations were made to industry to support the NPRM publication and assist people in making submissions. The Part 61 presentations were made at 12 regional aviation training venues and at seven main centre public meetings along with one additional regional public meeting at industry request.

A period of 56 days was allowed for comment on the proposed rule.

The NPRM was published for public consultation prior to 1 December 2004 when the Civil Aviation Amendment Act (No.2) 2004 came into force. With no direction having been made by the Minister under section 13(2)(b) of that Act, subsequent development and signing of the rule has been undertaken in accordance with the law as it was in force immediately prior to 1 December 2004.

Summary of submissions

Fifty written submissions were received on the NPRM. These submissions and comments have been considered and as a result several amendments to the original rule change proposals have been made. These changes were noted in the Summary of Public Submissions which was published on the CAA web site on 8 November 2004.

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

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 amendment to Part 61 is reflected by revocation of the existing Part and the substitution of the complete Part.

Effective date of rule

Amendment 7 to Part 61 comes into force on 11 May 2006.

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 61 Pilot Licences and Ratings

Part 61 is revoked and the following new Part 61 is substituted.

Subpart A — General

61.1 Purpose

This Part prescribes the requirements for—

- (1) the issue of a pilot licence and rating in accordance with section 9 of the Act; and
- (2) the issue of a rating in accordance with this Part; and
- (3) the conditions under which a pilot licence and rating is required; and
- (4) the privileges and limitations of a pilot licence and rating.

61.3 Reserved

61.5 Requirement for pilot licence and ratings

(a) **Pilot licence – New Zealand aircraft operating in New Zealand:** Except as provided in paragraphs (m) and (n), a pilot of a New Zealand registered aircraft operating in New Zealand must hold an appropriate current pilot licence—

- (1) issued in accordance with this Part; or
- (2) issued by a foreign pilot licensing authority and a validation permit issued in accordance with rule 61.9; or
- (3) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence.

(b) **Pilot licence – New Zealand aircraft operating outside New Zealand:** Except as provided in paragraph (n), a pilot of a New Zealand registered aircraft operating outside New Zealand must hold an appropriate current pilot licence—

- (1) issued in accordance with this Part; or

- (2) issued or validated by the pilot licensing authority of the country in which the aircraft is operated; or
- (3) issued by a foreign pilot licensing authority and a validation permit issued in accordance with rule 61.9; or
- (4) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence.

(c) **Pilot licence – Foreign aircraft operating in New Zealand:** Except as provided in paragraphs (m) and (n), a pilot of a foreign aircraft operating in New Zealand must hold an appropriate current pilot licence—

- (1) issued or validated by the pilot licensing authority of the country of aircraft registry; or
- (2) issued in accordance with this Part, provided the operation of the aircraft by the holder of a New Zealand pilot licence is acceptable to the pilot licensing authority of the country of aircraft registry; or
- (3) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence, provided the operation of the aircraft by the holder of an Australian pilot licence is acceptable to the pilot licensing authority of the country of aircraft registry.

(d) **Aircraft type rating:** Except as provided in paragraphs (m) to (q) and rule 61.57, a pilot of a New Zealand registered aircraft, or a foreign aircraft operating in New Zealand, must hold a current aircraft type rating for that aircraft—

- (1) issued in accordance with this Part; or
- (2) attached to a foreign pilot licence and specified in a validation permit issued in accordance with rule 61.9; or
- (3) attached to a foreign pilot licence issued or validated by the pilot licensing authority of the country of aircraft registry; or

- (4) attached to a foreign pilot licence issued or validated by the pilot licensing authority of the country in which the New Zealand aircraft is operated; or
 - (5) attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence.
- (e) [Reserved].
- (f) [Reserved].
- (g) [Reserved].
- (h) [Reserved].
- (i) [Reserved].
- (j) **Instrument rating:** Except as provided in paragraphs (m) and (n), a pilot of a New Zealand registered aircraft, or a foreign aircraft in New Zealand, operating under IFR must hold an appropriate current instrument rating—
- (1) issued in accordance with this Part; or
 - (2) attached to a foreign pilot licence and specified in a validation permit issued in accordance with rule 61.9; or
 - (3) attached to a foreign pilot licence issued or validated by the pilot licensing authority of the country in which the New Zealand registered aircraft is operating; or
 - (4) attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence; or
 - (5) attached to a foreign pilot licence issued or validated by the pilot licensing authority of the country of aircraft registry for foreign aircraft operating in New Zealand.
- (k) **Flight instructor rating:** A person exercising the privileges of a flight instructor rating must hold an appropriate current flight instructor

rating issued in accordance with this Part or attached to a foreign pilot licence and specified in a validation permit issued in accordance with rule 61.9.

(l) **Flight examiner rating.** A person exercising the privileges of a flight examiner rating must hold an appropriate current flight examiner rating issued in accordance with this Part or attached to a foreign pilot licence and specified in a validation permit issued in accordance with rule 61.9.

(m) A student pilot who complies with Subpart C is not required to hold a pilot licence or rating.

(n) A pilot of a balloon, a glider, a hang glider, a microlight, a paraglider, or a powered glider, is not required to hold a pilot licence or rating issued in accordance with this Part if—

(1) the pilot is not flying the aircraft for hire or reward; and

(2) the pilot meets the appropriate pilot and operating requirements under Parts 103, 104, or 106.

(o) The holder of a current Category A flight instructor rating is not required to hold an aircraft type rating to act as a pilot of a single engine aeroplane if the instructor holds an aircraft type rating for an aeroplane of a similar configuration.

(p) A pilot of an aircraft is not required to hold an aircraft type rating when acting as a test pilot in accordance with rule 19.405(1).

(q) A pilot of an aircraft when authorised by an appropriately qualified flight instructor is not required to hold an aircraft type rating when demonstrating or gaining experience in order to obtain an aircraft type rating.

61.7 Pilot licences and ratings

(a) The following pilot licence types, ratings and permits are issued by the Director under section 9 of the Act in accordance with the applicable requirements of this Part:

(1) private pilot licence - Aeroplane:

- Glider:

- Helicopter:

(2) commercial pilot licence - Aeroplane:

- Balloon:

- Glider:

- Helicopter:

(3) airline transport pilot licence - Aeroplane:

- Helicopter:

(4) instrument rating - Aeroplane:

- Helicopter:

(5) flight instructor rating category A, B, C, D, and E

- Aeroplane:

- Helicopter:

(6) flight examiner rating - airline:

- general aviation:

(7) validation permit.

(b) The following ratings are issued under this Part in accordance with the applicable requirements of this Part:

(1) aircraft type rating:

(2) aerobatic flight rating:

(3) glider tow rating:

(4) parachute drop rating:

- (5) agricultural rating Grade 1 and 2 - Aeroplane:
 - Helicopter:

- (6) pilot chemical rating.

61.9 Validation permit for a foreign pilot licence

- (a) To be eligible for the issue of a validation permit, a person must—
 - (1) be the holder of at least a current private pilot licence issued by an ICAO Contracting State; and
 - (2) hold an appropriate current medical certificate relating to the foreign pilot licence required under paragraph (a)(1); and
 - (3) have sufficient ability in reading, speaking, understanding and communicating in the English language to enable the applicant to adequately carry out the responsibilities of a pilot exercising the privileges of a validation permit; and
 - (4) pass any written examination and flight test that the Director may require.
- (b) A validation permit must specify—
 - (1) an expiry date for the permit which must not exceed 6 months from the date of issue; and
 - (2) the privileges that the holder may exercise which must not be greater than the privileges associated with the holder's foreign pilot licence.
- (c) A validation permit remains in force until the expiry date specified in the permit unless—
 - (1) it is suspended or revoked by the Director; or
 - (2) the pilot's foreign pilot licence expires, or is suspended, or revoked by the issuing State.

61.11 Application and qualification

- (a) An application for a pilot licence or rating that is issued by the Director in accordance with this Part must be made in form CAA 24061/01.
- (b) An applicant for a pilot licence or rating issued in accordance with this Part must have sufficient ability in reading, speaking, understanding and communicating in the English language to enable the applicant to adequately carry out the responsibilities of a pilot exercising the privileges of the pilot licence or rating.
- (c) An applicant for a pilot licence or rating must comply with all of the eligibility requirements specified in the relevant Subpart for the pilot licence or rating.

61.13 Reserved**61.15 Duration of pilot licence and ratings**

- (a) A pilot licence issued in accordance with this Part is issued for the lifetime of the holder of the pilot licence.
- (b) Notwithstanding paragraph (a), the Director may, subject to any condition that the Director considers necessary in the interests of aviation safety, issue a temporary pilot licence or rating.

61.17 Written examinations – prerequisites and grades

- (a) An applicant for a written examination required under this Part must produce as evidence of the applicant's identity—
- (1) a current New Zealand passport; or
 - (2) a current New Zealand driver licence; or
 - (3) an equivalent form of photographic identification that is acceptable to the Director.
- (b) An applicant for a written examination required under this Part must gain at least 70% of the possible marks in order to pass the examination.

(c) An applicant for a pilot licence or instrument rating must pass all the approved written examinations that are required for the particular pilot licence or instrument rating within the qualifying period to gain a written examination credit for the licence or rating. The qualifying period to obtain a written examination credit is,—

- (1) in the case of a private pilot licence, 2 years; and
- (2) in the case of a commercial pilot licence, an airline transport pilot licence, and an instrument rating, 3 years.

(d) The written examination credit specified in paragraph (c) is,—

- (1) in the case of a private pilot licence, a commercial pilot licence, and an instrument rating, valid for 3 years; and
- (2) in the case of an airline transport pilot licence, valid for 10 years (except that the examination pass in airline transport pilot licence aviation law must not be more than 5 years old).

(e) A person who fails a written examination 3 times within a period of 3 months may not sit another examination in that subject for a period of 3 months following the date of the last failed examination.

(f) An applicant who, immediately before 11 May 2006, had examination passes for a particular pilot licence or instrument rating may use those examination pass credits towards meeting the requirements in paragraph (c) for a written examination credit,—

- (1) in the case of a private pilot licence, until 11 May 2008;
- (2) in the case of a commercial pilot licence or an instrument rating, until 11 May 2009;
- (3) in the case of an airline transport pilot licence, until 11 May 2011.

61.19 Written examinations – unauthorised conduct

(a) During any written examination required under this Part, a person must not—

- (1) copy from another person; or
 - (2) refer to any unauthorised source of information; or
 - (3) communicate in any way with another person, except the person administering the examination; or
 - (4) take an examination on behalf of another person; or
 - (5) remove written or printed material from the examination room, unless authorised to do so by the person administering the examination.
- (b) If the Director has reasonable grounds to believe that a person has committed or has procured another person to commit, any conduct prohibited in paragraph (a), the Director may immediately suspend the release of all or part of the examination results for the person until—
- (1) the Director determines after due investigation, the action, if any, to be taken under paragraph (c); or
 - (2) if the person makes a request in writing to the Director, the Director determines after due investigation and the completion of any summary proceedings for a breach of rule 61.19(a) arising from the alleged conduct, the action, if any, to be taken under paragraph (c).
- (c) If the Director has reasonable grounds to believe that a person has committed, or has procured another person to commit, any conduct prohibited by paragraph (a), the Director may—
- (1) disqualify the person from the result of the examination;
 - (2) debar the person from sitting any examination for a specified period not exceeding 12 months.
- (d) Before taking an action under paragraph (b) or (c), the Director must inform the person in writing of the details of the alleged conduct prohibited in paragraph (a).

(e) If the Director proposes to take an action under paragraph (c), the Director must give notice in accordance with section 11 of the Act, which applies as if the proposed action were a proposed adverse decision under the Act. For the avoidance of doubt the Director is not required to give notice of appeal under section 11(2)(e) or section 11(6)(b)(iii) of the Act.

61.21 Flight tests

- (a) To be eligible to undertake a flight test, an applicant must—
- (1) produce satisfactory evidence of identity as specified in rule 61.17(a); and
 - (2) produce an up-to-date, summarised, and certified pilot logbook containing evidence of the required flight experience for the licence or rating to be tested; and
 - (3) produce a current medical certificate applicable to the licence to be tested; and
 - (4) produce a written examination credit for the licence or rating to be tested; and
 - (5) produce a knowledge deficiency report for each written examination required for the written examination credit in paragraph (a)(4) with evidence of knowledge improvement, certified by a Category A or B flight instructor, in the deficient areas detailed; and
 - (6) except for a private pilot licence issue flight test, hold an aircraft type rating on the aircraft that is used for the flight test.
- (b) Except as provided in paragraph (c), a flight test required in accordance with this Part is valid for a period of 3 months from the date on which the flight test was successfully completed.
- (c) A flight test report with a pass dated before 11 May 2006 is valid until 11 May 2008.

61.23 Reserved**61.25 Flight training and testing – general requirements**

(a) An applicant for a pilot licence or rating issued in accordance with this Part must provide—

- (1) an appropriate aircraft for the purpose of undertaking the required flight test; and
- (2) adequate and private facilities for briefing before and after the flight test.

(b) Any flight test or dual flight instruction required under this Part must be carried out in an aircraft equipped with—

- (1) fully functioning dual flight controls; and
- (2) those instruments that are essential to the manoeuvres planned to be demonstrated during the flight and visible to both pilots without excessive parallax error; and
- (3) a shoulder harness or a lap and single diagonal shoulder belt for each flight crew seat; and
- (4) intercommunication equipment of an approved type.

(c) A pilot may not accumulate instrument flight experience in VMC towards the required instrument flight time for the issue or recent experience requirements of an instrument rating unless—

- (1) fully functioning dual flight controls are installed in the aircraft; and
- (2) an acceptable means of simulating instrument flight is used by the pilot who is gaining instrument flight experience; and
- (3) a safety pilot, who holds all of the following qualifications, occupies a pilot control seat from which the safety pilot can clearly see ahead and to both sides of the aircraft:
 - (i) a current pilot licence:

- (ii) an aircraft type rating for the aircraft type:
 - (iii) if the aircraft is flying at night, a current instrument rating.
- (d) A pilot may not accumulate instrument flight experience in IMC towards the required instrument flight time for the issue or recent experience requirements of an instrument rating, unless—
- (1) the aircraft is approved for IFR flight; and
 - (2) fully functioning dual flight controls are installed in the aircraft when 2 pilots are required to be carried; and
 - (3) the pilot is—
 - (i) the holder of a current instrument rating for the appropriate category of aircraft; or
 - (ii) undergoing instrument flight instruction under the supervision of a pilot-in-command who holds an appropriate current flight instructor rating and a current instrument rating for the appropriate category of aircraft.

61.27 Status of flight examiners

A flight examiner must be pilot-in-command of an aircraft under the following circumstances:

- (1) during a flight test for the initial issue of an instrument rating:
- (2) when the flight examiner considers this is necessary in the interests of safety.

61.29 Pilot logbooks – general requirements

(a) A student pilot and the holder of a pilot licence issued in accordance with this Part must maintain an accurate and up-to-date logbook containing—

- (1) the pilot's name, details of aircraft type ratings, and certifications, authorisations and ratings held; and
 - (2) a record (including the details specified in paragraph (b)) for—
 - (i) every flight during which the pilot acted as a flight crew member of an aircraft; and
 - (ii) every simulated flight performed for the purpose of crediting time or completing currency requirements for a pilot licence or rating specified in this Part; and
 - (3) a record of each flight test, flight review, competency demonstration and flight crew competency check, including—
 - (i) the purpose of the flight; and
 - (ii) the date of the flight; and
 - (iii) the expiry date of the flight test, flight review, competency demonstration or check; and
 - (iv) the name, client number, and signature of the person conducting the flight test, flight review, competency demonstration, or check.
- (b) The following flight and instrument flight details must be recorded in the pilot's logbook:
- (1) the date of the flight:
 - (2) in the case of an aircraft,—
 - (i) the aircraft category, type, and registration mark of the aircraft; and
 - (ii) the flight time; and
 - (iii) the simulated and actual instrument flight time; and

- (iv) any type of training, including dual instruction and command practice; and
 - (v) if appropriate, the name of the flight instructor or safety pilot:
- (3) in the case of a synthetic flight trainer,—
- (i) the details of the synthetic flight trainer; and
 - (ii) the instrument ground time; and
 - (iii) any other ground time:
- (4) the function of the pilot as any of the following:
- (i) pilot-in-command (PIC):
 - (ii) co-pilot:
 - (iii) student:
- (5) the purpose of the flight, including the place of departure, any intermediate landing, and the place of arrival:
- (6) whether the flight was conducted, during the day or night:
- (7) in the case of a flight under IFR, the number and type of instrument approach procedures flown:
- (8) in the case of a training flight, details of the training exercise:
- (9) in the case of a flight in a glider, the method of launch for the flight:
- (10) in the case of a flight in a balloon, the method or type of inflation used for the flight.
- (c) The logbook required in paragraph (a) must—
- (1) be an approved bound book with the details entered in indelible ink; and

- (2) list each flight record—
 - (i) as a separate entry; or
 - (ii) on a computer generated flight record inserted permanently into the logbook; or
 - (iii) for a series of flights on the same day if the purpose of the flight including the place of departure, any intermediate landing, and the place of arrival are the same, as a separate entry summarising the total flight time for that date; and
 - (3) be certified at the bottom of each page by the pilot to the effect that all the entries are correct; and
 - (4) be retained permanently by the pilot licence holder, unless the pilot licence is revoked in accordance with the Act, in which case the log book must be retained for a period of at least 12 months from the date of revocation.
- (d) If a computer-generated report is inserted into a logbook under paragraph (c)(2)(ii), the pilot must make a written logbook entry summarising the total flight time of the flights listed in the report in respect of each function under paragraph (b).
- (e) An incorrect entry in a logbook may be altered only by putting a line through the entry and by adding the correct information either beside the entry or on a new line.
- (f) Before a pilot submits their logbook to the Director for any reason, the pilot must—
- (1) on each page, total each column of entries; and
 - (2) in the spaces provided, enter their total flight experience; and
 - (3) below the last entry, sign to certify the correctness of the entries.
- (g) All entries in a pilot's logbook must be made within 7 days after the completion of the flight to be recorded except for international air

transport operations, in which case all entries must be made within 14 days of the flight. If a pilot is engaged in operations away from the base where the logbook would normally be kept, logbook entries must be made within 48 hours after return to base.

61.31 Pilot logbooks – crediting flight time

(a) The holder of a current pilot licence, when acting as co-pilot in an aircraft required to be operated with a co-pilot, is entitled to be credited with not more than 50% of the co-pilot flight time towards the total flight time experience required for an airline transport pilot licence.

(b) The holder of a commercial pilot licence or senior commercial pilot licence, when acting as co-pilot on an air transport operation in an aircraft required to be operated with a co-pilot, is entitled to be credited with command practice flight time experience for all that flight time during which the co-pilot is performing the duties and functions of a pilot-in-command under the supervision of a pilot-in-command designated for that purpose by the operator, but only if—

- (1) the co-pilot is responsible for checking the accuracy of the proposed flight plan and the load manifest for the flight, including the computation of fuel; and
- (2) the co-pilot ensures that each crew member has carried out all the applicable checks during the following phases of the flight, and in accordance with the check system established by the operator in the operations manual or other relevant documents:
 - (i) before take-off:
 - (ii) on take-off:
 - (iii) in flight:
 - (iv) on landing:
 - (v) in any emergency; and
- (3) during the flight the co-pilot carries out all the duties and functions of a pilot-in-command so far as is practical from

the co-pilot flight station, except that for a flight of more than 6 hours the co-pilot need not carry out all such functions for the full duration of the flight; and

- (4) in the case of operations conducted by automatic means, the co-pilot makes all decisions relating to the use of the flight and ground systems involved; and
- (5) the co-pilot ensures that all problems arising from meteorological conditions, communications and air traffic control procedures are resolved; and
- (6) the pilot-in-command designated to supervise the co-pilot has certified an appropriate entry in that co-pilot's logbook, or a permanent record of the flight has been made by the operator.

(c) A pilot who manipulates the flight controls of an aircraft under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points is entitled to be credited with the instrument flight time acquired in this way towards the total instrument flight time experience required for—

- (1) a higher grade of pilot licence; or
- (2) an instrument rating; or
- (3) the recent experience requirement of an instrument rating already held.

(d) A pilot-in-command, when supervising a co-pilot manipulating the flight controls of a multi-pilot aircraft under actual instrument meteorological conditions, is entitled to be credited with the instrument flight time.

(e) A flight instructor, when supervising a pilot manipulating the flight controls of an aircraft under actual instrument meteorological conditions, is entitled to be credited with the instrument flight time.

(f) A flight examiner is entitled to be credited with pilot-in-command flight time while carrying out a flight test.

(g) A Category A or B flight instructor is entitled to be credited with pilot-in-command flight time while carrying out a commercial pilot licence cross country flight test.

(h) A pilot may not credit instrument, cross country or night flight time, or any combination simultaneously for the purposes of meeting the experience requirement for a higher licence type or rating.

61.33 Pilot logbooks – crediting ground time

(a) An applicant for the issue of a pilot licence or rating or renewal of a rating is entitled to be credited with the time during which the applicant is under the supervision of an appropriately qualified instructor in an approved synthetic flight trainer, but only if the instructor certifies the time in the pilot's logbook.

(b) If the time in paragraph (a) is instrument time, it must be logged as instrument ground time.

61.35 Medical requirement

(a) A person who holds a pilot licence issued in accordance with this Part must not exercise the privileges of the licence, unless—

(1) the person—

(i) in the case of a private pilot licence, holds at least a current class 2 medical certificate issued under the Act; and

(ii) in the case of a commercial or senior commercial pilot licence and an airline transport pilot licence, holds a current class 1 medical certificate issued under the Act; and

(iii) is complying with all the conditions, restrictions and endorsements on the medical certificate; or

(2) if the person has been issued a private pilot licence by the Director in accordance with rule 61.153(b) on the basis of a foreign pilot licence, the person—

- (i) holds a medical certificate applying to the foreign pilot licence that the Director relied on to issue the private pilot licence and the medical certificate applying to that foreign pilot licence has not expired; and
 - (ii) is complying with all the conditions, restrictions, and endorsements on the medical certificate.
- (b) A person who holds a validation permit for a foreign pilot licence must not exercise the privileges of that permit unless the person—
- (1) holds a current medical certificate that is associated with the foreign pilot licence for which the validation permit is issued; and
 - (2) is complying with all the conditions, restrictions and endorsements on the medical certificate.

61.37 Recent flight experience

- (a) **Airline transport pilot:** A person who holds an airline transport pilot licence must not act as pilot-in-command of an aircraft on an air operation that requires the pilot-in-command to hold an airline transport pilot licence unless, within the immediately preceding 90 days,—
- (1) the person has carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings; or
 - (2) the person has satisfactorily demonstrated to an appropriately authorised flight examiner continued competency in an aircraft of the same type; or
 - (3) the person has demonstrated to an appropriately qualified flight instructor competence in take-off and landing manoeuvres during the day in an aircraft of the same type; but
 - (4) one of the landings required by subparagraph (1) or (3) may be a monitored landing using the automatic landing facility of the autopilot.

(b) **Senior commercial pilot, commercial pilot, private pilot – day flight:** A person who holds a senior commercial pilot licence or a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation during the day, and a person who holds a senior commercial pilot licence or a commercial pilot licence or a private pilot licence must not act as pilot-in-command of an aircraft carrying a passenger during the day, unless (subject to paragraph (g)), within the immediately preceding 90 days,—

- (1) the person has carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings during the day; or
- (2) the person has satisfactorily demonstrated to an appropriately qualified Category A or B flight instructor competence in take-off and landing manoeuvres during the day in an aircraft of the same type; or
- (3) the person has satisfactorily demonstrated competence for the issue of the appropriate pilot licence in accordance with this Part, in an aircraft of the same type.

(c) **Senior commercial pilot, commercial pilot, private pilot – night flight:** A person who holds a senior commercial pilot licence or a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation at night, and a person who holds a senior commercial pilot licence or a commercial pilot licence or a private pilot licence must not act as pilot-in-command of an aircraft carrying a passenger at night, unless (subject to paragraph (g)), within the immediately preceding 90 days,—

- (1) the person has carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings during the night; or
- (2) the person has satisfactorily demonstrated to an appropriately qualified Category A or B flight instructor competence in take-off and landing manoeuvres during the night in an aircraft of the same type.

- (d) To comply with paragraphs (a)(1), (b)(1) or (c)(1), a helicopter pilot must fly transition circuits between the required take-offs and landings.
- (e) To comply with paragraph (b)(1), a balloon pilot must ascend to at least 500 feet between the required lift offs and landings.
- (f) To comply with paragraph (b)(1), a glider pilot must perform 3 launches of the appropriate type.
- (g) For the purposes of accumulating the 3 take-offs and 3 landings required in paragraphs (b)(1) and (c)(1), the holder of a current Category A flight instructor rating may count take-offs and landings whether during the day or night.
- (h) A flight instructor must meet the recent flight experience requirements during the day or night, as appropriate, before giving flight instruction.
- (i) If the holder of a pilot licence issued in accordance with this Part has not met the requirements of rule 61.39 for a period of 5 years or more, the privileges of that pilot licence may not be exercised again unless,—
- (1) the holder of the pilot licence passes an approved air law examination and meets the appropriate currency requirements of the licence (except if the holder has a current pilot licence for a different category of aircraft and meets the requirements of rule 61.39(a) for that category); or
 - (2) in the case of an airline transport pilot licence, the holder of the pilot licence completes the appropriate operational competency checks required in Part 119, and Part 121 or 125.

61.39 Biennial flight review

- (a) Except as provided in paragraph (b), the holder of a pilot licence issued in accordance with this Part must not exercise the privileges of the pilot licence for longer than 24 months from the date of the issue flight test for the pilot licence unless the holder of the pilot licence—

- (1) has successfully completed a biennial flight review in accordance with paragraph (c) within the previous 24 months; or
 - (2) for a glider pilot licence, has completed a biennial flight review conducted by a gliding organisation within the previous 24 months.
- (b) The holder of a pilot licence issued in accordance with this Part is not required to complete a biennial flight review required by paragraph (a) if the holder—
- (1) meets the applicable flight crew competency check requirements prescribed in Parts 119 and 121, 125 or 135; or
 - (2) meets the agricultural currency requirements prescribed in rule 61.707; or
 - (3) holds a current Category A, B, or C flight instructor rating.
- (c) A biennial flight review must—
- (1) be conducted by an appropriately qualified flight instructor; and
 - (2) consist of flight instruction to review those manoeuvres and procedures applicable to the pilot licence privileges the holder wishes to exercise; and
 - (3) be in accordance with standards acceptable to the Director.
- (d) A flight instructor conducting a biennial flight review must—
- (1) enter an appropriate record in the pilot's logbook immediately after the flight review has been satisfactorily completed and include the following information:
 - (i) the pilot licence type to which the flight review relates;
 - (ii) the date on which the flight review was completed;

- (iii) the date on which the flight review ceases to be effective:
 - (iv) the name, flight instructor category, and CAA client number of the person conducting the flight review; and
 - (2) complete the appropriate CAA Biennial Flight Review Form and submit a copy of the completed form to the Director and to the pilot.
- (e) A pilot who completes the biennial flight review required by paragraph (a) within 60 days before the date on which it is required, is deemed to have completed the biennial flight review on the required date.

61.41 Use of lower pilot licence or rating

(a) The holder of a pilot licence issued in accordance with this Part who does not hold a current and appropriate class of medical certificate for the pilot licence type, but who holds a current class of medical certificate appropriate to a lower pilot licence, may exercise the privileges of the lower pilot licence type if the pilot meets the currency requirements for the lower licence type.

(b) The holder of a pilot licence issued in accordance with this Part who does not meet the currency requirements of rule 61.207 or rule 61.257 for the pilot licence type, but who meets the currency requirements for a lower pilot licence, may exercise the privileges of the lower pilot licence.

61.43 Examination for proficiency

(a) The Director may, by notice in writing, require the holder of a pilot licence or a rating that is issued in accordance with this Part to undertake an examination or test if the Director believes on reasonable grounds that the privileges of the licence or rating the holder is exercising are being carried out in an incompetent manner.

(b) Any examination or test that the Director may require under paragraph (a) may consist of such part or parts of the examinations or

tests that are required under this Part, for the particular pilot licence or rating that the holder is exercising.

(c) A holder of a pilot licence or rating that is issued in accordance with this Part must—

- (1) undertake an examination or test that the Director may require under paragraph (a); and
- (2) undertake the examination or test within the period set by the Director for completing the examination or test.

Subpart B — Aircraft Type Ratings

61.51 Purpose

This Subpart prescribes the requirements for the issue of aircraft type ratings.

61.53 Eligibility requirements

To be eligible for an aircraft type rating, a person must—

- (1) hold a current pilot licence for the appropriate category of aircraft; and
- (2) have conversion instruction flight experience acceptable to the Director; and
- (3) in the case of a turbine powered aircraft, have passed an approved basic turbine knowledge examination; and
- (4) demonstrate to an appropriately qualified flight instructor a satisfactory technical knowledge of the aircraft type for which the rating is required; and
- (5) demonstrate to an appropriately qualified flight instructor in a type competency demonstration the ability to perform competently all normal, abnormal, and emergency manoeuvres appropriate to the aircraft type for which the rating is required; and

- (6) if applying for an aircraft type rating for an aircraft exceeding 5700 kg MCTOW or for a multi-engined helicopter,—
 - (i) have completed an approved course of technical training on the aircraft for which the aircraft type rating is required; and
 - (ii) have passed an approved written examination in the normal, abnormal and emergency procedures for the operation of the aircraft's systems and in the aircraft's performance, weight and balance; and
- (7) if applying for an aircraft type rating for a single-engine helicopter not exceeding 5700 kg MCTOW, have passed an approved written examination in the normal, abnormal, and emergency procedures for the operation of the helicopter's systems and in the helicopter's performance, weight and balance. However, in the case of a helicopter of not greater than 1500 kg MCTOW, an oral examination is acceptable.

61.55 Issue

- (a) When the eligibility requirements of rule 61.53 have been met by the pilot, the flight instructor responsible for the type competency demonstration must—
 - (1) enter the aircraft type rating in the pilot's logbook in a form acceptable to the Director; and
 - (2) submit a completed copy of the type rating training record to the Director.
- (b) Notwithstanding rule 61.53, the Director may endorse an aircraft type rating on a pilot licence issued in accordance with this Part if—
 - (1) the aircraft type rating has been issued to the holder of the pilot licence by an ICAO Contracting State and the holder of the pilot licence produces evidence that the aircraft type rating was obtained in a manner that is acceptable to the Director; or

- (2) the holder of the pilot licence has been approved under rule 19.405(1) to act as a test pilot for the aircraft type and completes test flight experience on the aircraft acceptable to the Director; or
 - (3) the holder of the pilot licence is the holder of a Category A flight instructor rating and the aircraft type rating is for a specific aeroplane configuration provided for in rule 61.5(o) and the pilot licence holder completes flight experience on the aeroplane acceptable to the Director; or
 - (4) the holder of the pilot licence is authorised under rule 61.57 to act as a pilot or pilot-in-command of the aircraft type and completes flight experience on the aircraft, as acceptable to the Director.
- (c) On application to the Director and payment of the appropriate fee, a pilot may (in addition to a logbook entry) have their aircraft type ratings endorsed on their pilot licence.
- (d) Notwithstanding rule 61.55(a), an appropriately qualified flight instructor may issue an aircraft type rating for an aircraft type that is so similar to an existing aircraft type rating held by the pilot if the instructor is satisfied that no further conversion flight instruction or type competency demonstration is necessary and—
- (1) an appropriate entry is made in the pilot's logbook in a form acceptable to the Director; and
 - (2) the flight instructor submits a certified copy of the appropriate logbook entry to the Director.

61.57 First of type authorisation

The Director may authorise a holder of a current flight instructor rating issued in accordance with this Part to act as a pilot or pilot-in-command of an aircraft for which the instructor does not hold an aircraft type rating. The Director may impose conditions on the authorisation as the Director considers necessary in the interests of aviation safety.

Subpart C — Student Pilots

61.101 Purpose

This Subpart prescribes the requirements and limitations for a person who acts as a pilot of an aircraft (other than a microlight aircraft, hang glider, glider, powered glider or balloon) while the person does not hold a current pilot licence issued in accordance with this Part.

61.103 General

(a) A person who does not hold a current pilot licence issued or validated in accordance with this Part may not manipulate the controls of an aircraft unless the person is—

- (1) receiving dual flight instruction from an appropriately qualified flight instructor who occupies a pilot seat; or
- (2) acting as a pilot in command in accordance with rule 61.105.

(b) A person receiving dual flight instruction under paragraph (a)(1) may log those hours as dual flight time.

61.105 Solo flight requirements

(a) A person who does not hold a current pilot licence issued or validated in accordance with this Part must not fly an aircraft solo unless—

- (1) the person is at least 16 years of age; and
- (2) the person holds at least a current class 2 medical certificate issued under the Act and is complying with all the conditions, restrictions and endorsements on the medical certificate; and
- (3) the person has sufficient ability in reading, speaking, understanding and communicating in the English language to enable them to adequately carry out the responsibilities of a pilot-in-command of an aircraft; and
- (4) the flight is authorised by the holder of a current Category A, B, or C flight instructor rating, except for a first solo flight by

day or by night which must be authorised by the holder of a Category A or B flight instructor rating; and

- (5) except as provided in paragraph (c), the holder of a current Category A or B flight instructor rating has certified in the person's logbook that they have received instruction and demonstrated competence in the following:
 - (i) preparation for flight:
 - (ii) starting and run-up procedures:
 - (iii) taxiing:
 - (iv) straight and level flight:
 - (v) climbing and descending:
 - (vi) level, climbing and descending turns:
 - (vii) take-off, circuit and landing in that type of aircraft:
 - (viii) practical flight radiotelephony:
 - (ix) go around procedures:
 - (x) in the case of an aeroplane, stall recognition and recovery in that aeroplane type:
 - (xi) in the case of an aeroplane, emergency procedures in the event of engine failure during and after take-off:
 - (xii) in the case of a helicopter, hovering upwind, downwind, and crosswind:
 - (xiii) in the case of a helicopter, emergency procedures, (including autorotative approach and landing) in that type of helicopter; and
- (6) the person has received dual instruction within the last 5 hours of flight experience unless otherwise authorised by the

holder of a current Category A or B flight instructor rating;
and

- (7) the person has had piloting experience in appropriate aircraft within the immediately preceding 30 days; and
- (8) if the flight is a solo cross country flight,—
 - (i) the flight is authorised by the holder of a current Category A or B flight instructor rating; and
 - (ii) the person holds a valid written examination credit for a private pilot licence.

(b) The flight instructor who authorises the solo flight specified in paragraph (a)(4) must monitor the actions of the pilot during the solo flight.

(c) In the case of a first solo flight by day, the certification in the person's logbook required under paragraph (a)(5) may be made after the completion of the first solo flight if the flight instructor is satisfied that the requirements in paragraphs (a)(5)(i) to (xiii) have been met.

61.107 Limitations

A person who does not hold a current pilot licence issued in accordance with this Part must not act as pilot-in-command of an aircraft—

- (1) for remuneration; or
- (2) if the aircraft is being operated for hire or reward; or
- (3) on an international flight; or
- (4) if any other person is being carried on the aircraft other than a flight examiner or flight instructor.

Subpart D — Private Pilot Licences

61.151 Purpose

This Subpart prescribes the requirements for the issue of a private pilot licence and the privilege, limitation, and currency requirement of the pilot licence.

61.153 Eligibility requirements

(a) Except as provided in paragraphs (b) and (c), to be eligible for the issue of a private pilot licence a person must—

- (1) be at least 17 years of age; and
- (2) hold at least a current class 2 medical certificate issued under the Act; and
- (3) have the minimum of—
 - (i) 50 hours flight time experience as a pilot in the appropriate category of aircraft comprising solo flight time, dual flight time, instrument time, and cross-country flight time acceptable to the Director; or
 - (ii) if the person is not seeking to exercise private pilot privileges on a cross-country flight, 40 hours flight time experience as a pilot in the appropriate category of aircraft comprising solo flight time, instrument time, and dual flight time acceptable to the Director; and
- (4) if the person seeks to exercise private pilot privileges during the night, have night flight experience acceptable to the Director; and
- (5) if the person seeks to exercise private pilot (helicopter) privileges in the carriage of sling loads, have flight training on the carriage of sling loads acceptable to the Director; and
- (6) have a valid written examination credit, or approved equivalent, that covers the following private pilot licence subject areas:

- (i) air law:
 - (ii) air navigation and flight planning:
 - (iii) meteorology:
 - (iv) aircraft technical knowledge (Aeroplane) or (Helicopter), as appropriate:
 - (v) human factors:
 - (vi) flight radiotelephony; and
- (7) have successfully demonstrated the following to a flight examiner in a flight test:
- (i) knowledge in the ground examination subjects specified in paragraph (a)(6), including those detailed in the examination knowledge deficiency reports:
 - (ii) knowledge of the privileges and limitations of a private pilot licence:
 - (iii) technical and operational knowledge relevant to the aircraft type to be used in the flight test:
 - (iv) competence to operate the aircraft within its performance capabilities and limitations in accordance with the aircraft flight manual in all normal, abnormal, and emergency conditions and procedures while exercising appropriate levels of judgement and command:
 - (v) competence in radiotelephony (RTF) procedures and phraseology:
 - (vi) control of the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt.
- (b) In accordance with section 9 of the Act, a person who holds a current pilot licence and associated medical certificate issued by an

ICAO Contracting State may have the licence and medical certificate recognised by the Director for the purpose of the Director issuing a private pilot licence to the person, for the same category of aircraft.

(c) A person who holds a current glider pilot certificate issued by a gliding organisation under delegated authority from the Director is eligible for the issue of a private pilot licence (Glider) if the person—

- (1) is at least 17 years of age; and
- (2) holds a flight radiotelephony examination credit; and
- (3) holds at least a current class 2 medical certificate issued under the Act.

61.155 Privileges and limitations

(a) Subject to paragraph (b)(3), the holder of a current private pilot licence may—

- (1) act as pilot-in-command of an aircraft of the category for which the pilot licence is granted and for which the pilot holds an aircraft type rating, and may carry passengers in that aircraft; and
- (2) act as a co-pilot of an aircraft of the category for which the pilot licence is granted and for which the pilot holds an aircraft type rating, and which is required to be operated with a co-pilot.

(b) The holder of a private pilot licence must not act as pilot-in-command or as co-pilot of an aircraft—

- (1) for remuneration; or
- (2) if the aircraft is being operated for hire or reward; or
- (3) if the aircraft is—
 - (i) being operated at night; or
 - (ii) being operated on a cross country flight; or

(iii) a helicopter carrying a sling load—

unless an appropriately qualified flight instructor has certified in the holder's logbook that the holder has satisfactorily completed the flight training required to perform that activity.

(c) Notwithstanding paragraph (b)(2), the holder of a current private pilot licence may act, but not for remuneration, as pilot-in-command or as a co-pilot of an aircraft that is operated for hire or reward to—

- (1) tow a glider in flight, but only if the operation is under the direct control of a gliding organisation; or
- (2) carry a person intending to make a parachute descent, but only if the operation is under the direct control of a parachute organisation.

61.157 Currency requirements

A holder of a private pilot licence is required to comply with the requirements of rules 61.35 (Medical requirements), 61.37 (Recent flight experience) and 61.39 (Biennial flight review) before exercising the privileges of the holder's private pilot licence.

Subpart E — Commercial Pilot Licences

61.201 Purpose

This Subpart prescribes the requirements for the issue of a commercial pilot licence and the privilege, limitation, and currency requirement of the pilot licences.

61.203 Eligibility requirements

To be eligible for a commercial pilot licence, a person must—

- (1) be at least 18 years of age; and
- (2) in the case of an aeroplane and helicopter, hold a current private pilot licence for the appropriate category of aircraft; and

- (3) hold a current class 1 medical certificate issued under the Act; and
- (4) have the following minimum general flight time experience as a pilot comprising specific flight experience that is acceptable to the Director for the appropriate category of aircraft:
 - (i) in the case of an aeroplane, 200 hours or, if undertaking a course of approved training, 150 hours:
 - (ii) in the case of a helicopter, 150 hours or, if undertaking a course of approved training, 125 hours:
 - (iii) in the case of a glider, 150 hours:
 - (iv) in the case of a balloon, 50 hours; and
- (5) if the person seeks to exercise commercial pilot privileges during the night, have night flight time experience acceptable to the Director; and
- (6) have a valid written examination credit, or approved equivalent, that covers the following commercial pilot licence subject areas:
 - (i) air law:
 - (ii) flight navigation general:
 - (iii) meteorology:
 - (iv) principles of flight and aircraft performance (Aeroplane), (Helicopter), or (Glider), as appropriate:
 - (v) general aircraft technical knowledge (Aeroplane), (Helicopter), or (Glider), as appropriate:
 - (vi) balloon technical knowledge and aerostatics, (Balloon):
 - (vii) human factors; and

- (7) have successfully demonstrated the following to the Director in a flight test:
- (i) knowledge in the ground examination subjects specified in paragraph (6), including those detailed in the examination knowledge deficiency reports:
 - (ii) knowledge of the privileges and limitations of a commercial pilot licence:
 - (iii) technical and operational knowledge relevant to the aircraft type to be used in the flight test:
 - (iv) competence to operate the aircraft within its performance capabilities and limitations in accordance with the aircraft flight manual in all normal, abnormal and emergency conditions and procedures while exercising appropriate levels of judgement and command:
 - (v) competence in radiotelephony (RTF) and phraseology:
 - (vi) control of the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt.

61.205 Privileges and limitations

(a) Subject to paragraph (b), a current commercial or senior commercial pilot licence authorises the holder to exercise the following privileges in aircraft of the same category for which the pilot licence is granted and for which the pilot holds an aircraft type rating:

- (1) any of the appropriate privileges of a private pilot licence:
- (2) act as pilot-in-command of an aircraft that is certificated for single pilot operation and engaged on an operation for hire or reward:

- (3) act as pilot-in-command of an aircraft that is certificated for multi-pilot operation and engaged on an operation for hire or reward, that is not an air transport operation:
 - (4) act as co-pilot of an aircraft that is certificated for multi-pilot operation and engaged on an operation for hire or reward.
- (b) The holder of a commercial or senior commercial pilot licence must not act as pilot-in-command or as co-pilot of an aircraft at night, unless an appropriately qualified flight instructor has certified in the holder's logbook that the holder has satisfactorily completed the required night flight training.

61.207 Currency requirements

A holder of a commercial or senior commercial pilot licence is required to comply with the requirements of rules 61.35 (Medical requirements), 61.37 (Recent flight experience) and 61.39 (Biennial flight review) before exercising the privileges of the holder's commercial or senior commercial pilot licence.

Subpart F — Airline Transport Pilot Licences

61.251 Purpose

This Subpart prescribes the requirements for the issue of an airline transport pilot licence and the privilege and currency requirement of the pilot licence.

61.253 Eligibility requirements.

- (a) To be eligible for an airline transport pilot licence, a person must—
- (1) be at least 21 years of age; and
 - (2) hold a current commercial or senior commercial pilot licence for the appropriate category of aircraft; and
 - (3) hold a current instrument rating; and
 - (4) have the following minimum general flight time experience as a pilot comprising specific flight experience that is

acceptable to the Director for the appropriate category of aircraft:

- (i) in the case of an aeroplane, 1500 hours:
 - (ii) in the case of a helicopter, 1000 hours; and
- (5) have a valid written examination credit, or approved equivalent, that covers the following airline transport pilot licence subject areas:
- (i) air law:
 - (ii) flight navigation general:
 - (iii) flight planning (Aeroplane or Helicopter) as appropriate:
 - (iv) meteorology:
 - (v) instruments and navigation aids (Aeroplane only):
 - (vi) human factors:
 - (vii) advanced aerodynamics, performance, and systems knowledge (Aeroplane only):
 - (viii) aerodynamics and aircraft systems (Helicopter only):
 - (ix) performance and loading (Helicopter only); and
- (6) subject to paragraph (b), have successfully demonstrated the following in a flight test to the Director, or an appropriately authorised flight examiner operating under the authority of an airline air operator certificate issued in accordance with Part 119, or an aviation training organisation certificate issued in accordance with Part 141, if the certificate authorises the holder to conduct the flight tests:
- (i) knowledge in the ground examination subjects specified in paragraph (a)(5), including those detailed in the examination knowledge deficiency reports:

- (ii) knowledge of the privileges and limitations of an airline transport pilot licence:
 - (iii) technical and operational knowledge relevant to the aircraft type used in the flight test:
 - (iv) competence to operate the aircraft within its performance capabilities and limitations in accordance with the aircraft flight manual in all normal, abnormal and emergency conditions and procedures whilst exercising appropriate levels of judgement and command:
 - (v) competence in ATS procedures and phraseology:
 - (vi) control of the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt.
- (b) The flight test required under paragraph (a)(6) must be a cross country flight conducted under IFR in an aircraft that is—
- (1) a multi-engine aircraft with a MCTOW of 5700 kg or more; or
 - (2) a multi-engine aircraft acceptable to the Director; or
 - (3) a synthetic flight trainer that is approved for airline transport pilot licence issue flight tests.

61.255 Privileges

A current airline transport pilot licence authorises the holder to exercise the following privileges in an aircraft of the same category for which the pilot licence is granted and for which the pilot holds an aircraft type rating:

- (1) any of the privileges of a private and commercial pilot licence:

- (2) act as pilot-in-command of an aircraft that is required to be operated with a co-pilot and is engaged on an air transport operation or an operation for hire or reward.

61.257 Currency requirements

A holder of an airline transport pilot licence is required to comply with the requirements of rules 61.35 (Medical Requirements), 61.37 (Recent Flight Experience) and 61.39 (Biennial Flight Review) before exercising the privileges of the holder's airline transport pilot licence.

Subpart G — Flight Instructor Ratings

61.301 Purpose

This Subpart prescribes the requirements for the issue of flight instructor ratings and the privileges, limitations and currency requirements of those ratings.

61.303 Eligibility requirements

Category E flight instructor

- (a) To be eligible for the issue of a Category E flight instructor rating, a person must—
 - (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) be the holder of a current agricultural rating for the appropriate category of aircraft that is valid for topdressing or spraying as appropriate; and
 - (3) have a minimum of 2000 hours flight time experience as a pilot in agricultural aircraft operations; and
 - (4) if the person seeks to instruct in topdressing, have a minimum of 100 hours of topdressing operations flight time experience as a pilot in the appropriate category of aircraft; and

- (5) if the person seeks to instruct in spraying, have a minimum of 100 hours of spraying operations flight time experience as a pilot in the appropriate category of aircraft; and
- (6) demonstrate to the Director adequate technical knowledge of agricultural aviation by passing an oral examination and a flight test that are acceptable to the Director. The applicant must pass those parts of the oral examination and flight test that are relevant to the instruction to be undertaken, namely topdressing or spraying, or both, as appropriate.

Category D flight instructor

- (b) To be eligible for the issue of a Category D flight instructor rating, a person must—
- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) have a minimum of 700 hours flight time experience as a pilot including pilot-in-command experience acceptable to the Director; and
 - (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
 - (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
 - (5) if the person seeks to instruct in instrument flight, have an appropriate current instrument rating; and
 - (6) demonstrate to the Director the ability to competently instruct for aircraft type conversion by passing an oral examination and a flight test that are acceptable to the Director; and
 - (7) if not already the holder of an instructor rating, have satisfactorily completed an approved course in the practice and theory of flight instruction.

Category C flight instructor

(c) To be eligible for the issue of a Category C flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
- (2) have a minimum of 200 hours flight time experience as a pilot in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
- (3) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
- (4) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
- (5) if the person seeks to instruct in spinning or aerobatic manoeuvres in aeroplanes, have aerobatic experience acceptable to the Director; and
- (6) have satisfactorily completed an approved course in the practice and theory of flight instruction; and
- (7) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance, as appropriate;
 - (ii) meteorology;
 - (iii) cross-country navigation techniques;
 - (iv) the practice and theory of flight instruction; and
- (8) have a minimum of 25 hours dual flight instructor training or approved equivalent; and
- (9) demonstrate to the Director the ability to give flight instruction in the appropriate category of aircraft in all

normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.

Category B flight instructor

(d) To be eligible for the issue of a Category B flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft; and
- (2) be the holder of a Category C flight instructor rating or approved equivalent for the appropriate category of aircraft; and
- (3) have a minimum of 500 hours flight time experience as a pilot in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
- (4) if the person seeks to instruct at night, have night flight experience acceptable to the Director; and
- (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
- (6) if the person seeks to instruct in spinning or aerobatic manoeuvres in an aeroplane, have aerobatic experience acceptable to the Director; and
- (7) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance as appropriate:
 - (ii) meteorology:
 - (iii) cross-country navigation techniques:
 - (iv) the practice and theory of flight instruction; and

- (8) demonstrate to the Director the ability to give flight instruction in the appropriate category of aircraft in all normal and emergency flight manoeuvres by passing an oral examination and a flight test that are acceptable to the Director.

Category A flight instructor

(e) To be eligible for the issue of a Category A flight instructor rating, a person must—

- (1) be the holder of at least a current commercial pilot licence for the appropriate category of aircraft and
- (2) be the holder of a Category B flight instructor rating or approved equivalent for the appropriate category of aircraft; and
- (3) in the case of an aeroplane, be the holder of a current instrument rating; and
- (4) have a minimum of 1250 hours experience in the appropriate category of aircraft comprising specific flight experience that is acceptable to the Director; and
- (5) if the person seeks to instruct in multi-engine aircraft, have multi-engine flight experience acceptable to the Director; and
- (6) have passed oral examinations in the following subject areas:
 - (i) aeroplane or helicopter principles of flight and performance as appropriate:
 - (ii) meteorology:
 - (iii) cross-country navigation techniques:
 - (iv) the practice and theory of flight instruction; and
- (7) demonstrate to the Director an above average ability to give flight instruction in the appropriate category of aircraft during the day and night in all normal and emergency flight

manoeuvres (including in the case of an aeroplane, spinning and aerobatic manoeuvres) by passing an oral examination and a flight test that are acceptable to the Director.

61.304 Issue

If the Director is satisfied that an applicant for a flight instructor rating has met the applicable requirements of rule 61.303, the Director may, in accordance with section 9 of the Act, issue the rating by endorsing the applicant's pilot licence with the applicable category of flight instructor rating.

61.305 Privileges and limitations

Category E flight instructor

(a) Subject to paragraphs (b) and (c), an appropriate current Category E flight instructor rating authorises the holder to—

- (1) give technical and flight instruction in spraying or topdressing (including seed sowing, dusting, dropping of poison baits, and laying of poison) to the holder of a current pilot licence; and
- (2) authorise solo practice in spraying or topdressing (including seed sowing, dusting, dropping of poison baits, and laying of poison) by the holder of a current pilot licence who does not hold an agricultural rating; and
- (3) conduct aircraft type ratings on agricultural aircraft; and
- (4) conduct competency checks for the issue of an agricultural rating in accordance with rule 61.701(a)(5) and (b)(3); and
- (5) conduct agricultural rating competency checks in accordance with rule 61.707;

(b) Paragraph (a) applies only to a Category E flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.

(c) The holder of a Category E flight instructor rating must not instruct in topdressing or in spraying unless an appropriately authorised

flight examiner has certified in the holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

Category D flight instructor

(d) Subject to paragraphs (e), (f), and (g), an appropriate current Category D flight instructor rating authorises the holder to—

- (1) give the holder of a pilot licence instrument flight instruction to the standard required for an instrument rating using radio aids to navigation; and
- (2) conduct aircraft type ratings.

(e) Paragraph (d) applies only to a Category D flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction.

(f) The holder of a Category D flight instructor rating must not give instrument flight instruction, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(g) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and demonstrated competence in that activity, the holder of a Category D flight instructor rating must not instruct—

- (1) at night; or
- (2) in a multi-engined aircraft; or
- (3) in instrument flight.

Category C flight instructor

(h) Subject to paragraphs (i), (j), (k), and (l), an appropriate current Category C flight instructor rating authorises the holder, when under the

supervision of the holder of an appropriate current Category A or B flight instructor rating, to—

- (1) give flight instruction; and
- (2) authorise a solo flight other than a first solo flight by a student pilot by day; and
- (3) authorise a solo flight other than a first solo flight by a student pilot by night; and
- (4) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification in accordance with Category C flight instructor privileges; and
- (5) conduct aircraft type ratings.

(i) Paragraph (h) applies only to a Category C flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.

(j) The holder of a Category C flight instructor rating must not exercise the privileges in paragraph (h) unless for at least the first 6 consecutive months and for a minimum of the first 100 hours of instructional flying, the flight instructor is under the direct supervision of the holder of a Category A or B flight instructor rating who is—

- (1) on the same aerodrome, at the same time; and
- (2) directly responsible for the flight instruction actions of the flight instructor under supervision.

(k) The holder of a Category C flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(l) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and demonstrated competence in that activity, the holder of a Category C flight instructor rating must not instruct—

- (1) at night; or
- (2) in a multi-engined aircraft; or
- (3) in the case of an aeroplane, in spinning or aerobatics.

Category B flight instructor

(m) Subject to paragraphs (n), (o), and (p), an appropriate current Category B flight instructor rating authorises the holder to—

- (1) give flight instruction; and
- (2) authorise a solo flight; and
- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
- (4) conduct aircraft type ratings; and
- (5) conduct biennial flight reviews.

(n) Paragraph (m) applies only to a Category B flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.

(o) The holder of a Category B flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(p) Unless an appropriately authorised flight examiner has certified in the holder's logbook that the holder has the necessary experience and

demonstrated competence in that activity, the holder of a Category B flight instructor rating must not instruct—

- (1) at night; or
- (2) in a multi-engined aircraft; or
- (3) in the case of an aeroplane, in spinning or aerobatics.

Category A flight instructor

(q) Subject to paragraphs (r), (s), and (t), an appropriate current Category A flight instructor rating authorises the holder to—

- (1) give flight instruction during the day or night; and
- (2) authorise a solo flight during the day or night; and
- (3) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification; and
- (4) conduct aircraft type ratings; and
- (5) conduct biennial flight reviews; and
- (6) give spinning and aerobatic instruction.

(r) Paragraph (q) applies only to a Category A flight instructor who holds an aircraft type rating or an authorisation under rule 61.57 for the type of aircraft being used for such instruction or assessment.

(s) The holder of a Category A flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a current instrument rating for—

- (1) the appropriate category of aircraft; and
- (2) the approach aid or system used for instruction.

(t) The holder of a Category A flight instructor rating must not instruct in multi-engined aircraft unless an appropriately authorised

flight examiner has certified in that holder's logbook that the holder has the necessary experience and has demonstrated competence in that activity.

61.307 Currency requirements

(a) The holder of a Category E flight instructor rating must not give agricultural flight instruction unless, within the immediately preceding 90 days, the flight instructor has carried out a minimum of 10 hours agricultural aircraft operations flight time in the same type of agricultural flying (topdressing or spraying) in the same category of aircraft.

(b) The holder of a Category D flight instructor rating must not give instrument flight instruction unless the flight instructor holds a current instrument rating.

(c) The holder of a Category A, B, C, or D flight instructor rating must not give IFR cross-country navigation instruction, unless the flight instructor holds a current instrument rating and has completed a minimum of 50 hours as pilot-in-command on IFR cross-country operations that has been certified by a flight examiner in the instructor's logbook.

(d) The holder of a Category B or C flight instructor rating must not give flight instruction unless within the immediately preceding 12 months,—

- (1) the flight instructor has demonstrated competency to an appropriately authorised flight examiner in accordance with the appropriate category flight instructor flight test syllabus; and
- (2) the flight examiner who conducts the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29.

(e) The holder of a Category A flight instructor rating must not give flight instruction unless within the immediately preceding 24 months,—

- (1) the flight instructor has demonstrated competency to an appropriately authorised flight examiner in accordance with the Category A flight instructor flight test syllabus; and
 - (2) the flight examiner who conducts the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29.
- (f) A person who completes the demonstration required by paragraphs (d) or (e) within 60 days before the date on which the flight test is required is deemed to have completed the requirements on the required date.
- (g) The holder of a Category E flight instructor rating when giving agricultural flight instruction may count the time as agricultural aircraft operations flight time to meet the requirements of paragraph (a).
- (h) The holder of a Category A or B flight instructor rating who does not meet the currency requirements for the rating, but who meets those requirements for a lower category rating, may exercise the privileges of that lower category of flight instructor.

Subpart H [Reserved]

Subpart I [Reserved]

Subpart J [Reserved]

Subpart K [Reserved]

Subpart L – Aerobic Flight Rating

61.551 Eligibility requirements

- (a) To be eligible for an aerobic flight rating a pilot must—
- (1) have satisfactorily completed an aerobics ground course conducted under the authority of—

- (i) an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct the course; or
 - (ii) an aviation recreation organisation certificate issued in accordance with Part 149 if the certificate authorises the holder to conduct the course; and
 - (2) have satisfactorily completed an aerobatics flight training course conducted under the authority of—
 - (i) an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct the course; or
 - (ii) an aviation recreation organisation certificate issued in accordance with Part 149 if the certificate authorises the holder to conduct the course; and
 - (3) have demonstrated competency in aerobatics and spinning to—
 - (i) an appropriately qualified flight instructor who operates under the authority of an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct the assessment; or
 - (ii) a person who operates under the authority of an aviation recreation organisation certificate issued in accordance with Part 149 if the certificate authorises the holder to conduct the assessment.
- (b) A holder of the following is deemed to have met the eligibility requirements of paragraphs (a)(1) and (a)(2):
- (1) a current aerobatic rating issued by an ICAO Contracting State;
 - (2) a New Zealand Defence Force pilot qualification.

(c) A pilot who has passed a New Zealand Defence Force aerobic assessment within the previous 2 years is deemed to have met all the eligibility requirements of paragraph (a).

61.553 Issue

(a) When a pilot has met the eligibility requirements of rule 61.551, the flight instructor or authorised person who conducted the competency demonstration required by rule 61.551(a)(3) may issue the aerobic rating by entering the following statement in the pilot's logbook in accordance with rule 61.29:

This is to certify that [name of pilot] has satisfied the requirements of Civil Aviation Rules Part 61 for the issue of an aerobic flight rating.

(b) The holder of an aerobic flight rating issued under paragraph (a) may apply to the Director to have the rating endorsed on the holder's pilot licence.

(c) On receipt of an application under paragraph (b) and payment of the applicable fee, the Director may endorse the pilot licence with the aerobic flight rating.

61.555 Privileges and limitations

Subject to the privileges and limitations of the pilot licence or certificate held, a current aerobic flight rating authorises the holder to conduct aerobic manoeuvres within the following limitations:

- (1) at a height not less than 3000 feet above the surface while carrying a passenger:
- (2) at a height not less than 1500 feet above the surface while not carrying a passenger:
- (3) at a height less than 1500 feet above the surface while not carrying a passenger when authorised by the holder of an aviation recreation organisation certificate issued in accordance with Part 149, if the certificate authorises the holder to organise aviation events.

61.557 Currency requirements

(a) Except as provided in paragraph (b), the holder of an aerobatic flight rating must not exercise the privileges of the rating unless,—

- (1) within the previous 24 months, the holder has demonstrated competency in accordance with the requirements of rule 61.551(a)(3); and
- (2) the flight instructor or authorised person who conducts the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29.

(b) A pilot who completes the demonstration required by paragraph (a) within 60 days before the date on which it is required, is deemed to have completed the demonstration on the required date.

Subpart M – Glider Tow Rating**61.601 Eligibility requirements**

(a) To be eligible for a glider tow rating a pilot must—

- (1) have a minimum of 100 hours as pilot-in-command in an aeroplane; and
- (2) have satisfactorily completed a course in towing gliders conducted by a gliding organisation if the organisation's Part 149 certificate authorises the holder to conduct the course; and
- (3) have demonstrated competence in the towing of gliders to an appropriately authorised person within a gliding organisation if the organisation's Part 149 certificate authorises the holder to conduct the assessment.

(b) The holder of a current glider tow rating issued by an ICAO Contracting State is deemed to have met the requirements of paragraph (a)(2).

61.603 Issue

(a) When a pilot has met the eligibility requirements of rule 61.601 the authorised person who conducted the competency demonstration required by rule 61.601(a)(3) may issue the glider tow rating by entering the following statement in the pilot's logbook in accordance with rule 61.29:

This is to certify that [name of pilot] has satisfied the requirements of Civil Aviation Rules Part 61 for the issue of a glider tow rating.

(b) The holder of a glider tow rating issued under paragraph (a) may apply to the Director to have the rating endorsed on the holder's pilot licence.

(c) On receipt of an application under paragraph (b) and payment of the applicable fee, the Director may endorse the pilot licence with the glider tow rating.

61.605 Privileges and limitations

A current glider tow rating authorises the holder to act as pilot-in-command of an aircraft on glider tow operations subject to the privileges and limitations of their pilot licence.

61.607 Currency requirements

(a) Except as provided in paragraph (b), the holder of a glider tow rating must not exercise the privileges of the rating unless,—

- (1) within the previous 12 months, the holder has performed at least 6 glider tows; or
- (2) within the previous 12 months, the holder has demonstrated competency in accordance with the requirements of rule 61.601(a)(3); and
- (3) the authorised person who conducts the competency demonstration certifies the successful completion of the check in the holder's logbook in accordance with rule 61.29.

(b) A pilot who completes the demonstration required by paragraph (a)(2) within 60 days before the date on which it is required, is deemed to have completed the demonstration on the required date.

Subpart N – Parachute Drop Rating

61.651 Eligibility requirements

- (a) To be eligible for a parachute drop rating, a pilot must—
- (1) be the holder of at least a current private pilot licence; and
 - (2) have at least 200 hours flight time as a pilot, including at least 100 hours as pilot-in-command of the category of aircraft being used for the parachute drop operation; and
 - (3) have satisfactorily completed a course in dropping parachutists conducted by a parachute organisation if the organisation's Part 149 certificate authorises the holder to conduct the course; and
 - (4) have demonstrated competence in the dropping of parachutists to an appropriately authorised person within a parachute organisation if the organisation's Part 149 certificate authorises the holder to conduct the assessment.
- (b) A pilot who holds a current parachute drop rating issued by an ICAO Contracting State is deemed to have met the requirements of paragraph (a)(3).

61.653 Issue

(a) When a pilot has met the eligibility requirements of rule 61.651, the authorised person who completed the competency demonstration required by rule 61.651(a)(4) may issue the parachute drop rating by entering the following statement in the pilot's logbook in accordance with rule 61.29:

This is to certify that [name of pilot] has satisfied the requirements of Civil Aviation Rules Part 61 for the issue of a parachute drop rating.

(b) The holder of a parachute drop rating issued under paragraph (a) may apply to the Director to have the rating endorsed on the holder's pilot licence.

(c) On receipt of an application under paragraph (b) and payment of the applicable fee, the Director may endorse the pilot licence with the parachute drop rating.

61.655 Privileges and limitations

A current parachute drop rating authorises the holder to act as pilot-in-command of an aircraft on parachute drop operations subject to the privileges and limitations of the holder's pilot licence.

61.657 Currency requirements

(a) Except as provided in paragraph (b), the holder of a parachute drop rating must not exercise the privileges of the rating unless,—

- (1) within the previous 12 months, the holder has performed at least 6 parachute drop flights; or
- (2) within the previous 12 months, the holder has demonstrated their continued competency in accordance with the requirements of rule 61.651(a)(4); and
- (3) the authorised person who conducted the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29.

(b) A pilot who completes the demonstration required by paragraph (a)(2) within 60 days before the date on which it is required, is deemed to have completed the demonstration on the required date.

Subpart O – Agricultural Ratings

61.701 Eligibility requirements

(a) To be eligible for the issue of a Grade 2 agricultural rating (Aeroplane) or (Helicopter) a pilot must—

- (1) be the holder of at least a current private pilot licence in the appropriate category of aircraft; and

- (2) have a minimum of 200 hours flight time as a pilot (including a minimum of 100 hours as pilot-in-command in the appropriate category of aircraft) before commencing training for an agricultural rating; and
- (3) have satisfactorily completed a course of agricultural ground training conducted under the authority of—
 - (i) an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct the course; or
 - (ii) an agricultural aircraft operator certificate issued in accordance with Part 137 if the certificate authorises the holder to conduct the course; and
- (4) have satisfactorily completed a course of agricultural flight training in the appropriate category of aircraft conducted under the authority of—
 - (i) an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct the course; or
 - (ii) an agricultural aircraft operator certificate issued in accordance with Part 137 if the certificate authorises the holder to conduct the course; and
- (5) have demonstrated competency (orally and in flight) in agricultural operations,—
 - (i) to the holder of an appropriate current flight examiner rating who operates under the authority of an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises that privilege; or
 - (ii) to the holder of an appropriate current Category E flight instructor rating who must conduct that demonstration under the authority of an agricultural

aircraft operator certificate issued in accordance with Part 137.

(b) To be eligible for the issue of a Grade 1 agricultural rating (Aeroplane) or (Helicopter), a pilot must—

- (1) hold at least a current commercial pilot licence; and
- (2) have a minimum of 1000 hours flight time experience as a pilot on agricultural aircraft operations dispensing from an aircraft agricultural chemical or any other substance directly affecting agriculture, horticulture, or forest preservation, including a minimum of 200 hours as pilot-in-command in the appropriate category of aircraft; and
- (3) have demonstrated competency (orally and in flight) in agricultural operations—
 - (i) to the holder of an appropriate current flight examiner rating who operates under the authority of an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises that privilege; or
 - (ii) to the holder of an appropriate current Category E flight instructor rating who must conduct that demonstration under the authority of an agricultural aircraft operator certificate issued in accordance with Part 137.

61.703 Issue

(a) When a pilot has met the eligibility requirements of rule 61.701(a) the flight instructor or flight examiner who completed the competency demonstration required by rule 61.701(a)(5) may issue the Grade 2 agricultural rating by entering the following statement in the pilot's logbook in accordance with rule 61.29:

This is to certify that [name of pilot] has satisfied the requirements of Civil Aviation Rules Part 61 for the issue of a Grade 2 agricultural rating.

(b) When a pilot has met the eligibility requirements of rule 61.701(b) the flight instructor or flight examiner who completed the competency demonstration required by rule 61.701(b)(3) may issue the Grade 1 agricultural rating by entering the following statement in the pilot's logbook in accordance with rule 61.29:

This is to certify that [name of pilot] has satisfied the requirements of Civil Aviation Rules Part 61 for the issue of a Grade 1 agricultural rating.

(c) The holder of an agricultural rating issued under paragraphs (a) and (b) may apply to the Director to have the rating endorsed on the holder's pilot licence.

(d) On receipt of an application under paragraph (c) and payment of the applicable fee, the Director may endorse the pilot licence with the agricultural rating.

(e) A pilot who holds an agricultural rating granted under regulation 229 of the Civil Aviation Regulations 1953 is deemed to hold a Grade 2 agricultural rating issued under this Part.

(f) A pilot who holds an agricultural rating granted under regulation 229 of the Civil Aviation Regulations 1953 and who meets the experience requirements of rule 61.701(b)(2) is deemed to hold a Grade 1 agricultural rating issued under this Part.

(g) Notwithstanding rule 61.701, the Director may endorse a validation permit issued under rule 61.9 with the appropriate agricultural rating provided the pilot licence holder holds an equivalent agricultural rating.

61.705 Privileges and limitations

(a) Subject to paragraph (b), a current agricultural rating authorises the holder to act as pilot-in-command of an aircraft on an agricultural aircraft operation.

(b) The holder of a Grade 2 agricultural rating must not act as pilot-in-command of an aircraft on agricultural aircraft operations that create a hazard to any third party.

61.707 Currency requirements

(a) Except as provided in paragraph (b), the holder of an agricultural rating must not exercise the privileges of the rating unless,—

- (1) within the preceding 12 months, the holder has successfully demonstrated the holder's continued competency in accordance with rule 61.701(a)(5) or (b)(3) as applicable; and
- (2) the flight instructor or flight examiner who conducts the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29.

(b) A pilot who completes the demonstration required by paragraph (a) within 60 days before the date on which it is required, is deemed to have completed the demonstration on the required date.

(c) The holder of a Grade 1 agricultural rating must not act as pilot-in-command of an aircraft on agricultural aircraft operations that create a hazard to any third party unless—

- (1) the holder has logged a minimum of 25 hours pilot-in-command flight time in the type of aircraft being used; and
- (2) 10 hours of those hours must have been logged within the immediately preceding 12 months.

Subpart P – Pilot Chemical Rating**61.751 Eligibility requirements**

To be eligible for the issue of a pilot chemical rating, a pilot must—

- (1) be the holder of at least a current private pilot licence in the appropriate category of aircraft; and
- (2) satisfactorily complete a training course in agricultural chemical application, with assessment, that is acceptable to the Director.

61.753 Issue

(a) When a pilot has met the eligibility requirements of rule 61.751 the person who completed the assessment required by rule 61.751 may issue the pilot chemical rating by entering the following statement in the pilot's logbook in accordance with rule 61.29:

This is to certify that [name of pilot] has satisfied the requirements of Civil Aviation Rules Part 61 for the issue of a pilot chemical rating.

(b) The holder of a pilot chemical rating issued under paragraph (a) may apply to the Director to have the rating endorsed on the holder's pilot licence.

(c) On receipt of an application under paragraph (b) and payment of the applicable fee, the Director may endorse the pilot licence with the chemical rating.

(d) A pilot who holds a chemical rating granted under regulation 229 of the Civil Aviation Regulations 1953 is deemed to hold a chemical rating issued under this Part.

61.755 Privileges

A current pilot chemical rating authorises the holder to dispense an agricultural chemical from an aircraft on an agricultural aircraft operation, in accordance with Part 137.

61.757 Currency requirements

(a) Except as provided in paragraph (b), the holder of a pilot chemical rating must not exercise the privileges of the rating after 3 years from the date of issue unless, —

- (1) within the previous 3 years, the holder has successfully completed a refresher course that is acceptable to the Director; and
- (2) a record to that effect has been entered in the holder's logbook in accordance with rule 61.29.

(b) A pilot who completes the refresher course required by paragraph (a) within 90 days before the date on which it is required, is deemed to have completed the demonstration on the required date.

Subpart Q – Instrument Ratings

61.801 Eligibility requirements

(a) Except as provided in paragraphs (b) and (c), to be eligible for an instrument rating (Aeroplane) or (Helicopter), a person must—

- (1) hold a pilot licence, which includes the night flying privileges for the pilot licence, for the appropriate category of aircraft; and
- (2) have flight time experience acceptable to the Director; and
- (3) have satisfactorily completed a ground training course, in the following subject areas:
 - (i) air law: rules and regulations relevant to flight under IFR; related air traffic service practices and procedures; pre-flight preparations and checks appropriate to flight under IFR; operational flight planning; preparation and filing of flight plans under IFR; altimeter setting procedures; interpretation and use of aeronautical documentation such as AIP, NOTAM, aeronautical codes and abbreviations, and instrument procedure charts for departure, en-route, descent and approach; precautionary and emergency procedures; safety practices associated with flight under IFR; radiotelephony procedures and phraseology as applied to aircraft operations under IFR; action to be taken in case of communication failure:
 - (ii) flight navigation - IFR: practical air navigation using radio navigation aids; use, accuracy and reliability of navigation systems used in departure, en-route, approach and landing phases of flight; identification of radio navigation aids:

- (iii) meteorology: interpretation and application of aeronautical meteorological reports, charts and forecasts; use of, and procedures for obtaining, meteorological information, pre-flight and in-flight; altimetry; aeronautical meteorology; climatology of relevant areas in respect of the elements having an effect upon aviation; the movement of pressure systems, the structure of fronts, and the origin and characteristics of significant weather phenomena which affect take-off, en-route, and landing conditions; hazardous weather avoidance:
 - (iv) instruments and navigation aids: use, limitation and serviceability of avionics and instruments necessary for the control and navigation of aircraft under IFR and in instrument meteorological conditions; use and limitations of autopilot; compasses, turning and acceleration errors; gyroscopic instruments, operational limits and precession effects; practices and procedures in the event of malfunctions of various flight instruments:
 - (v) human factors: human performance and limitations; and
- (4) have satisfactorily completed a flight training course conducted by an appropriately qualified flight instructor comprising a minimum 10 hours of dual instruction in the appropriate category of aircraft in the following subject areas:
- (i) pre-flight procedures, including the use of the flight manual or equivalent document, and appropriate air traffic service documents in the preparation of an IFR flight plan:
 - (ii) pre-flight inspection, use of checklists, taxiing and pre-take-off checks:
 - (iii) procedures and manoeuvres for IFR operation under normal, abnormal, and emergency conditions

covering at least: transition to instrument flight on take-off; standard instrument departures and arrivals; en-route IFR procedures; holding procedures; instrument approaches to specified minima; missed approach procedures; and landings from instrument approaches:

- (iv) in-flight manoeuvres and particular flight characteristics;
 - (v) for multi-engine aircraft, the operation of the aircraft solely by reference to instruments with 1 engine inoperative or simulated inoperative; and
- (5) have a valid written examination credit, or approved equivalent, that covers approved written examinations in the subject areas described in paragraph (a)(3); and
- (6) have demonstrated to the Director (by undertaking a flight test in an appropriate aircraft or in an approved synthetic flight trainer) the ability to competently perform the procedures, manoeuvres, and operations described in paragraph (a)(4) that are applicable to the navigation systems on which the applicant is being tested, and the ability to—
- (i) operate the aircraft within its limitations; and
 - (ii) complete all manoeuvres with smoothness and accuracy; and
 - (iii) exercise good judgement and airmanship; and
 - (iv) apply aeronautical knowledge; and
 - (v) control the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt.
- (b) To be eligible for an instrument rating, a holder of an unrestricted equivalent rating issued by an ICAO Contracting State must—

- (1) have a valid written examination credit in the subject of air law described under paragraph (a)(3)(i); and
 - (2) pass the flight test required by paragraph (a)(6).
- (c) To be eligible for an instrument rating, a holder of a green standard instrument rating issued by the New Zealand Defence Force must—
- (1) have passed a New Zealand Defence Force instrument flight assessment within the previous 3 months; or
 - (2) pass the flight test required by paragraph (a)(6).

61.803 Issue

- (a) If the Director is satisfied that an applicant for an instrument rating has met the requirements of rule 61.801, the Director may issue the rating as an endorsement on the applicant's pilot licence.
- (b) A holder of an instrument rating may apply to the Director to have any additional approach aid or system endorsed on the holder's pilot licence.
- (c) On receipt of an application under paragraph (b) and payment of the applicable fee, the Director may endorse the additional approach aid or system on the holder's pilot licence.

61.805 Privileges and limitations

- (a) Subject to paragraph (b), a current instrument rating authorises the holder to act as a pilot-in-command or co-pilot of an appropriate aircraft operating under IFR.
- (b) To exercise the privileges of an instrument rating,—
- (1) the holder must, in the case of a single-pilot aircraft, have passed the flight test required by rule 61.801(a)(6) or rule 61.801(c)(1) to the single-pilot standard; and
 - (2) the holder must, in the case of a non-centreline-thrust multi-engined aeroplane, have passed the flight test required by

rule 61.801(a)(6) or rule 61.801(c)(1) on a non-centreliner-thrust multi-engined aeroplane; and

- (3) if the holder is carrying out an instrument approach procedure under IFR, a flight examiner must certify in the holder's logbook that the holder has satisfactorily demonstrated competency on that approach aid or system; and
- (4) if the holder holds only a class 2 medical certificate, the holder must meet the class 1 hearing standards prescribed in Part 67 and this must be endorsed on their class 2 medical certificate.

61.807 Currency requirements

(a) Except as provided in paragraph (b), the holder of an instrument rating must not exercise the privileges of the rating unless the holder has,—

- (1) within the immediately preceding 12 months,—
 - (i) successfully demonstrated to a flight examiner competency in accordance with rule 61.801(a)(6) for the appropriate category of aircraft; and
 - (ii) the person who conducts the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29.; and
- (2) within the immediately preceding 3 months,—
 - (i) either met the requirements of paragraph (a)(1) or completed at least 3 hours instrument time (which must have included at least 1 hour instrument flight time); and
 - (ii) carried out at least 3 published instrument approach procedures (1 of which may be performed in an approved synthetic flight trainer); and

- (3) if acting as a pilot of a non-centrelines-thrust multi-engine aircraft under IFR, demonstrated the competency required in paragraph (a)(1) in a non-centrelines-thrust multi-engine aircraft; and
 - (4) if carrying out an instrument approach procedure under IFR, within the immediately preceding 3 months, performed in flight or in an approved synthetic flight trainer a published instrument approach procedure using a similar type of navigation system; or
 - (5) if conducting an IFR operation under the authority of an air operator certificate issued in accordance with Part 119, satisfied the IFR competency requirements in Part 121 or 125 as appropriate.
- (b) The holder of an instrument rating who does not comply with paragraph (a)(2) may act as support pilot of an aircraft on an IFR flight if the aircraft is not performing an air operation.
- (c) A pilot who completes the demonstration required by paragraph (a)(1) within 60 days before the date on which it is required, is deemed to have completed the demonstration on the required date.

Subpart R [Reserved]

Subpart S – Flight Examiner Ratings

61.901 Eligibility requirements

- (a) To be eligible for the issue of an **airline flight examiner rating**, a person must,—
- (1) in the case of operations in accordance with Part 125 and Part 135, hold at least an appropriate commercial pilot licence; and
 - (2) in the case of operations in accordance with Part 121, hold an airline transport pilot licence (Aeroplane); and

- (3) hold a current Category A, B, or D flight instructor rating; and
 - (4) have flight experience acceptable to the Director; and
 - (5) have demonstrated to the Director the ability to perform the duties of an airline flight examiner.
- (b) To be eligible for the issue of a **general aviation flight examiner rating**, a person must—
- (1) hold an appropriate Category A flight instructor rating; and
 - (2) have flight experience acceptable to the Director; and
 - (3) have demonstrated to the Director the ability to perform the duties of a general aviation flight examiner.

61.903 Issue

If the Director is satisfied that an applicant for a flight examiner rating has met the applicable requirements of rule 61.901, the Director may issue the rating by endorsing the applicant's pilot licence with the applicable flight examiner rating and endorsing the pilot's logbook with the applicable flight examiner authorisation.

61.905 Privileges and limitations

Airline Flight Examiner Rating

- (a) Subject to paragraph (d), the holder of a current airline flight examiner rating may conduct those flight tests for which authorisation has been granted by the Director for the issue of pilot licences or for the issue or renewal of ratings, required by this Part, or for operational competency assessments, within an organisation operating under—
- (1) an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct those flight tests; or
 - (2) an air operator certificate issued in accordance with Part 119 if the certificate authorises the holder to conduct those flight tests.

General Aviation Flight Examiner Rating

(b) Subject to paragraph (d), the holder of a current general aviation flight examiner rating may conduct those flight tests for which authorisation has been granted by the Director for the issue of pilot licences or for the issue or renewal of ratings, required by this Part, or for operational competency assessments for a helicopter, and for aeroplanes having a certified passenger seating capacity, excluding any required crew seat, of 9 seats or less, within an organisation—

- (1) operating under an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct those flight tests; or
- (2) operating under an air operator certificate issued in accordance with Part 119 if the certificate authorises the holder to conduct those flight tests; or
- (3) that employs, contracts, or engages a person who holds a delegation from the Director to conduct those flight tests.

Restricted Flight Examiner Rating

(c) Subject to paragraph (d), the holder of a current restricted flight examiner rating may exercise the privileges for which authorisation has been granted by the Director within an organisation operating under an aviation training organisation certificate issued in accordance with Part 141 if the organisation certificate authorises the conduct of flight tests.

All Flight Examiner Ratings

(d) In order to exercise the privileges of any flight examiner rating, the holder must hold an appropriate current flight instructor rating with an aircraft type rating for the aircraft in use.

(e) Notwithstanding paragraph (d), the holder of a flight examiner rating is not required to hold a current medical certificate or be current on type if the holder is not acting as a required crew member.

61.907 Currency requirements

(a) The holder of a flight examiner rating must not exercise the privileges of the rating unless, within the immediately preceding 24 months, the flight examiner has demonstrated to the Director competence to exercise the privileges of the rating.

(b) For the holder of an airline flight examiner rating, the demonstration of competence required by paragraph (a) must include an approved synthetic flight trainer segment or flight segment, or both if required by the Director—

- (1) on the heaviest aircraft type (MCTOW) on which the flight examiner will examine, or on such other aircraft as the Director may require; and
- (2) in accordance with the requirements in Part 121, 125, or 135 as appropriate to the privileges being sought.

(c) A pilot who completes the demonstration required by paragraph (a) within 60 days before the date on which it is required, is deemed to have completed the demonstration on the required date.

Consultation Details

(This statement does not form part of the rules contained in Part 61. It provides details of the consultation undertaken in making the rules.)

Comments arising from the NPRM

The re-issue (Amendment 7) of Part 61 Pilot licences and ratings is Stage One of a three stage amendment process for Part 61. The re-issued rule was developed under docket 2/CAR/1 and published as NPRM 04-02. A series of nationwide presentations were made to industry to support the NPRM publication and assist people in making submissions. The Part 61 road show presentations were made to 12 regional training organisations and at seven main centre venues along with one additional regional meeting at industry request. Fifty written submissions were received on the NPRM covering a range of items. Comments received on the NPRM provided further suggestions for amendments to wording. The CAA has worked through these suggestions and as a result has amended the rules where appropriate.

The structure of some rules have been amended and editorial changes have been made to provide clarity and, in some cases to maintain consistency in the terminology used.

Comments on Part 61

Notice of Proposed Rule Making (NPRM) 04-02 was issued for public comment on June 4, 2004, with a submission close-off date of 30 July 2004. A total of 50 submissions were received with 31 from individuals and 19 on behalf of organisations. Several organisational submissions covered representative groups or multiple signatories.

The multiple submissions were:

CTC Aviation Training (4 signatories)

Southern Wings (6 signatories)

Ardmore Flying School (24 signatories)

The representative group submissions were:

Royal New Zealand Aero Club on behalf of 49 aero clubs.

New Zealand Parachute Industry Association.

Gliding New Zealand.

Aircraft Owners and Pilots Association (AOPA).

Sport Aircraft Association of NZ Inc (SAA).

Aviation Industry Association.

New Zealand Defence Force.

Air New Zealand.

Summary of Submissions

Several submissions commented on the NPRM preamble comments in regard to “on condition” maintenance. The preamble in the Part 61 NPRM referred to “on condition maintenance which is not appropriate for flight testing”. Although this comment was included in the preamble the NPRM does not propose any change in the maintenance requirements for aircraft used for flight testing. The matter of “on condition” maintenance for aircraft used for hire or reward operations is being addressed in the Part 43\91 maintenance and airworthiness rule project.

The preamble comment in the Part 61 NPRM has raised the level of debate on the question of “on condition” maintenance and the Part 61 submissions on this subject have been referred onto the project specialist dealing with the Part 43\91 project.

The issue of the proposed Airline Transport Pilot Licence (ATPL) written examination credit validity period was well debated in submissions with a range of options put forward. Taking account of industry comment the Civil Aviation Authority (CAA) has decided to amend the ATPL written examinations to have the law written examination as a stand alone written examination credit valid for 5 years and the other six required examinations to have a separate written examination credit valid for ten years. This maintains consistency with the Technical Study Group and CAA aims of reducing knowledge decay by way of expiring examination credits for all three pilot licences. The CAA wishes to thank all submitters for their comments on this issue.

A large number of submissions commented on the removal of the ability to attain a Flight Instructor Rating with a private pilot licence. The submissions generally agreed that a commercial pilot licence is required

as minimum eligibility for a flight instructor rating. Industry concern was in regard to current flight instructors who cannot maintain a Class 1 medical certificate and therefore could not continue to instruct resulting in a loss of experienced flight instructors. The CAA is mindful of this situation and wishes to keep the experienced flight instructors in the aviation system. The current and proposed currency requirements for a flight instructor do not specify medical requirements but they must meet the medical requirements of the licence type they are exercising. Therefore an instructor with a commercial pilot licence and class 1 medical can instruct for remuneration or in an aircraft operated for hire or reward. The same instructor with a class 2 medical can only exercise the privileges of a private pilot licence and when pilot in command cannot instruct for remuneration or in an aircraft operated for hire or reward. That is also the present situation. Changing the rule to enable a private pilot licence holder to instruct is contrary to the limitation of the private pilot licence in regard to remuneration and operation of an aircraft for hire or reward. The ability for a flight instructor to instruct without a medical certificate will be developed in Stage 2 of the Part 61 project.

Some submissions focused on items and issues not in the published NPRM 04-02. This includes items proposed for other stages of the Part 61 project that are still under development particularly the certification of flight training under Part 141 and flight instructor privileges. These submissions have not been included in this summary of responses as they are outside the scope of this NPRM and will be noted when development of those issues occurs. All submitters on issues planned for Stage 2 and 3 have been added to the distribution list of the NPRM for these respective projects when they become available.

Review of Submissions

The review of submissions follows the NPRM rule changes layout and details the relevant submissions received on an individual rule part. This is due to the wide scope of the rule changes in the NPRM and the fact that many submissions covered a range of proposed rule changes.

The following abbreviations are used in the submissions:

AC – Advisory Circular

ATPL – Airline Transport Pilot Licence

CASO - Civil Aviation Safety Order

CFI – Chief Flying Instructor

CPL – Commercial Pilot Licence

PPL – Private Pilot Licence

Where an individual submission has been received the position that the person has within the aviation industry is noted if this is detailed on their submission.

General

One submitter rejects the NPRM proposal completely but does not provide any specific detail on which sections.

One private pilot thought it was positive to see some rules clarified and the aim for rules to be simplified.

The New Zealand Defence Force has no comment to make on the proposed rules, noting the provisions of section 3(2) of the Civil Aviation Act.

Roy Crane, Instructor and Business Operations Manager North Shore Helicopter Training, submits that the NPRM needs tidying up in grammatical areas and review before proceeding. He also hopes that the CAA listens to the feedback and acts on it.

CAA Comment: The CAA issues the NPRM for consultation and this summary of submissions identifies the feedback and any action taken. The Final Rule process includes detailed analysis and review to ensure the Final Rule meets legal drafting standards.

Carlton Campbell, CFI Wakatipu Aero Club, submits that in Subparts L, M, N & 61.557, 61.607 and 61.657 there are a number of currency requirements. Mr Campbell notes the rule does need to cover all pilots including uncurrent low experience pilots through to current experienced pilots. His concern is that some Flight Instructors have to complete a significant number of checks at considerable expense with little safety gain. Mr Campbell submits that for an instructor this is overkill and needs some reconciliation. This submission is supported by Ardmore Flying School.

CAA Comment: The CAA produces rules to cover a broad range of aviation activity and levels of individual participation. If individual pilots wish to hold additional ratings and operate under other rule

requirements (e.g. Part 135) then they must meet the currency requirements as appropriate. This NPRM removes the requirement for Biennial Flight Review for pilots who complete other regular competency assessments which is a perceived double check of pilot competence.

Tim Maynard, CFI North Shore Aero Club, submits concerns to ensure that the rules do not result in training being undertaken by a few large flying “academies” and wants to ensure CAA considers the effects on small Aero Clubs. In relation to ground exams Mr Maynard hopes the CAA doesn’t go down the route of ground exams before they start flying. CAA should for each proposal in the NPRM ask what effect it will have on the small Aero Clubs and is it really going to have a beneficial impact on safety.

CAA Comment: *The CAA must include a Regulatory Impact Statement in an NPRM which analyses the potential costs and effects of all proposals on current operations including smaller operators. The CAA currently has no proposals for ground examinations prior to flight training.*

CTC Aviation Training (NZ) Ltd submits that the replacing of “calendar month” with “30 days” in the rule should be extended to other time periods especially where both “90 days” and “3 months” are used. They recommend for dates in the Rule Part that the following are used:

30 Days – 3 Months – 6 Months – 12 Months – 2 (or more) years.

CAA Comment: *The CAA agrees that consistency is required although the application of days, months or years does change in relation to the subject and some differences will need to occur. CAA will amend Part 61 with periods under 6 months denoted in days - those periods 6 months to 23 months denoted in months – those periods 24 months or more denoted in years where possible.*

CTC Aviation Training (NZ) Ltd submits that as the Senior Commercial Pilot Licence is not listed in Part 61.7 and as there is no sub-part or eligibility/privileges referring to it, that all reference to Senior Commercial Pilot Licence be dropped from the rule part.

CAA Comment: *The CAA intend to address the Senior Commercial Pilot Licence in Stage Two as there are still several holders of this licence.*

CTC Aviation Training (NZ) Ltd submit the following sub-parts should require an applicant to hold an appropriate pilot licence or rating as eligibility for:

B – Aircraft Type Rating

E – Commercial Pilot Licence

F – Airline Transport Pilot Licence

G – Flight Instructor Rating

Q – Instrument Rating

S – Flight Examiner Rating

This should be applied for consistency to the following sub-parts:

L – Aerobatic Flight Rating

M – Glider Tow Rating

N- Parachute Drop Rating

O – Agricultural Rating

P- Pilot Chemical Rating

***CAA Comment:** The CAA agrees and the rule will be amended. The Parachute Drop, Agricultural and Pilot Chemical ratings will detail a minimum of a private pilot licence for eligibility. Initially the CAA were going to amend the Aerobatic and Glider Tow ratings to require a minimum of a PPL(A) as eligibility, however these ratings are used by Part 149 certificate holders to meet the Part 91 requirements to hold a Part 61 rating for aerobatic flight in 91.701 and for glider towing in 91.709.*

Auckland Flight Training, submits that a “high performance microlight” (a microlight with a cruise speed greater 75 mph) be considered as fitting into the “aeroplane” category for the purposes of accruing hours towards a licence or rating under Part 61 provided:

1. The advanced microlight type is also available fully certified under Part 91 (*Part 21 - CAA*).
2. That it will be maintained as per Part 43 model maintenance schedule.
3. That it will be maintained by a certified organisation.

4. The flight is conducted by the holder of an A, B, C or D category instructor rating issued under Part 61 or in the case of solo flight is authorised by a Part 61 instructor.

Some cross crediting is allowed under the present rules for PPL and CPL but it is very limited for C Category Flight Instructors and cannot be used toward attaining a B Category Flight Instructor rating. Currently a PPL holder can act as pilot in both certified and microlight versions whilst the holder of an advanced microlight certificate can only credit half their flight experience in an aircraft that is for training purposes in an identical aircraft. This makes it difficult for a microlight certificate holder to transition to gain a PPL or CPL when their experience levels in a microlight aircraft would be deemed sufficient had the experience been gained on the certified version of the aircraft type.

CAA Comment: *The CAA recognises that microlights are becoming more sophisticated. This issue is addressed in the Advisory Circular regarding the type of flight time experience that is acceptable to the Director to meet the requirement of the rule. It is not addressed in this Part 61 Rule.*

The Sport Aircraft Association of NZ Incorporated submits that this current rewrite of Part 61 should include a Class 4 Medical Certificate inserted into the relevant provisions with amendment to Part 67 to follow with the required standards. If it is not included now it will require an amendment at a later date.

CAA Comment: *The CAA acknowledges the use of a Class 4 medical, which is not an ICAO standard and would have to be developed, is the preferred option of several industry groups but there are both national and international licensing requirements to be considered. The development of a Recreational Pilot Licence has been set as a separate NPRM to focus solely on the requirements of this class of pilot. Given the nature of this issue the CAA policy unit have reviewed and analysed the various options for a Recreational Pilot Licence. The CAA board are reviewing these options.*

The Royal New Zealand Aero Club (RNZAC) put together a comprehensive submission in which they acknowledged each section of the proposed Part 61 Rule by indicating their support of the proposal or suggested amendment. The RNZAC submit they are firmly of the view that since Rule Part 61 is one of NZ aviations prime rules, time is of no real importance in amending the rule as long as “we get it right” when it

comes to the final issue of the rule. The main points raised in the RNZAC submission are: (These are also detailed under the relevant rule parts)

1. The RNZAC is opposed to the creation of a separate “recreational pilot certificate” and instead wish to see the inclusion of a Class 4 Medical Certificate in this stage of the Part 61 revision.

CAA Comment: See above comment on Sport Aircraft Association of NZ submission.

2. As a result of the medical debacle, flight training has lost many experienced instructors. The RNZAC believes experienced instructors can be retrieved back into the system by allowing them to instruct on a Class 2 medical certificate. RNZAC tend to agree it is impractical for a PPL to move into the Flight Instructor role, however there are many ex-commercial flight instructors now relegated to PPL ranks that could offer much to industry. The RNZAC is firmly of the view that providing a Flight Instructor has previously held a Commercial Pilot Licence that Flight Instructor should be able to maintain the privileges of a Flight Instructor under the category provided:

- (a) The Flight Instructor holds a current Class 2 medical certificate and
- (b) The Flight Instructor is not operating for “hire or reward” and
- (c) Has held a NZ Commercial Pilot Licence.

CAA Comment: The CAA agrees that keeping experienced Flight Instructors is a priority. To obtain an instructor rating a pilot must have a current CPL and have a current Class 1 medical certificate. However once the pilot has an instructor rating there is no requirement for the CPL to remain current and if the instructor only has a Class 2 medical certificate then they can only exercise PPL privileges with their instructor rating.

3. RNZAC finds it disturbing the Trans-Tasman Mutual Recognition Act non-recognition of non-professional pilots should bring about more bureaucratic over-regulation. This negates the aim of closer ties with CASA and may see an end to the annual Trans-Tasman competitions with the Australian Aero Clubs due to restrictions on Australian pilots operating in New Zealand. This review will destroy the inter-Tasman relationship and RNZAC see no valid reason for the restriction.

CAA Comment: The CAA responds to this under the relevant rules however the trans-Tasman Mutual Recognition Act includes aviation

and is over riding primary legislation for professional qualifications only. An Australian pilot has two options being either a validation under 61.19 or obtaining a New Zealand licence. This is the same as New Zealand pilots wishing to operate in Australia.

4. RNZAC considers flight time gained by Commercial Pilot Licence holders when employed on Part 135 two pilot flights quite sensibly contribute towards the 10 hours Command Practice time required for Pilot in Command of these operations. Although 61.31(b) states the aircraft must be required to be operated with a co-pilot to credit command practice flight time there are many multi-engine aircraft operating in air transport that are single pilot certificated but are operated with a co-pilot. The co-pilot in these cases cannot credit the time however the time is “real” experience, not simulated, and in most cases adds to operational safety of the flight by way of a contribution replicating that of a co-pilot.

CAA Comment: *The CAA agrees see comments under 61.31(b).*

5. RNZAC sees no problem with “lifing” the exam credits for PPL and CPL as the candidate gains the required flight experience and on passing the appropriate flight test secures the credits. In the case of an ATPL costs are generally too prohibitive to allow a candidate to train and pass the flight test in the highly complex aircraft required for the ATPL flight test. CASA allows ATPL flight tests to be sat in basic retractable CSU types, JAA “freezes” their ATPL credits until 1500 hrs is gained for the ATPL and the FAA has a single and multi engine ATPL options for the flight test. The NPRM proposal is out of step and will discourage pilots from sitting ATPL subjects until as late as possible. Leaving it until later is when the pilot is in employment and less able to take 10-12 weeks away from work to undertake a formal course, therefore encourages self study - something JAA discourages. Airlines in NZ do not hire co-pilots, they hire potential captains and pilot applicants are unlikely to get an airline interview unless they have most of their ATPL passes. A change in the rule will do nothing to help impending pilot shortages.

CAA Comment: *See comments under 61.17.*

Part 61 Pilot Licences and Ratings

Subpart A — General

61.1 Purpose

The RNZAC submits they accept this proposal as presented.

61.5 Requirement for pilot licence and ratings

(a)(2) The Sport Aircraft Association of NZ Incorporated submits this now excludes the automatic ability for Australian licensed private pilots from operating New Zealand aircraft in New Zealand. The present situation is convenient for short term visitors and is not covered under TTMRA. The Sport Aircraft Association of NZ Incorporated propose 61.5(3) be amended by removing the TTMRA provision and retaining "issued by the Civil Aviation Safety Authority of Australia".

(a)(3) The RNZAC submits remove the words "if the Trans-Tasman Mutual Recognition Act 1977 applies to the licence" and retain the current wording "issued by the Civil Aviation Safety Authority of Australia".

CAA Comment: The CAA disagrees as the TTMRA provision covers professional licences in primary New Zealand legislation agreed between the two countries. The Private Pilot Licence holder can still operate short term with a validation that allows the CAA to be aware of who is operating in the aviation system, a key cornerstone of the CAA model of entry and exit control, and allows limitations to be placed on a case by case basis. An Australian pilot has two options being either a validation under 61.19 or obtaining a New Zealand licence. This is the same as New Zealand pilots wishing to operate in Australia.

(b) Gliding New Zealand submits as worded this provision would require pilots of New Zealand gliders shipped overseas for contests to hold a PPL(G). Presently gliders operating in Australia or the United Kingdom recognise the New Zealand Qualified Glider Pilot certificate. 61.5(c) provides for a foreign registered glider to operate in New Zealand with a Part 149 certificate. Suggest that (b)(5) is added to say "except that this requirement shall not apply to New Zealand registered gliders being flown in a foreign country that recognises New Zealand glider pilot certificates".

CAA Comment: *The CAA agrees the provision as worded needs changing and will be amended:*

Pilot licence – New Zealand aircraft operating overseas: *Except as provided in paragraph (n), a pilot of a New Zealand registered aircraft operating within a foreign country must hold an appropriate current pilot licence—*

(b)(4) The RNZAC submits the current wording "issued by the Civil Aviation Safety Authority of Australia" be retained.

CAA Comment: *The CAA disagrees as the TTMRA provision covers professional licences in primary New Zealand legislation agreed between the two countries. The Private Pilot Licence holder should not be given automatic right to operate a New Zealand registered aircraft overseas.*

(c) Gliding New Zealand submits that it is hoped the present system where Gliding New Zealand recognises foreign glider pilot qualifications through a check flight(s) and inserts a statement in the logbook validating the certificate for NZ remains valid under this rule. Does 61.5(c) require a foreign pilot to have a QGP issued by a delegated person under a Part 149 approval?

CAA Comment: *The CAA agrees and refers to amended rule under (m) and (n) below.*

(c) Qwilton Biel submits that the ability for New Zealand licenced pilots to fly a foreign registered aircraft in New Zealand should not be removed. This ability is consistent with Federal Aviation Regulations and is the sovereign right of New Zealand of how to conduct its affairs. This is also confusing when 61.5(d)(4) specifically recognises the ability of foreign states to allow non-NZ licenced pilots to fly NZ registered aircraft within their borders.

CAA Comment: *The CAA disagrees as the rule amendment is not removing the ability of a New Zealand pilot to fly a foreign aircraft, the amendment proposes adding a proviso that it has to be acceptable to the state of registry of the foreign aircraft to have a New Zealand pilot flying their registered aircraft in New Zealand. New Zealand allows under 61.5(d)(4) foreign pilots to operate the aircraft so long as they hold a pilot licence issued or validated by the licensing authority of the country in which the New Zealand aircraft is operated. If the licensing authority of the country of aircraft registry allows the same then the*

New Zealand pilot can operate however if the licensing authority of the country of aircraft registry does not allow this or has other requirements then they must be met. It should be noted this rule applies to all countries and must encompass the requirements of the country of aircraft registry.

(c) Dee Bond Wakelin, CFI Auckland Aero Club, submits this proposal will disallow NZ instructors giving a type rating to an owner of an imported aircraft, or test flying it for the purpose of change to NZ registry, if they do not hold the foreign licence.

(c)(2) Dee Bond Wakelin, CFI Auckland Aero Club, submits how acceptable will the NZ licence holder be to the licensing authority of the country of aircraft registry? Why should a foreign licensing authority accept a NZ licence? It adds unnecessary paperwork and cost. This just makes it harder to operate a foreign registered aircraft in NZ. It limits the opportunity to lease aircraft from overseas and operate them in NZ. If there is a reciprocal privilege under ICAO and/or CASA as per 61.5(b)(2) then it may be acceptable. But if there were, then why do we not just include the current wording of 61.5(c)(1) "issued under this Part".

CAA Comment: *The CAA disagrees. The rule amendment proposes to state what is acceptable in the New Zealand civil aviation system as well as providing a rider that the state of aircraft registry may have a limitation on who can fly that aircraft. In most cases the use of a New Zealand licence is acceptable e.g. under US and UK regulations.*

(c)(4) The RNZAC submits the current wording "issued by the Civil Aviation Safety Authority of Australia" be retained.

CAA Comment: *The CAA disagrees as the TTMRA provision covers professional licences in primary New Zealand legislation agreed between the two countries. The Private Pilot Licence holder should not be given automatic right to operate a foreign registered aircraft in New Zealand.*

(d) R Davey, Operations Manager Heliworks, submits; does this rule cover an Australian pilot who has group ratings for single engine aeroplanes up to 5700kg? Is New Zealand complying with ICAO Annex 1 on the requirement to have group rating? If not, why not?

CAA Comment: *The CAA has filed a difference with ICAO to advise that New Zealand uses individual ratings instead of Annex 1 Class ratings for single pilot aeroplanes. The individual ratings are used as a means of improving aviation safety. If a foreign pilot has a group rating then they must have flown the aircraft type as pilot in command to meet the aircraft type rating requirement.*

(d) Ardmore Flying School and the Aviation Industry Association each submit the current practice of issuing type ratings via a logbook entry is inconsistent with overseas practice and causes a lot of confusion. They propose the CAA reverts to a cost effective means of adding type ratings to licences. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

CAA Comment: *The CAA advises that type rating issues can be added to the CAA licensing database for no charge with submission of the Type Rating Form CAA 24061/13. When the licence is next issued the type ratings are added automatically to the licence with the only cost being that of the licence issue.*

(d) P Washbourn submits that a person approved to operate as a test pilot cannot do so unless they have a rating on the aircraft as detailed in this requirement. A new paragraph is required to cover the period from first flight to end of test period for a test pilot who has no rating on the aircraft until issued a type rating under 61.55.

CAA Comment: *The CAA agrees and a new paragraph (p) added:*

A pilot of an aircraft is not required to hold an aircraft type rating when acting as a test pilot in accordance with 19.405(1).

(d) R Davey, Operations Manager Heliworks, submits a new paragraph (p), be added; a pilot does not require a type rating to fly a single seat aircraft for gaining experience or demonstrating competence in order to obtain a type rating.

CAA Comment: *The CAA agrees and a new paragraph (q) added:*

A pilot of an aircraft when authorised by an appropriately qualified flight instructor is not required to hold an aircraft type rating when demonstrating or gaining experience in order to obtain an aircraft type rating.

(d)(5) The RNZAC submits the current wording "attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia" be retained.

***CAA Comment:** The CAA disagrees as the TTMRA provision covers professional licences in primary New Zealand legislation agreed between the two countries. The Private Pilot Licence holder can still operate short term with a validation under 61.9 that allows the CAA to be aware of who is operating in the aviation system, a key cornerstone of the CAA model of entry and exit control, and allows limitations to be placed on a case by case basis.*

(j) Dee Bond Wakelin, CFI Auckland Aero Club, submits the proposed change would preclude a foreign pilot flying their foreign registered aircraft IFR into and around NZ. This would adversely affect international airline or private and charter jet operations. Proposed wording:

(5) attached to a foreign pilot licence issued or validated by the foreign pilot licencing authority of the country of aircraft registry for foreign aircraft operating in New Zealand.

***CAA Comment:** The CAA agrees and this rule is amended.*

(j)(4) The RNZAC submits the current wording "attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia" be retained.

***CAA Comment:** The CAA disagrees as the TTMRA provision covers professional licences in primary New Zealand legislation agreed between the two countries. The Private Pilot Licence holder can still operate short term with a validation that allows the CAA to be aware of who is operating in the aviation system, a key cornerstone of the CAA model of entry and exit control.*

(k) The RNZAC submits they accept this proposal as presented.

(l) The RNZAC submits they accept this proposal as presented.

(m) and (n) The RNZAC submits they accept this proposal as presented.

(m) and (n) Gliding New Zealand submit these provisions do not cater for student glider pilots. It is recommended a cross reference be

provided to 104.5(b). The same issue applies to hang glider and microlight student pilots.

CAA Comment: *The CAA agrees and (n) is amended to:*

A pilot of a balloon, a glider, a hang glider, a microlight, a paraglider, or a powered glider, is not required to hold a pilot licence or rating issued in accordance with this Part if—

- (1) the pilot is not flying the aircraft for hire or reward; and*
- (2) the pilot meets the appropriate pilot requirements under 103.5, 104.5 or 106.5.*

(o) C Elliott, A Category Flight Instructor & Flight Examiner, submits this is too restrictive especially fixed pitch and not conventional undercarriage. Change to allow an A Category Flight Instructor to be Pilot in Command in all single engine aircraft (other than float or ski equipped aircraft) not exceeding 2000 kg MCTOW.

(o) E Smart, CFI Air NZ Flying Club & A Category Flight Instructor, submits the proposed exclusion does not exactly match the previous CASO provision. He suggests the exclusion should read:

Category 'A' Flight Instructors (Aeroplane) are exempted from the requirement to hold a type rating for any single-engined, fixed wing, fixed undercarriage aeroplane (not equipped with skis or floats) not exceeding a Maximum Certified Take-off weight of 1814 kilograms (4000 pounds).

(o) Flight Test NZ, Nelson Aviation College, Ardmore Flying School and the Aviation Industry Association each submit similar proposals stating this provision would be improved by allowing a current A Category Flight Instructor not to require a type rating to act as Pilot in Command of all single engine aircraft, provided they already hold a type rating that has similar configurations as applicable. This includes wheels, skis, floats, amphibious, tricycle undercarriage, fixed undercarriage, retractable undercarriage, fixed pitch, variable pitch, reciprocating engine, turbine engine, radial engine, electronic flight instrument systems. Once they have flown a minimum of one hour on the aircraft then they are deemed to have a type rating on it. This assists the industry with instructors able to carry out check flights and training on aircraft type that are not readily available where there is a shortage of

instructors. It would facilitate first of type aircraft and test flying by saving CAA costs in granting these approvals. This reflects the original CASO Regulation 249, enables the A Category Flight Instructor to know which type of aircraft they can fly, the one hour enables the Flight Instructor to get a rating on that particular aircraft and gives appropriate recognition to the qualification to attract more B Category Flight Instructors to upgrade to an A Category Flight Instructor. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

(o) The RNZAC submits the FAA allows a generic "single engine land" type category for licence holders including PPL. The RNZAC believes that a Category A flight instructor should be able to cope with similar pressures. RNZAC submit that the rule should read:

"The holder of a current Category A flight instructor rating is not required to hold an aircraft rating to act as pilot of a single engine land plane."

CAA Comment: *The CAA agrees that the wording and exclusion needs modification. Following the submissions and to maintain a clear exclusion paragraph (o) is modified to:*

The holder of a current Category A flight instructor rating is not required to hold an aircraft type rating to act as a pilot of a single engine aeroplane provided they hold an aircraft type rating on an aeroplane of a similar configuration.

The Advisory Circular will detail the similar configurations and the minimum hours on type to attain the aircraft type rating.

(o) Qwilton Biel submits we should not be bothering with such a narrowly focussed provision when 19.407 and 61.57 allow a more flexible approach. Leave it open to interpretation with each situation taken on its merits based on the persons involved and the aircraft involved.

CAA Comment: *The CAA disagrees and believes the specific exclusion makes the privileges clearer. It is also an incentive for flight instructors to work toward an A category flight instructor rating which is the highest form of professional aviation instruction.*

Gliding New Zealand submits a consequential amendment to CAR Part 104(a)(1) with the introduction of the PPL(G).

104.5 Pilot Requirements

(a) subject to paragraph (b), each pilot of a glider shall-

(1) hold -

- (i) a current glider pilot certificate; or
- (ii) a current private pilot licence (glider) issued under Part 61; or
- (iii) a current commercial pilot licence (glider) issued under Part 61; and

CAA Comment: The CAA agrees and an amendment to rule 104.5 is added as a consequential amendment.

61.7 Pilot licences and ratings

The **RNZAC** submits they accept this proposal as presented.

(b) **Carlton Campbell, CFI Wakatipu Aero Club**, questions why the following ratings are not listed in this section as they are all issued under this part in accordance with the applicable requirements of this part: Multi-engine, night, float\amphibian, ski, Basic Gas Turbine. This submission is supported by Ardmore Flying School.

CAA Comment: The CAA disagrees as these are not separate aircraft type ratings. The Basic Turbine knowledge examination is a prerequisite for a turbine aircraft type rating, night certification is a privilege of a licence, and multi-engine\float\amphibian are components of a specific aircraft type rating.

61.9 Validating foreign pilot licences and ratings

The **RNZAC** submits they accept this proposal as presented.

However the CAA has reviewed the issue of validations and following legal analysis has decided to make validations an aviation document. A supplement to NPRM 04-02 was issued on 8 November 2004 detailing the changes to 61.9 and validation status.

Dee Bond Wakelin, CFI Auckland Aero Club, submits why was 61.10 not used? Have all the terminating licences now been exchanged for lifetime licences? Is this rule no longer required?

CAA Comment: The CAA has deleted this provision as the transfer of licences should be completed by now. Any persons who hold the previous issued terminating licences will either have to meet the eligibility requirements for a Part 61 licence or apply for a rule exemption. Therefore 61.9 was now available and the number used.

(b)(2) Carlton Campbell, CFI Wakatipu Aero Club, submits how do Flight Instructors assess a person's ability to read and speak English? An assessment criteria is needed. This submission is supported by Ardmore Flying School.

CAA Comment: The CAA is working with ICAO on the question of English language competency. This section relates to applications to CAA for licence validations and the CAA validates only ICAO issued licences which include English competency standards.

(d)(2) Qwilton Biel submits the six month time limit for a validation should be removed as this isn't a safety issue and if the applicant continues to maintain a current foreign licence then the New Zealand validation should be non-terminating.

CAA Comment: The CAA use of a validation is for a limited period of use. For longer periods the person should attain a New Zealand licence to operate in the New Zealand aviation system. This is consistent with CASA which is phasing out the continued use of a validation and replacing it with a three month maximum validity.

(f) Carlton Campbell, CFI Wakatipu Aero Club, questions if a legal position has been considered on the fact that a certificate of validation is not an aviation document and does this compromise insurance. This submission is supported by Ardmore Flying School.

CAA Comment: See above.

61.11 Application and qualification

The RNZAC submits they accept this proposal as presented.

(b) CTC Aviation Training (NZ) Ltd submission contends an applicant not able to comply with this rule in regard to English language

will be unable to understand the rule exists. Who is responsible for ensuring the rule is observed? CTC Aviation Training (NZ) Ltd contend this falls on the Flight Examiner or Flight Instructor conducting the test and this should be defined in the Rule. CTC Aviation Training (NZ) Ltd recommends the FRTO test be amended to include an aural test to determine the candidate's ability to understand aviation instructions.

CAA Comment: *The CAA contends the flight instructor of the student is responsible to ensure their student understands the licence application requirements. The CAA is working with ICAO on published standards for English language competency. The CAA disagrees with a FRTO aural test requirement as aural competency is supposed to be part of the ongoing assessment and training conducted by the flight instructor.*

61.15 Duration of pilot licence and ratings

The RNZAC submits they accept this proposal as presented.

61.17 Written examinations – prerequisites and grades

(a)(3) **Roy Crane, Instructor and Business Operations Manager North Shore Helicopter Training**, submits; what is another form of photo identification acceptable to the Director? Students have been turned down using their own country's driving licence with photo.

CAA Comment: *The CAA will detail other acceptable forms of photo identification in an Advisory Circular.*

A Winter disagrees with the PPL and CPL qualifying and validity periods as the timeframes are too short and would pressure students. It could put PPL and CPL out of reach as many people progress these on a part-time basis.

CAA Comment: *The CAA disagrees as these time frames were agreed upon by the TSG who represented the interests of the aviation community.*

Roy Crane, Instructor and Business Operations Manager North Shore Helicopter Training, submits do students have to pay for the issue of the written examination credit? This proposal will not assist in reducing knowledge decay as a once a pilot attains their licence they may never open a book again.

CAA Comment: *The written examination credit will not be an extra cost and will be provided with the final examination passed for the licence. The CAA disagree that once a pilot attains a licence they may never open another book as the Biennial Flight Review and the competency checks require a mix of theory and flight ability to be demonstrated. The success of this depends on the competency and integrity of the flight instructor and so if they never open another text book it is a reflection on the flight instructor conducting the Biennial Flight Review.*

Carlton Campbell, CFI Wakatipu Aero Club, agrees with the concept and time periods for written examinations.

Aircraft Owners and Pilots Association (AOPA) submits they welcome the introduction of lifed exam credits and the requirement for candidates to have passed all theory subjects before sitting a flight test.

Qwilton Biel disagrees with the time limits and the whole section (c) to (g) should be removed. The present system does not pose a problem and existing lifetime credits should remain.

CAA Comment: *The CAA disagree as lifed examinations assist in reducing knowledge decay and are supported by the TSG which represented the aviation community.*

(d) K Nathan (2 submissions) submits that after attaining ATPL exams there is a delay whilst gaining appropriate hours and a revalidation exam would need to be sat. The ATPL exams are not appropriate to the type of operations a person undertakes at the ATPL level and airlines provide adequate training removing the requirement to retest ATPL subjects.

H MacLeod agrees that expiry date for ATPL is too short as it takes longer than 5 years to attain required flight experience even if using the subjects in a practical manner.

J Hill submits that expiry of an ATPL exam credit is unacceptable due to the cost for light aircraft pilots, the system works as it is and does not need to be fixed.

Flight Test NZ, submits the ATPL exam credits are too restrictive with a three year qualifying period and the 5 year validity with 2 year extension. Pilots operating aircraft above 5700 kg will be working in the

environs of an airline or large organisation. This provides extensive training and self regulating as the operator will not allow pilots who are not proficient to be in command of their aircraft. Allowing new inexperienced pilots to sit ATPL exams whilst in the general aviation environment allows the knowledge they gain to enhance safety at that level. Limiting the pilot to doing exams once employed as a first officer in a medium or large aircraft environment deprives general aviation of much needed knowledge.

The RNZAC submits they accept 61.17 Written Examinations proposal as presented except with regard to ATPL validity. The RNZAC suggests the following options for rule 61.17(d)(2):

Option one: In the case of ATPL, valid for 10 years, except for law, which shall be valid for 5 years.

Option two: In the case of an ATPL, valid for 5 years. Where an applicant, having successfully obtained credits in all ATPL subjects, achieves 1500 hours, the ATPL shall be deemed to have been validated.

Ardmore Flying School, Nelson Aviation College and the Aviation Industry Association each recommend the existing rule for ATPL exam credits is retained. In the time of rapid movement the time limit would not be a problem however those who attain them when the industry is slow could be unfairly disadvantaged. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

Alternative suggestions Include:

(a) ATPL subjects are time limited to 5 years for law and ten years for all others.

(b) The limit proposed remain, however pilots working as co-pilots in an airline be deemed to be in an environment which allows the limit to be extended until such time as they are in a position to sit an ATPL flight test. The extension of the credits can be monitored by way of regular licence renewal check. Should the pilot leave their current employ and on expiry of the last licence renewal check then the candidate has five years to find further employment which would meet the extension requirements.

(c) Revert to JAA requirements - on attaining 1500 hours be issued with an ATPL and withdraw the requirement for a flight test. In any case a check to line as a captain is in effect at least equal to an ATPL flight test.

Southern Wings Limited submits there are concerns with this proposal as a candidate would have to have employment guaranteed in the airline industry to validate ATPL subjects and effects on flight training providers who deliver ATPL theory. Proposed solution:

All ATPL credits to be gained within a 5 year period remain valid for 5 years and each candidate would have to pass the requalifying exam prior to issue of ATPL.

As we understand there is no provision for pilots to gain ATPL validation in the General Aviation environment. There must be a viable path for pilots to be able to validate the ATPL in the general aviation environment. That is airline flight testing officers accredited to test in appropriate types available to general aviation pilots.

Air New Zealand submits the status quo rule 61.17(c) should be retained in regard to ATPL exams. The present rule is more restricted than ICAO and similar international jurisdictions to which we benchmark the New Zealand rules. Imposition of the proposed change places New Zealand at a significant difference to the rest of the world and must be considered as inconsistent with the thrust toward harmonisation. The change would impose additional costs on both pilots and airline operators without any proven commensurate gain in safety. New Zealand practice in terms of tertiary qualifications is to recognise similar qualifications (e.g. degree\diploma papers) without the need to resit any specific paper again in order to attain the qualification. Artificial pressures would be created for operators to facilitate ATPL flight tests for first officers purely to avoid re-sitting subjects thus downgrading the value of the licence.

CAA Comment: The CAA agrees that a revalidation examination does not fit with the overall concept of lified examination credits. Following the well thought out submissions received the CAA will amend the ATPL written examination credit validity to 10 years with the exception of Air Law that will have a separate examination credit validity of 5 years. The CAA thanks everyone for their valued feedback on this issue.

C Kuipers submits he does not wish to see the proposal regarding ATPL exam subjects accepted under any circumstances. The existing system works well and the proposal will impact on hundreds of pilots struggling to come up through the airline employment scene. The professional exams in New Zealand are frequently irrelevant and out of

date. CAA needs to provide more flexible recognition of foreign ATPLs from developed countries.

CAA Comment: *The CAA disagrees with the overall comments of this submission. The proposal was derived from the TSG who represent the aviation community and the need to raise pilot training standards in written examinations.*

(g) A Winter submits that written examination credits attained before the date of the proposed rule do not expire. Those people who started their training under the present system should complete their training under the present rules.

CAA Comment: *The CAA disagrees as the aim of the change is to address knowledge decay and it is pointless to have two rules for licence applicants. A transition provision is included to provide set times from the date of this rule coming into force for persons who have current written exam and flight test credits to meet the new rule requirements.*

61.19 Written examinations – unauthorised conduct

The RNZAC submits they accept this proposal as presented.

61.21 Flight tests

The RNZAC submits they accept this proposal as presented.

(a)(2) Carlton Campbell, CFI Wakatipu Aero Club, endorses this requirement and written examinations before flight test. This submission is supported by Ardmore Flying School.

(a)(4) John Clements submits that the wording should be clarified that the person should have "passed all exams" not "produce an exam credit".

CAA Comment: *The CAA uses the word produce in accordance with the Oxford Dictionary definition of "bring forward for consideration, inspection or use" and the item to produce is the written examination credit issued by ASL.*

(a)(4) Qwilton Biel submits the requirement for a written exam credit before a flight test should be removed. The applicant is either at a flight test standard or not and then they have the required items for a licence or

rating issue or not. The system is not broke and this removes flexibility from the process by making the rule more prescriptive.

CAA Comment: *The CAA disagrees as the TSG saw this as a component of raising pilot training standards consistent with lifed examinations. This also ensures that aviation theory is coupled with the practical flight test in preparation for a licence issue. The flight test is the final competency assessment for the issue of a licence or rating and is also the opportunity to review any deficiencies that showed up in the examination results.*

(a)(5) Carlton Campbell, CFI Wakatipu Aero Club, submits that C Category Flight Instructors should also be able to sign off Knowledge Deficiency Reports. This submission is supported by Ardmore Flying School.

CAA Comment: *The CAA disagrees as it is not appropriate to make this change at present and this issue will be analysed when reviewing changes to flight instructor privileges in Stage Two of the Part 61 project.*

(b) Qwilton Biel submits the 3 month validity of a flight test should be removed as the person has demonstrated a satisfactory standard during the test on the given date.

CAA Comment: *The CAA disagrees as at present a person who passes a flight test has no set period in which to apply for a licence. There have been cases of people exercising the privileges of a licence after a flight test but never actually having the required aviation document issued.*

61.25 Flight training and testing – general requirements

CTC Aviation Training (NZ) Ltd submit it is the industry's understanding that on a flight at night which included some actual instrument time, that the logged time be split between the two e.g. 2 hour night flight with 1 hour was in IMC would be logged as 1 hour night and 1 hour actual instrument. This assumption is disputed as day or night logging is to assess total flight experience and instrument flight is logged to assess eligibility for issue or recency of an instrument rating. It is recommended this issue of night time and instrument time logging be clarified and defined either in the Rule or an Advisory Circular.

CAA Comment: *The CAA agrees and a new paragraph under 61.31 is included:*

A pilot may not log instrument, cross country or night flight time or any combination simultaneously for the purposes of meeting the experience requirement for a higher licence type or rating.

(b) Carlton Campbell, CFI Wakatipu Aero Club, submits he agrees with all except the requirement negating "on condition" maintenance. This submission is supported by Ardmore Flying School.

(b) The RNZAC submits the wording as proposed in regard to "in accordance with Part 91" is totally inappropriate and should be dealt with in Part 43. The RNZAC suggest that this subpart remains unchanged.

Flight Test NZ, Ardmore Flying School and the Aviation Industry Association each submit there needs to be a provision made for aircraft that do not have dual controls but in which a flight test or operational competency assessment is required e.g. training in a Dominee, aerobatic rating in a Pitts Special, adventure flying check (when it becomes available) in a Mustang. Also some aircraft may not necessarily be maintained under Part 91 e.g. homebuilt aerobatic aircraft in the experimental category. To find a similar type would not be practicable or realistic in most cases. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

CAA Comment: *Following industry feedback the CAA agrees and the wording is amended to delete the reference to Part 91. Flight testing or dual flight instruction must be carried out in an aircraft that meets the rule criteria. Ratings do not have flight tests but demonstrations of competence or final handling demonstrations. The CAA also agrees this clause as worded could apply to other than Part 61 competency demonstrations. This is amended to specify that the training and testing must be under Part 61:*

Any flight testing or dual flight instruction required under this part must be carried out in an aircraft equipped with—

(c)(1) CTC Aviation Training (NZ) Ltd submit this paragraph does not have the same requirements as rule 91.125 (a)(3) and (b), there is a conflict and this needs to be clarified.

CAA Comment: The CAA agrees and will review this part prior to the final rule development.

(c)(2) and (3) Roy Crane, Instructor and Business Operations Manager North Shore Helicopter Training, submits the following in relation to rule 61.305 (k) and (o). What is an acceptable means of simulating instrument flight? Why can a rated\current person fly as a safety pilot but a Category C or B Flight Instructor not instruct unless they have an instrument rating? Why cannot a night rated pilot act as a safety pilot at night?

CAA Comment: The CAA will detail acceptable means of simulating instrument flight in an Advisory Circular. The privileges of a flight instructor under rule 61.305 (k) and (o) have been amended to allow the Flight Instructor to instruct in simulated instrument flight in VMC without the need to hold a current instrument rating see rule 61.305. When operating at night there is a possibility of inadvertent flight into IMC and therefore the safety pilot needs to be a current instrument rated person.

(c)(3)(iii) Ardmore Flying School and the Aviation Industry Association each submit this requirement be deleted. Unless the aircraft is on a cross country and\or likely to enter IMC why does the safety pilot need to hold a current instrument rating? There have been several instances where students have gone night flying with a safety pilot for the express purpose of practicing for a CPL flight test. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

CAA Comment: The CAA disagrees as this requirement is provided when operating at night there is a possibility of inadvertent flight into IMC and therefore the safety pilot needs to be a current instrument rated person.

61.27 Status of flight examiners

The RNZAC submits they accept this proposal as presented.

John Clements submits that Flight Examiner must be Pilot in Command on PPL flight test as the candidate does not hold a licence. Further submits Flight Examiner should be Pilot in Command on all tests.

CAA Comment: *The CAA disagrees as the Flight Examiner is testing the applicant's ability to be pilot in command. The student's ability to be pilot in command with a Flight Examiner is detailed in 61.107(4).*

61.29 Pilot logbooks – general requirements

The RNZAC submits they accept this proposal as presented.

Andrew Buttle, Flight Examiner, submits that (c) to (f) should be deleted. So long as there is a logbook that should be all that is required. What are the reasons for signing, bound books, separate entries etc? American Federal Aviation Administration approach does not require signing and allows training record tabulation sheet. Any type of record of training, recency of experience, aeronautical experience times and content should be accepted so long as it can be deciphered. This is supported by John Clements.

CAA Comment: *The CAA disagrees as the problem at present is that log books cannot be easily deciphered and the entries being made are not consistent. This includes feedback from flight examiners and flight instructors.*

Qwilton Biel submits the whole section is too prescriptive and should be returned to a similar level in the current rule. The important thing for pilots is to record relevant times and events for currency and qualification purposes. The only reason for this detailed data is for prosecution purposes not for safety. Additional instructions on logbook entries should be in the AC not the rule itself.

CAA Comment: *The CAA does not wish to include this detail in an Advisory Circular as it is then not enforceable unlike a Rule. The logbook entries are for a range of uses including as a training record, a record of experience, to assist enforcement and to enable an operator to assess a pilot's ability and range of skills. Effective enforcement of the rules is just as much about safety as having the necessary standards.*

(b)(2)(i) Auckland Flight Training submits there is no provision in the CAA pilot logbook for recording category of aircraft except aeroplane and helicopter time.

CAA Comment: *The CAA is reviewing the layout and content of the approved log books.*

(b)(2)(iv) Flight Test NZ, Ardmore Flying School and the Aviation Industry Association submit that "any training type including dual instruction and command practice" does not make sense. What does this mean? It would be clearer if it said "any type training including" or "any type of training including" or "any training including". The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

CAA Comment: *The CAA agrees and this is amended to "any type of training including".*

Southern Lakes Helicopters submits the requirement to make individual log book entries for every flight is impractical and unworkable. Heli ski operators make several trips per day and to record each individually during this type of activity is impractical and the log book would be filled very quickly. A more practical and logical approach to log filling for 119 certified operators would be either an exemption to the rule or something along similar lines.

(c)(2)(i) Carlton Campbell, CFI Wakatipu Aero Club, submits does this requirement mean top dressing loads, glider tows, parachute loads etc, are separate log book entries. This submission is supported by Ardmore Flying School.

(b)(5) and (c)(2)(i) R Davey, Operations Manager Heliworks, submits these clauses are not practical for helicopter pilots operating under Parts 133 and 135. Some tourist operations require 40 to 50 short flights in a day. Suggest for pilots operating in a Part 119 organisation that only a brief summary of the days flying for each aircraft be entered in the logbook. e.g.

21-7-04 AS350 HGO Self Heliski Treble Cone 3.8 Hours

CAA Comment: *The CAA agrees and the rule is amended to:*

list each flight record—

- (i) as a separate entry; or*
- (ii) on a computer generated flight record inserted permanently into the logbook; or*
- (iii) of a series of flights on the same date where the purpose of the flight, including the place of departure, any intermediate landings, and the place of arrival*

are the same as a separate entry summarising the total flight time for that date; and

(f) Carlton Campbell, CFI Wakatipu Aero Club, supports this proposal. This submission is supported by Ardmore Flying School.

(g) Andrew Buttle, Flight Examiner, submits a change to "all flight record entries..." and where flights are recorded on a computer then "insertions into a pilot logbook must be made within 35 days..." Otherwise it would be messy having at least 4 separate entries made each month prior to totalling. This is supported by John Clements.

CAA Comment: The CAA disagrees with the extended period proposed. Logbooks need to be kept up to date and the existing periods allow sufficient time for entries to be logged.

61.31 Pilot logbooks – crediting flight time

Carlton Campbell, CFI Wakatipu Aero Club, submits that this part regarding Pilot in Command time verses dual time need clarification. The Pilot in Command pilot logging Pilot in Command time must be the actual Pilot in Command not simulated. In particular when a Flight Instructor is on board with a student and allows the student to log the time as Pilot in Command. This submission is supported by Ardmore Flying School.

CAA Comment: The CAA acknowledges this problem but sees no rule based solution to this inappropriate practice. Part 1 has definitions for both dual and pilot in command.

(b) Ardmore Flying School and the RNZAC each submit that the wording of this paragraph be changed so that a pilot can log co-pilot or command practice flight time when the operator requires the aircraft to be operated with two pilots under the conditions and procedures as detailed in the organisation's exposition and standard operating procedures. What does "in aircraft required to be operated with a co-pilot" mean? CAA stated in Vector that it means that under the Type Certification that the aircraft must be operated with two pilots. Chieftains, Navajos and etc. are Type Certificated as single pilot. Rule 135.505 details pilot experience requirements to be Pilot in Command and rule 135.505(b)(3) states this experience may be acquired while performing the duties of a Pilot in Command under the supervision of a designated Pilot in Command. A number of Part 135 organisations have

co-pilots on multi engine operations, these are pilots who have been type rated on the aircraft and checked under rule 135.607. This is excellent value for pilots to gain exposure to an IFR environment and thus gain this type of experience. Under rule 61.31 the pilot cannot log any of the above time. The TSG were firmly of the view that the aircraft types mentioned could be flown single pilot with an auto-pilot or with a co-pilot even though the Captain may only be the holder of a CPL with the express purpose of relieving the load placed on a "single pilot" operation while giving low timed pilots vitally needed experience. Additionally "command practice" has been inserted but this is not mentioned in the NPRM.

CAA Comment: The CAA agrees and has looked at various wording solutions. This will be addressed in Stage Two of the Part 61 project.

61.33 Pilot logbooks – crediting ground time

The RNZAC submits they accept this proposal as presented.

61.35 Medical requirement

Carlton Campbell, CFI Wakatipu Aero Club, submits this could be the appropriate place to add a Flight Instructor when carrying out dual training or assessment rule 61.35 (i) and (3) does not apply or applies with restrictions. This would allow Flight Instructor experience not to be lost due to medical. This submission is supported by Ardmore Flying School.

CAA Comment: See comments under 61.303.

L Morris submits changes needed to medical currency periods and renewal dates.

CAA Comment: The CAA notes this but it is outside the scope of the Part 61 project and the submission has been passed on to the Ministry of Transport in regard to the Part 67 NPRM.

(1)(i) RNZAC submits that the wording be changed to remove the words "Class 2" and that it be replaced with the words "Class 4".

CAA Comment: The CAA disagrees. The PPL is an internationally accepted licence that meets ICAO Annex 1 standards and that includes a class 2 medical. The specific issue of a Recreational Pilot Licence and related class 4 medical has been developed in a separate NPRM

focusing on this requirement. Given the nature of this issue the CAA policy unit have reviewed and analysed the various options for a Recreational Pilot Licence. The CAA board are reviewing these options.

61.37 Recent flight experience

The RNZAC submits they accept this proposal as presented.

Aircraft Owners and Pilots Association (AOPA) submits they welcome the demonstration of competence to an A or B Category Flight Instructor as a means of meeting recent flight experience.

(b)(2) Andrew Buttle, a Flight Examiner, agrees fully with this change.

(h) George Richardson, a B & D Cat Flight Instructor, submits that the requirement for a Flight Instructor to be current day or night is unnecessary. A Flight Instructor may fly many different types of aircraft in the course of their duties and should not have to be current on each type. The Civil Aviation Safety Orders should be reinstated. All single engine aircraft have a climb speed of 70-80 knots and an approach of the same magnitude. A dispensation of one year away from a dis-similar type would require a currency check, for an A, B, C and D category instructor.

***CAA Comment:** The CAA disagrees as the flight instructor should be current and provide the same level of safety to a paying student as to any other passenger.*

(i) Aircraft Owners and Pilots Association (AOPA) submits they welcome the requirement for a BFR rather than an issue flight test to reinstate a licence not exercised for 5 years or more.

(i) S Perreau submits he disagrees with a BFR instead of a flight test to reinstate a licence not exercised for 5 years or more. A flight test is surely the highest and best standard a pilot must demonstrate to hold their licence. The BFR therefore must be a lower standard. Reducing the requirement to only a BFR must reduce the standard required to attain for a pilot. This surely cannot be in the interests of safety. Flight testing is carried out by a specialist approved A cat instructor. This provides an independent review of the standard of the pilot being assessed for licence renewal. This extra independent step is likely to be missing in a

BFR. The submitter has recent experience in this as last year undertook a flight test last year to revalidate his licence after not flying for ten years.

CAA Comment: *The CAA disagrees as the BFR is performed to the same standard as a flight test but it is not a flight test. This enables a flight instructor to give instruction which is not allowed in a pass or fail flight test.*

61.39 Biennial flight review

The **RNZAC** submits they accept this proposal as presented.

Carlton Campbell, CFI Wakatipu Aero Club, submits concerns over a pilot doing their annual competency check in a Pitts Special would then cover the same pilot flying a light twin in an "A to B" flight. The operational competency check would not have covered much relevant to flying the light twin. Does the BFR need possible endorsements or is this sufficiently covered by type currency?

CAA Comment: *The CAA considers the competency check and the required type currency should adequately cover pilot competence.*

G Smith submits there should be no requirement for three copies of the BFR form as the candidate will know from the demonstration and debrief their strengths and weaknesses, the instructor conducting the BFR will already have a record and there is no reasonable purpose in the CAA having a copy as the instructor has already been duly authorised to conduct the review. Additional comment was made regarding amending the BFR competency checks wording and phraseology.

CAA Comment: *The CAA believes the proposed system ensures the BFR is completed correctly and that it is prudent for the regulator to have a record on the pilot database of who is active in the aviation system and which licence privilege they are exercising.*

L D Morris submits that biennial flight reviews are not promulgated or directed to be 'flight tests'. The submitter endorses the use of biennial flight reviews as they give instructors the opportunity to quietly and calmly show a student who may be a bit rusty on a particular technique to practice with practical encouragement. A flight test is a different concept from a BFR.

CAA Comment: *The CAA agrees.*

(a) **Andrew Buttle, a Flight Examiner**, submits the way this paragraph is worded only one Biennial Flight Review is required. Should be amended to either "or subsequent biennial flight review" or wording covering within the preceding 24 months as per FAA. This is supported by John Clements.

CAA Comment: *The CAA agrees and has amended the wording to:*

(f) *The holder of a pilot licence issued in accordance with this Part must not exercise the privileges of the pilot licence for longer than 2 years from the date of the issue flight test for the pilot licence unless the holder of the pilot licence—*

(1) has successfully completed a biennial flight review in accordance with paragraph (c) within the previous 24 months; or

(b) Flight Test NZ, supports this proposal as a practical method to tidy up similarities between BFRs and flight crew competency checks.

Gliding New Zealand submits rule 61.39(a)(2) provides for a gliding organisation to do BFRs on PPL(G) and CPL(G). However rule 61.39(c) requires a BFR to be conducted by a Flight Instructor which by definition in Part 1 is a person who holds a Flight Instructor rating issued in accordance with Part 61. GNZ glider instructors do not hold Part 61 Flight Instructor ratings and the interpretation means only Part 61 Flight Instructors may do BFRs on PPL(G) and CPL(G). Recommended amendment to rule 61.69(c)(1):

Be conducted by an appropriately qualified flight instructor, or, in the case of a glider pilot licence, by a person authorised by a gliding organisation for that purpose.

CAA Comment: *The CAA agrees and the wording is amended.*

(c) **B Kennelly** submits that nothing in this part says the pilot must supply an aircraft for a BFR that matches the type of flying the pilot does. The pilot only needs to supply an aircraft that can do the manoeuvres and procedures applicable to the pilot licence the pilot holds. There is nothing in the rule or the flight standards booklet to support a Flight Instructor decision on whether the aircraft is acceptable.

CAA Comment: The CAA agrees but it is up to individual qualified flight instructors to make decisions in the interests of safety on the aircraft to be used.

(d)(2) Aircraft Owners and Pilots Association (AOPA) submit the CAA BFR Flight Review form is overly complicated and limits an instructor's ability to construct a flight review appropriate to the candidate's requirements (a keystone of the BFR concept). What is needed is a simple form return confirming that a successful review has been completed and noting any conditions the reviewer may feel appropriate e.g. a non-generic review of glider towing and local flights for a pilot whose only flying is of that type.

CAA Comment: The CAA disagrees as it is appropriate for the safety regulator to have a system that provides appropriate standardisation and consistency of competency checks for pilots in the aviation system which the proposed BFR form does. The form can be modified as required in consultation with industry to meet practical industry requirements.

61.41 Use of lower pilot licence or rating

The RNZAC submits they accept this proposal as presented.

61.43 Examination for proficiency

The RNZAC submits they accept this proposal as presented.

Subpart B — Aircraft Type Ratings

61.51 Purpose

The RNZAC submits they accept this proposal as presented.

61.53 Eligibility requirements

The RNZAC submits they accept this proposal as presented.

(3) Garden City Helicopters submits a grammar change required to add "if" at beginning of the sentence.

CAA Comment: The CAA believes the sentence is correct as written but will review this during Final Rule drafting.

(3) Aircraft Owners and Pilots Association (AOPA) submit in no other jurisdiction does the Basic Turbine knowledge examination exist - instead the subject matter is covered for specific engines as part of a type rating. Why is NZ different?

CAA Comment: The CAA states basic turbine knowledge is required as a prerequisite to an aircraft type rating in a turbine aircraft. The preamble to the draft NPRM in 2002 states the TSG agreed the written examination should be preserved at general principles level and there is no need for a separate rating.

(4) Flight Test NZ, submits the demonstration of technical knowledge to an instructor for a type rating needs beefing up and the demonstration should be in writing i.e. a written exam of say 100 questions requiring a 80% pass.

CAA Comment: The CAA agrees with the concept but would need more work done on such a proposal and widespread industry support. This will be looked at in Stage 2 or be more practical under Part 141 certified training organisations. Presently rule 61.53(b) requires a technical training course and written examination for aircraft over 5700 kg MCTOW and multi-engine helicopters.

(5) George Richardson, a B & D Cat Flight Instructor, submits the final handling demonstration should be renamed Type Competency Demonstration (TCD).

CAA Comment: The CAA agrees and the final handling demonstration will be renamed Type Competency Demonstration (TCD).

(6) Flight Test NZ, submits that from observation there is often limited technical knowledge on light twins. Propose that all twin engine aircraft are included in rule 61.53(6) and a ground course is to be completed by an approved organisation for twin engine aircraft. Two accidents in recent years involving fuel starvation indicated a lack of system knowledge. Amend to "for an aircraft exceeding 5700kg MCTOW or for any multi engine helicopter or aeroplane"

CAA Comment: The CAA agrees and this issue is included in the Stage 2 of the Part 61 project.

61.55 Issue

The RNZAC submits they accept this proposal as presented.

(a) B Kennelly submits this rule should require a copy of the final handling demonstration to be forwarded to the Director to support the CAA Type Rating Booklet.

CAA Comment: *The CAA agrees and this rule part is amended to:*

(a) When the eligibility requirements of rule 61.53 have been met, the flight instructor responsible for the final handling demonstration must:

- (1) enter the aircraft type rating in the pilot's logbook in a form acceptable to the Director; and*
- (2) complete CAA form 24061/13 and submit a copy of this form to the Director.*

(b)(2) P Washbourn supports the changes to test pilots and the issue of ratings at the completion of a test period.

(d) George Richardson, a B & D Cat Flight Instructor, supports the proposal that the flight instructor determines the alternatively named aircraft or similar type for a type rating but contents it should apply to 61.37(h).

CAA Comment: *See comments under 61.37(h).*

(d) Carlton Campbell, CFI Wakatipu Aero Club, submits; what is an appropriately qualified Flight Instructor in this instance....one who holds the insurance underwriting responsibility? This submission is supported by Ardmore Flying School.

(d) Auckland Flight Training submits there needs qualification of what is deemed a similar type. The introduction of a standardised syllabus and final handling check are steps in the right direction. Does not accept the CAA stance that it should be up to an instructor without guidelines as it is open to too much interpretation. It is then the responsibility of the instructor to defend themselves and quantify the decision if an accident occurs. People presently "shop around" for type ratings and this will still be the case.

CAA Comment: *The CAA considers the flight instructor is the best person to ascertain whether an aircraft is of a similar type in conjunction with their assessment of a pilot's ability. The CAA cannot make a blanket assessment on similar types as this does not take into account the pilot to whom the type rating would be issued, this would vary from a 100 hour pilot to a 5000 hour pilot. If the flight instructor is*

unsure then the flight instructor should make the pilot complete the required demonstration before issuing a type rating.

(d) B Kennelly submits that the rule allows for an instructor to type rate a pilot on an aircraft type so similar to the type rating held with no further conversion instruction. The rule does not explain how the instructor will authorise such flying. The Flight Instructor cannot sign a logbook as rule 61.55(a) requires a final handling demonstration. This rule should include a requirement for the Flight Instructor to inform the Director of all such authorisations.

CAA Comment: *The CAA agrees and this rule part is amended to:*

Notwithstanding rule 61.55(a), an appropriately qualified flight instructor may issue an aircraft type rating for an aircraft type that is so similar to an existing aircraft type rating held by the pilot if the instructor is satisfied that no further conversion flight instruction or handling demonstration is necessary and—

- (1) an appropriate entry is made in the pilot's logbook in accordance with rule 61.29; and*
- (2) the flight instructor submits a certified copy of the appropriate logbook entry to the Director.*

61.57 First of type authorisation

The RNZAC submits they accept this proposal as presented.

Subpart C — Student Pilots

61.101 Purpose

The RNZAC submits they accept this proposal as presented.

61.103 General

The RNZAC submits they accept this proposal as presented.

61.105 Solo flight requirements

The first paragraph is missing the sub title (a).

CAA Comment: *This is amended.*

RNZAC submit this should include a Class 4 Medical Certificate.

CAA Comment: *The CAA disagrees and this issue will be addressed in the Recreational Pilot Licence NPRM.*

Ardmore Flying School and RNZAC submit although stated elsewhere this rule should clearly state only an 'A' or 'B' Cat Instructor can send a student first solo. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

(a)(4) Andrew Buttle, a Flight Examiner, submits that the words "directly responsible" be deleted as there needs to be a legal meaning and it has insurance and legal implications for the flight instructor. Also remove "for the actions of that person"; does this relate to when flying, lunching, fueling, on their way home following the flight, if they deviate from the flight plan, crash into a building? This submission is supported by John Clements.

CAA Comment: *The CAA agrees and this rule part is amended to now read;*

(4) the flight is authorised by the holder of a Category A, B or C flight instructor rating except for a first solo flight by day or a first solo flight by night which must be authorised by the holder of a Category A or B flight instructor rating; and

(a)(4) Carlton Campbell, CFI Wakatipu Aero Club, submits; should not a D Category Flight Instructor be included here to cover type ratings where solo would be part of the "pre-typed rated" training element. That is not ab initio. This is supported by Ardmore Flying School.

CAA Comment: *The CAA has addressed this in 61.5(q).*

(a)(5) Carlton Campbell, CFI Wakatipu Aero Club, submits should "first solo" be included in this list? This submission is supported by Ardmore Flying School.

Flight Test NZ, Ardmore Flying School and the Aviation Industry Association each submit this section needs a clause allowing the student first solo flight to be completed before the (a)(5) certification. Often there are aspects of the flying that are not deemed competent until the flight where the instructor sends the student on their first solo. In reality the certification may occur after the first solo as the student may be ready and the instructor would not make them wait whilst they go and

complete the required certification. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International. Does the word current need to be inserted for the A or B category Flight Instructor?

CAA Comment: The CAA agrees and will review the wording prior to final rule development.

(a)(8)(i) Carlton Campbell, CFI Wakatipu Aero Club, submits this should allow C Category Flight Instructors to authorise solo cross country.

CAA Comment: The CAA disagrees but this will be reviewed in conjunction with industry in Stage 2 of the Part 61 review.

(a)(8)(ii) Roy Crane, Instructor and Business Operations Manager North Shore Helicopter Training, submits that having to pass all written examinations prior to first solo cross-country is impractical and unnecessary. It would not improve safety. A student can be ready for first solo cross-country in four weeks at one hour flying per day. The proposal would not attract international students or companies to train in New Zealand due to the length of time it takes to sit and pass exams. There is a commercial aspect to this issue that CAA has failed to grasp.

(a)(8)(ii) G Smith submits that the requirement for the Aircraft Technical Knowledge examination subject is not required for solo cross country exercise. The knowledge required is basically irrelevant to impact on the student's ability to carry out cross-country flight. By the time a student is authorised for solo cross country their instructor will have ensured the student is familiar with procedures for low oil or fuel pressure etc. If another problem is encountered the student cannot leap out of the aircraft to fix it so it is not relevant to cross-country flying.

CAA Comment: The CAA believes this provision increases safety by ensuring the student pilot has adequate theory knowledge and the provision remains.

Mid Canterbury Aero Club submits under the requirement for current PPL written examination credit, what about students who miss these out and sit CPL exams instead? Is there a provision elsewhere in the rules that cover this? It could be rectified by including the words 'or higher' after the word 'private' in this rule.

***CAA Comment:** The CAA disagrees as the syllabus for each licence is developed for the type of flying of each licence. The PPL is prerequisite to a CPL and CPL prerequisite to ATPL, each builds on the knowledge gained from the lower licence. The CPL syllabus does not cover items in the PPL syllabus as these should already have been covered and the new examination system reinforces this approach.*

(b) Andrew Buttle, a Flight Examiner, submits this provision needs to be deleted. Describe how this can practically be done, observe the aircraft and have a chase plane on cross country flight. If this means while carrying out the first solo flight then say so. This is supported by John Clements.

(b) Carlton Campbell, CFI Wakatipu Aero Club, submits this provision needs clarification. It is not necessary for the Flight Instructor to be "grounded" because their student is out flying solo. "Must monitor" needs a better definition. Tim Maynard, CFI North Shore Aero Club, also questions what does monitor mean. Tim believes it means the Flight Instructor needs to be responsible for supervising the student, they can't go home or have lunch and must use their professional judgement to assess the student is at the appropriate standard. The Flight Instructor once the sign out is made monitors the weather and the general conditions. Ardmore Flying School and the Aviation Industry Association also believe the rule is unclear on the monitoring and could be misinterpreted. Recommend it is reworded and also include a provision for the instructor, if going off duty, to hand over responsibility to another instructor. Southern Wings Limited also believes the rule is unclear and the 'monitor' needs to be defined.

***CAA Comment:** The CAA agrees but it is difficult to get wording that correctly covers all situations especially as the level of flight instructor supervision of student pilots varies greatly. In the absence of proposed alternatives the word monitor will remain with the Advisory Circular detailing the interpretation.*

61.107 Limitations

The RNZAC submits they accept this proposal as presented.

(4) Carlton Campbell, CFI Wakatipu Aero Club, submits this removes the ability for a Flight Instructor whilst the Flight Instructor is Pilot in Command to place a student in the aircraft for passive learning

e.g. on a cross country and for a student to experience MAUW variables. This is too restrictive. Flight Test NZ, Nelson Aviation College, Ardmore Flying School and the Aviation Industry Association also submit the same, noting there is a lot of benefit and valuable experience gained by having other people, particularly students, on board. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

(4) B Kennelly submits there is confusion over this section as rule 61.107(4) now says the student pilot must not act as "pilot" of an aircraft. Part 1 defines "Pilot in Command" but not "pilot". Therefore the student pilot cannot carry other people on the aircraft while they are manipulating the controls while receiving dual instruction. The words "in command" should be reinserted to allow student pilots while receiving dual instruction to carry other people on board.

CAA Comment: The CAA agrees and pilot-in-command wording is reinstated.

Subpart D — Private Pilot Licences

61.151 Purpose

The RNZAC submits they accept this proposal as presented.

61.153 Eligibility requirements

The RNZAC submits it is inappropriate for the CAA to be able to ratify a "certificate" granted by an external organisation. This sets a dangerous precedent. It could follow that a microlight certificate could be "rubber stamped" by the CAA for issue of a NZ PPL. It is conceivable the RNZAC could issue its own certificates and have these rubber stamped as a NZ PPL. The RNZAC believe the CAA needs to have a long hard look at the appropriateness of such actions, and consider the on-going effect regarding the integrity of New Zealand flight crew licences. RNZAC submit the inclusion of the Class 4 Medical Certificate.

CAA Comment: The CAA disagrees as the Director is not ratifying a "certificate" but is taking into account the ground and flight training gained for a glider pilot certificate to meet the eligibility requirements along with other distinct requirements of a private pilot licence.

(a)(3)(i) M Wakelin, a Flight Examiner, recommends that spinning be included in the PPL syllabus to address the number of fatal accidents caused by aircraft inadvertently spinning and not recovering. Supporting detail includes 7 of the 37 fatal crashes on the CAA web site were attributed to spinning and there have been two more probable spin crashes in the last year this is 19% of the cause of accidents in aircraft since 1998. The industry can no longer ignore the fact that 1 in 5 fatal crashes are caused by a loss of control of an aircraft in flight and this needs to be addressed as soon as possible in the Part 61 review.

CAA Comment: *This issue was not identified by the TSG as a concern and as it has not been consulted upon therefore it cannot be included in this stage of the Part 61 review. It has been noted for future discussion.*

(c) George Richardson, a B & D Cat Flight Instructor, submits the PPL(G) should not require a Class 2 medical as it would eliminate 50% of all glider\motor glider pilots.

CAA Comment: *The CAA has included the PPL(G) as an option for glider pilots. This licence does not replace the glider pilot certificate issued by a Part 149 glider organisation. The intent of the PPL(G) is to provide an ICAO standard licence for glider pilots flying in other countries. The standards therefore need to comply with Annex 1 and that includes an ICAO standard Class 2 medical certificate.*

(c) Ardmore Flying School and the Aviation Industry Association each submit this rule be removed as it is selective and inappropriate. If a letter has been exchanged between Gliding New Zealand and CAA allowing gliding to oversee their training requirements why can't the same privilege be accorded between say the AIA and\or RNZAC to oversee flight training in New Zealand. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

CAA Comment: *The CAA disagrees and refers to the reply to the RNZAC submission above.*

61.155 Privileges and limitations

The RNZAC submits they accept this proposal as presented.

Southern Wings submits there should be a provision under rule 61.155 of the privilege to cost share. This is defined in CAR 1, but is not to be found as a listed privilege in Part 61.

CAA Comment: The CAA disagrees as cost sharing is not a direct privilege of a private pilot licence but a situation in which a private pilot licence holder can carry passengers and in which the cost of the flight is covered by both the pilot and passengers. The privilege is there to carry passengers but not for hire or reward. By definition cost share is not a flight for hire or reward.

South Canterbury Aero Club and John Scott, B Category Flight Instructor, submit that the Private Pilot Licence privileges and limitations should be added to with a (c)(3):

(3) Conduct flight training, but only if the person is the holder of a current instructor rating issued under Part 61.

There are people out there instructing on Class 2 medicals. Glider and microlight instructors do not have to have class one medicals and the student is paying for hire of the glider and tow plane or microlight. That is no different to a Part 61 instructor who holds a class 2 medical and is happy to instruct for no remuneration. The addition of (3) may also allow senior instructors who no longer obtain class 1 medicals to still be involved in the industry. Why change the ability to get an instructor rating on a PPL.

CAA Comment: The CAA disagrees as this does not address the issue of the pilot receiving remuneration or the aircraft being operated for hire or reward. Stage 2 will address the issue of instructing without a current medical in regard to flight instructor certificates. See comments under rule 61.303.

61.157 Currency requirements

The RNZAC submits they accept this proposal as presented.

Qwilton Biel fully supports the removal of the one hour instrument time requirement. Aircraft Owners and Pilots Association (AOPA) also welcome this change.

Skyline Aviation Limited submits this proposal to delete the one hour instrument time for PPL(H) is not acceptable under any circumstance. It

is a long standing topic forwarded by helicopter operators; it has been driven by a cost issue rather than a benefit decision. The ability for a helicopter pilot to operate safely under night conditions is greatly enhanced by the 1 hour instrument time. It should not be left to individuals or operators with sufficient concern for their resources and their product to initiate this requirement. The removal of this requirement is a negative factor in the overall nature of aviation safety and it does not compliment the safety ethos of "lifting our game" in Towards 2005 safety programme. Helicopter pilots will no longer be required to demonstrate or practice any ability in regard to flight by reference to instruments. The removal of this requirement negates the value of this level of qualification and opens the way for a lesser level of pilot qualification and experience.

CAA Comment: The CAA bases this change on the TSG proposal to make the currency requirements for helicopter pilots the same as for aeroplane pilots.

Subpart E — Commercial Pilot Licences

61.201 Purpose

The RNZAC submits they accept this proposal as presented.

61.203 Eligibility requirements

The RNZAC submits they accept this proposal as presented.

Carlton Campbell, CFI Wakatipu Aero Club, submits that it is time to remove the 150 hour commercial course.

(4)(i) Ardmore Flying School and the Aviation Industry Association each submit the rule allowing a 150 hour course should be removed. This is needed to improve training standards as 100 hours Pilot in Command is required for a commercial and to have 50 hours dual in which organisations are including IFR training surely is lowering standards. The Ardmore Flying School submission is supported by Phill Hooker, CFI Bay Flight International.

CAA Comment: The CAA does agree but believes the removal of the 150 hour option should be consulted on and will be included in Stage 2 of the Part 61 project.

61.205 Privileges and limitations

The **RNZAC** submits they accept this proposal as presented.

(a)(3) **R Davey, Operations Manager Heliworks**, submits replace "multi-pilot operation" with "certified for a minimum of at least two pilots".

CAA Comment: The CAA agrees and notes there are three situations where this can occur. It proposes to leave the wording of "multi pilot operation" and to address this issue fully in Stage 2 of the Part 61 project.

61.207 Currency requirements

The **RNZAC** submits they accept this proposal as presented.

Qwilton Biel fully supports the removal of the one hour instrument time requirement. Aircraft Owners and Pilots Association (AOPA) also welcome this change.

Subpart F — Airline Transport Pilot Licences**61.251 Purpose**

The **RNZAC** submits they accept this proposal as presented.

61.253 Eligibility requirements

The **RNZAC** submits they accept this proposal as presented subject to any text that may be affected by changes proposed to rule 61.17.

(b)(ii) **Flight Test NZ Ltd**, submits a definition be made of aircraft acceptable to the Director. It is difficult to gain an ATPL and changes to examination credits will see more pilots gain an ATPL in the limited number of light twin aircraft that would be suitable. To restrict pilots to particular aircraft used by some operators would stop a pilot not flying with such operators in gaining an ATPL. The cost of a type rating and time to gain experience on type would be very expensive.

(b) **Aircraft Owners and Pilots Association (AOPA)** submits in other jurisdictions (USA & JAR) this flight test can be and usually is carried out in a light twin. In Australia there is no flight test. In NZ the Part 121

or Part 125 command course and check is very comprehensive more than covering an ATPL test. The present test demanding a complex aircraft typically costs a non-sponsored pilot \$12-\$20,000. GA pilots are not well paid. What is the point? Especially when one considers the aim of standardisation with trans-Tasman Mutual Recognition Agreement.

CAA Comment: *The CAA disagrees as Australia is to introduce an ATPL flight test under their review of Part 61. The CAA believe that in order to demonstrate competence at the level of New Zealand's highest professional licence, which has a high standing internationally, then an appropriate aircraft is required to be used. The expense of the aircraft to match that of ATPL operations answers the question in itself. The aircraft used needs to match the environment in which the licence will be used and where the pilot would gain employment. The rule provides 3 options for the flight test and this should provide sufficient flexibility for pilots seeking an ATPL.*

61.255 Privileges

The RNZAC submits they accept this proposal as presented.

(a)(3) R Davey, Operations Manager Heliworks, submits replace "required to be operated with a co-pilot" with "certified for a minimum of at least two pilots". The present wording of this paragraph and rule 61.205 (a)(3) is confusing e.g. does a customer require a 2nd pilot - does that pilot require an ATPL. The above wording is ICAO wording.

CAA Comment: *See 61.205 (a)(3) above.*

61.257 Currency requirements

The RNZAC submits they accept this proposal as presented.

Subpart G — Flight Instructor Ratings

61.301 Purpose

The **RNZAC** submits they accept this proposal as presented.

61.303 Eligibility requirements

Several submissions highlighted the change to Flight Instructor Rating eligibility requirements where a current CPL is required to be issued a flight instructor rating. T Dick along with George Richardson was concerned that the requirement for an A Category Flight Instructor or a Flight Examiner to hold a class one medical as per a CPL would see a great loss of both instructing and examining experience. B Kennelly submits there should be nothing in this subpart that excludes a current flight instructor instructing on a class 2 medical.

George Richardson, a B & D Cat Flight Instructor, submits a class 2 medical should be allowed for CPL and ATPL flight instructors who have reduced medical status. He also contends that with the removal of a PPL for flight instruction the need to attain a Class 1 and the costs involved cannot be recovered by the ability to gain remuneration.

Carlton Campbell, CFI Wakatipu Aero Club, submits that a current commercial pilot licence is appropriate for the issue of a Flight Instructor rating. However the wording needs to accommodate the experienced Flight Instructor who cannot maintain a Class 1 medical so they can instruct and assess such as a Flight Examiner is able to. This submission is supported by Ardmore Flying School.

The Sport Aircraft Association of NZ Incorporated submits that the existing rule be retained allowing a PPL holder to be eligible for a flight instructor rating provided they meet the examination, training, and experience requirements for a commercial pilot licence. The requirement for an A, B, C or D Flight Instructor to hold a commercial pilot licence means that experienced instructors who retire from commercial operations or don't maintain a Class 1 medical cannot give student pilots the benefit of their experience in a voluntary, non-commercial way. As per the Toward 2005 seminars and accident statistics we should be encouraging highly experienced and qualified instructors to remain active in the aviation community not excluding them.

Ardmore Flying School and the Aviation Industry Association each submit the requirement for a current commercial pilot licence be held over until Part 2 is issued as Part 2 deals specifically with instructor ratings and particularly the ability of an instructor to continue if they should lose their medical. If this change is to proceed it needs amendment to include:

"An instructor who has previously held a CPL may continue to instruct as a PPL instructor if their medical is downgraded to a Class 2" This keeps experienced instructors in the industry and is in line with such instructors to continue as a "coach" on training flights.

Phill Hooker, CFI Bay Flight International, agrees that new instructors should be the holder of a CPL, but we need the option to revert back to a Class 2 medical later on down the track if required.

E Smart, CFI Air NZ Flying Club & A Category Flight Instructor, submits the holder of a CPL and Flight Instructor Rating may have both Class 1 and Class 2 validity periods included on a Medical Certificate. There should be no exclusion to the continuation of flight instruction in a private capacity. The qualifications and capabilities do not expire with the expiration of the Class 1 medical.

Southern Wings submits is the intention of the rule to stop PPL holders from instructing or is it to stop Class 2 medical holders? Current flight instructors who have their Class 1 medical revoked but retain a Class 2 medical should remain able to instruct.

R Crawford submits the New Zealand rule should reflect the US FAR Part 61 requirement that no medical certificate is necessary for renewal of an instructor rating. Four options are presented with supporting discussion on flight safety, loss of instructor experience and flight examiners without medicals. Four options are provided:

1. Flight Instructor rating with no requirement for a medical certificate.
2. Flight instructor rating issued to holders of current CPL or better only and no requirement for a medical certificate when renewing the rating. (i.e. As for Flight Examiner rating).
3. Remove the requirement for a medical certificate for B and A Category Instructor renewals only.

4. Remove the requirement for a medical certificate at renewal of an instructor rating only when the candidate is the holder of an A or B Category rating and the holder of an examiner rating. In this case, all renewals would be carried out by a CAA examiner under the present requirements.

The FAR places emphasis on the demonstration of standards at renewal of rating. Their instructor ratings are divided by privileges not by categories. Thus instructors can only instruct in a multi engine aircraft if they hold that privilege, renewal is assessed accordingly but a medical is not required. If the NZ rule were the same, I would propose the same simplicity. The submitters preference is 3 or 4.

(a)(1) (b)(1) (c)(1) (d)(1) (e)(1) The RNZAC submits that providing the Flight Instructor has previously held a Commercial Pilot Licence that Flight Instructor should be able to maintain the privileges of a flight instructor under the category provided they hold a current Class 2 or Class 4 medical certificate. The RNZAC suggest the wording "be the holder" be replaced with "either hold or have held".

***CAA Comment:** The CAA agrees that experienced Flight Instructors need to be kept in the aviation system. Under the proposal the CAA has removed the ability for a PPL to obtain a flight instructor rating which is supported by many of the above submissions. To be eligible for an instructor rating the pilot needs to have a current CPL which means they must have a current class 1 medical certificate and meet all the currency requirements for a CPL. However once a person has been issued with an instructor rating there is no requirement for them to continue to hold a current CPL. Therefore if they only hold a class 2 medical certificate then they can still exercise the privileges of the flight instructor rating provided they meet the currency requirements for the flight instructor rating but they can only exercise the privileges of a PPL, i.e. they cannot act as pilot in command or co-pilot for remuneration or on an operation for hire or reward. However an instructor with a class 2 medical can still provide flight instruction in an aeroclub situation where the instructor acts in a voluntary capacity and the student is a member of the aeroclub and pays for the use of the aircraft.*

(a)(3) Garden City Helicopters submits a grammar change to delete "an" from sentence.

***CAA Comment:** The CAA agrees and the rule amended.*

(c)(4) Ardmore Flying School and the Aviation Industry Association each submit that the provision for a 'C' Cat to give multi instruction be removed from Stage 1 and delayed until Stage 2. The TSG recommended that only 'B' or 'A' Cats could give dual flight instruction on a multi engine aircraft. New instructors need to gain experience before tackling more complex aircraft types and this is in line with the TAIC recommendation that CAA investigate ways of ensuring a higher standard of multi instruction.

(c)(4) Phill Hooker, CFI Bay Flight International, submits he has C-Cat flight instructors conducting multi engine training and has no problem what so ever. He has one multi instructor on a "c" with 1000 hrs multi engine time prior to gaining the qualification. It should be left to the CFI to make the decision and if the "C" Cat is not good enough he will not pass the flight test with ASL.

CAA Comment: The CAA has made no change to the privileges of a C Category Flight Instructor and any such changes as proposed will be analysed in Stage Two of the Part 61 project.

61.305 Privileges and limitations

(d)(e)(f)(g) Carlton Campbell, CFI Wakatipu Aero Club, submits; Does this clarify whether a D Category Flight Instructor can issue an initial multi-engine rating? It should be addressed, as an inexperienced C Category Flight Instructor can but an experienced D Category Flight Instructor cannot. Should a D Category Flight Instructor be able to teach Aerobatic Rating as they can already teach instrument flight? This submission is supported by Ardmore Flying School.

CAA Comment: The CAA will address this issue and instructor ratings in general in Stage Two of the Part 61 project.

(h)(2) Tim Maynard, CFI North Shore Aero Club, submits does the wording mean that a C Category Instructor cannot send a student solo at night for the first time? CTC Aviation Training (NZ) Ltd also question this wording does it relate to first solo by a student pilot regardless of if it is by day or night or is it the first solo during the day and the first solo during the night.

(h)(2) Mid Canterbury Aero Club submit there is a mismatch between this rule part and rule 61.105(8) as this rule part does not limit the C

Category Flight Instructor from authorising a solo cross country flight. Confusion can occur for a student and an instructor. This should be rectified by adding after the words 'first solo' the words 'or solo cross country flights'.

(h)(3) Carlton Campbell, CFI Wakatipu Aero Club, submits this contradicts rule 61.105(8)(i) as the C Category Flight Instructor cannot authorise a solo cross-country but can sign off the prescribed requirement. He does not have a problem with C Category Flight Instructor authorizing a solo cross and signing the logbook providing the Chief Flying Instructor has approved the instructor.

CAA Comment: *The CAA has changed this paragraph for clarity to read:*

Subject to paragraph (i), (j), (k), and (l) an appropriate current Category C flight instructor rating authorises the holder, when under the supervision of the holder of an appropriate current Category A or B flight instructor rating, to—

- (1) give flight instruction; and*
- (2) authorise solo flight other than a first solo flight by a student pilot by day; and*
- (3) authorise solo flight other than a first solo flight by a student pilot by night; and*
- (4) record in a pilot's logbook that the pilot has complied with any requirements prescribed for pilots that require logbook certification in accordance with Category C flight instructor privileges; and*
- (5) conduct aircraft type ratings.*

(i) John Clements submits that supervision of instructors must be done in a common sense, practical, cost effective manner. Present wording of "supervising instructors on the same aerodrome as the C Category Flight Instructor being supervised" does not achieve this.

(j)(i) Tim Maynard, CFI North Shore Aero Club, submits that the paragraph needs clarifying as it may stop C Category Flight Instructor doing any form of cross country training. Then the next time they do any cross country training will be as a B Category Flight Instructor, and a C Category Flight Instructor is usually current in cross country procedures. It should be up to the Chief Flying Instructor to assess whether a Flight

Instructor is capable of doing a cross country and they must be responsible for the assessment.

Andrew Buttle, a Flight Examiner, submits; does this mean both instructors on the ground at the same time? How far or how long can the C Category Instructor be away? Roy Crane, Instructor and Business Operations Manager North Shore Helicopter Training, submits similar questions along with the fact helicopters don't often operate at/from aerodromes.

Carlton Campbell, CFI Wakatipu Aero Club, submits this is impracticable as written and grounds the instructor. The practical reality is the supervising instructor is contactable in person or by phone. The supervising instructor provides leadership and example within a system that provides the C Category Flight Instructor with structure and support. This submission is supported by Ardmore Flying School.

(j)(ii) Andrew Buttle, a Flight Examiner, submits what does "directly responsible" mean? Is it contrary to natural justice and would need some basis in statute. The supervision should be more of a guidance and mentor relationship. If restrictions are required then maybe the supervising instructor is required to issue and keep a copy of what and where the C Category Flight Instructor is permitted to instruct. What does the United States require? This is supported by John Clements.

Roy Crane, Instructor and Business Operations Manager North Shore Helicopter Training, also believes it is a guidance\mentoring role to authorise, sanction and monitor each flight, it cannot and need not be done on aerodrome and should be for the first 100 hours without the six month provision. He also notes aerodrome is not used by any other ICAO country and not been used by operators for decades.

CAA Comment: *The current Part 61 wording has not been altered. The CAA agrees that the supervising instructor provides leadership and example within a system that provides the C Category Flight Instructor with structure and support. Addressing this in a practical and meaningful way is the core of flight instructor changes in Part 61 Stage Two.*

The word aerodrome is defined in CAR Part One with CASA and ICAO using this term extensively.

(k) Garden City Helicopters submits repetition deletion "of a holder".

CAA Comment: The CAA agrees and this is amended.

Ardmore Flying School and the Aviation Industry Association each submit the limitation for A, B, C and D flight instructors not to give instrument flight instruction unless the instructor is a holder of a current instrument rating prevents instruction of PPL and CPL instrument exercises. Recommend the following needs to be added "unless the student is receiving instruction specific to the PPL and CPL instrument requirements".

(h), (o), (s) The RNZAC submits that technically this clause does not allow a non instrument rated instructor, or one who is out of currency, to instruct basic and full panel IR, or simulated IF unusual attitude training. The RNZAC suggest that this be clarified, and altered to "if the person seeks to instruct in instrument flight in IMC or instruct on an IFR flight plan, have an appropriate current instrument rating".

(k)(ii) Several submissions including Tim Maynard, CFI North Shore Aero Club, and Carlton Campbell, CFI Wakatipu Aero Club, identified that this paragraph as it reads suggests that you need an Instrument Ratings to teach PPL and CPL instrument ratings. Carlton also notes it takes away the "safety pilot" aspect although he does not support that concept. This submission is supported by Ardmore Flying School.

CAA Comment: The CAA agrees and the wording is amended for Category A, B and C flight instructors to:

The holder of a Category A, B, or C (as per appropriate paragraph) flight instructor rating must not give instrument flight instruction in IMC or on an IFR flight plan, unless the instructor is the holder of a holder of a current instrument rating for—

- (i) the appropriate category of aircraft; and*
- (ii) the radio aids used for instruction.*

(o) Garden City Helicopters submits repetition deletion "of a holder".

CAA Comment: The CAA agrees and this is amended.

(r) CTC Aviation Training (NZ) Ltd submit that although this paragraph makes it clear that an A Category Flight Instructor must hold

a relevant type rating where does this fit with rule 61.5(o) that says an A Category Flight Instructor is not required to hold a type rating for a fixed pitch, single engine, fixed tricycle undercarriage land plane. Also it is not clear in regard to a flight examiner especially if they are required to be Pilot in Command under rule 61.27 Status of Flight Examiner. Type rating requirements for A Category Flight Instructors and Flight Examiners needs to be clarified.

CAA Comment: *The Category A Flight Instructor must hold a type rating to instruct whilst pilot in command.*

If the Flight Examiner is pilot in command that person must have a type rating.

(s) Garden City Helicopters submits repetition deletion "of a holder".

CAA Comment: *The CAA agrees and this is amended.*

61.307 Currency requirements

The RNZAC submits they accept this proposal as presented.

Carlton Campbell, CFI Wakatipu Aero Club, submits that the General Aviation unit have a different interpretation on grace periods. Carlton does not mind which way it goes so long as CAA is consistent.

CAA Comment: *The CAA is progressively removing the after due date grace period deeming provision from the rules as these rules are reviewed.*

CTC Aviation Training (NZ) Ltd submit that documentation provided to Flight Examiners by the CAA states in the notes that "instructors who actively use multi-engine instruction privileges should carry out every second competency flight test in a multi engine aircraft". The reverse is also true and they recommend that the rule incorporates that B and C Category Flight Instructors who have multi-engine instructor privileges must complete their annual competency checks in both single and multi engine aircraft on alternate years.

CAA Comment: *The CAA agrees and believes this to be an excellent practice. This will be looked at in Part 61 Stage 2.*

(f) G Smith submits that flexibility is required for competency checks as is well proven it can take more than 30 days to be able to have available firstly the candidate, secondly a flight tester and thirdly suitable weather.

This partly arises from many instructors being full time professionals and employer and work rosters have to be considered.

CAA Comment: The CAA agrees however the present 30 days after due date grace period is not legally possible without presenting problems. To address this issue the CAA has amended the 30 days before to 60 days to allow more flexibility in planning. This then allows the check to be undertaken up to 60 days before and deemed to be completed on the due date. The present rule provides for 60 days being split a month either side of the due date and this same time period is now moved prior to the due date.

Subpart L – Aerobatic Flight Rating

61.551 Eligibility requirements

The RNZAC submits they accept this proposal as presented.

(b) C Elliot, A Category Flight Instructor & Flight Examiner, submits that two new paragraphs be added that a current A Category Flight Instructor and a B or C Category Flight Instructor with aerobatic instructor privileges be deemed to have met the eligibility requirements of (a)(10) and (2) for an aerobatic flight rating.

CAA Comment: The CAA disagrees as the aerobatic instruction privilege of a flight instructor is above 3000 feet above ground level and does not contain the same training standard as an Aerobatic Rating. The Aerobatic Rating privileges allow flight below 3000 feet above ground level and the appropriate training should be completed to be eligible for issue.

61.553 Issue

The RNZAC submits they accept this proposal as presented.

61.555 Privileges and limitations

The RNZAC submits they accept this proposal as presented.

61.557 Currency requirements

The RNZAC submits they accept this proposal as presented.

Subpart M – Glider Tow Rating

61.601 Eligibility requirements

The **RNZAC** submits they accept this proposal as presented.

(a)(1) Gliding New Zealand submits that the flight hours required for an applicant to be eligible for the issue of a glider tow rating be revised from the current 200 hours pilot-in-command to:

"have a minimum of 100 hours as pilot-in-command in an aeroplane; and"

GNZ has concerns in regard to the 200 hour requirement as it was in their view increased without justification and is creating difficulty for Clubs in attracting prospective tow pilots.

Reasons in support are:

- CASO 12, Part 22, required 100 hours total time and 80 hours pilot-in-command, which never created a problem:
- The 200 hours provision represented a 100% increase in requirements from the CASO:
- A tow pilot is permitted to hold a PPL(A) yet the requirement matches the CPL requirement:
- The stated hours in any licence are a minimum and merely act as a filter for clubs to assess potential tow pilots, with clubs able to deny tow rating training to unsuitable individuals regardless of the hour requirements:
- There was no justification provided by the Rule Writer for the change to 200 hours:
- The 200 hours is out of step with other countries especially the UK:
- The required training syllabus ensures instructors can identify "at risk" pilots and terminate training:
- There is no past accident or incident record to support any argument that tow pilots with less than 200 hours total time as pilot-in-command are at a greater risk than those with more than 200 hours total time.

South Canterbury Gliding Club, and John Scott, B Category Flight Instructor, submit the same as Gliding New Zealand regarding

reducing the flight hours required for an applicant to be eligible for the issue of a glider tow rating from the current 200 hours pilot-in-command to 100 hours as pilot-in-command in an aeroplane. They support the original submission by Gliding New Zealand made in 1992. They also note the overseas requirements as:

USA - Private Pilot Certificate and 100 hours pilot in command time in the aircraft category, class, and type that the pilot is using to tow a glider.

Australia - Minimum of 100 hours aeronautical experience on either aeroplanes or gliders of which at least 33 hours must be on aeroplanes.

UK - Minimum PPL.

We are therefore out of line with other countries.

CAA Comment: The CAA agrees as the 100 hour requirement is coupled with a ground course and competency demonstration to a gliding organisation who as the end user of the rated pilot would ensure competence based on skills and ability not on a flight time component. The rule wording will be amended to:

- (c) *To be eligible for a glider tow rating a pilot must—*
- (1) *have a minimum of 100 hours as pilot-in-command in an aeroplane; and*

61.603 Issue

The RNZAC submits they accept this proposal as presented.

61.605 Privileges and limitations

The RNZAC submits they accept this proposal as presented.

61.607 Currency requirements

The RNZAC submits they accept this proposal as presented.

Subpart N – Parachute Drop Rating

New Zealand Parachute Industry Association believes the Subpart N Parachute Drop Rating has changed causing difficulty with the proposal.

1. Part 149 certificate does not permit NZPIA to administer Parachute Drop Ratings.
2. The proposed Part 61 requires NZPIA and/or Chief Executive Officer to appropriately authorise a person to not only assess their competency for a Parachute Drop Rating but also issue the entry in the Pilot's logbook. PIA do not believe this is possible or appropriate.
3. The Drop Rating to be assessed and issued by an authorised person, NZPIA, will in effect no longer be in the loop and not aware of who holds a rating, who is current etc.

CAA Comment: *The CAA disagrees as the wording change from the present Part 61 is to clarify that parachute drop rating competence demonstrations must be made to an approved person in a Part 149 parachute organisation if the organisations Part 149 certificate authorises the holder to conduct the assessment. This is the case in the current rules. If NZPIA's Part 149 certificate does not include the authorisation to conduct parachute drop rating courses and assessments then NZPIA is not entitled to issue the drop ratings.*

The rule just clarifies that the parachute drop rating needs to be assessed and issued by a person who is authorised by the Part 149 certificate holder. The NZPIA do not necessarily need to be aware of who holds a drop rating if they are not legally entitled to issue the ratings. NZPIA can check individual pilot log books to see if the pilot holds a drop rating if NZPIA need to know this information.

However if the Part 149 parachute organisation is authorised by its certificate to conduct parachute drop rating courses and assessments and issue the rating then under rule 149.57(b) the parachute organisation will have a record of who within the organisation conducts the courses and assessments. The organisation will also have a record of each parachute drop rating that has been issued by the parachute organisation.

61.651 Eligibility requirements

The RNZAC submits they accept this proposal as presented.

Ardmore Flying School and the Aviation Industry Association each submit that the rule be changed so that parachute drop pilots have a minimum of a CPL. The TSG felt that parachute dropping was an air

transport operation therefore the pilot should have at least a CPL - money is exchanging hands for the operation. Surely this is the same argument as why PPL should not be issued an instructor rating.

Phill Hooker, CFI Bay Flight International, submits a pilot does not need a CPL to carry out this operation.

CAA Comment: The CAA disagrees. The 200 hour requirement is consistent with the experience requirement of a CPL and the skill level needed to carry a parachutist. Rule 61.155(c)(2) covers the commercial aspect for PPLs and if the parachute drop pilot receives remuneration for the parachute drop then the pilot needs to hold a CPL .

61.653 Issue

The **RNZAC** submits they accept this proposal as presented.

61.655 Privileges and limitations

The **RNZAC** submits they accept this proposal as presented.

61.657 Currency requirements

The **RNZAC** submits they accept this proposal as presented.

Subpart O – Agricultural Ratings

61.701 Eligibility requirements

The **RNZAC** submits they accept this proposal as presented.

(a)(4) and (b)(3) **E. Scott** submits that this proposal needs amendment as Aviation Services Limited and CAA Flight Examiners do not meet currency requirements of 61.307(a), therefore are not current Category E Flight Instructors to do agricultural rating issue and competency checks.

CAA Comment: The CAA agrees and the present Part 61 wording is retained:

have demonstrated competency, orally and in flight, in agricultural operations,—

(i) to the holder of an appropriate current flight examiner rating who operates under the authority of an aviation training

organisation certificate issued in accordance with Part 141 if the certificate authorises that privilege; or

(ii) to the holder of an appropriate current Category E flight instructor rating who must conduct that demonstration under the authority of the holder of an agricultural aircraft operator certificate issued in accordance with Part 137.

61.703 Issue

The RNZAC submits they accept this proposal as presented.

61.705 Privileges and limitations

The RNZAC submits they accept this proposal as presented.

61.707 Currency requirements

The RNZAC submits they accept this proposal as presented.

Subpart P – Pilot Chemical Rating

61.751 Eligibility requirements

The RNZAC submits they accept this proposal as presented.

61.753 Issue

The RNZAC submits they accept this proposal as presented.

61.755 Privileges

The RNZAC submits they accept this proposal as presented.

61.757 Currency requirements

The RNZAC submits they accept this proposal as presented.

Subpart Q – Instrument Ratings

61.801 Eligibility requirements

The **RNZAC** submits they accept this proposal as presented.

61.803 Issue

The **RNZAC** submits they accept this proposal as presented.

61.805 Privileges and limitations

The **RNZAC** submits they accept this proposal as presented.

61.807 Currency requirements

The **RNZAC** submits they accept this proposal as presented.

Kelly Nathan and Heather McLeod supported this change as a great incentive and is more obtainable. Aircraft Owners and Pilots Association (AOPA) also welcome this change.

Air New Zealand submit that they consider that there should be no change to the existing rules 61.807(1) and 61.907(c) allowing a grace period for recency checks. These grace periods were introduced to allow flexibility on the basis that some operators were operating in breach of the rules because their currency and competency checks have not been completed by the required date and that individuals were operating outside their currency requirements.

In responses Air NZ notes:

That neither operators nor individual pilots are operating outside of currency\competency check requirements. If they were then CAA would have issued non-compliance notices.

Flexibility had been specifically provided for in existing Part 61 in recognition that safety was not and would not be compromised. This has been the situation since the rule was introduced in 1994.

No cost benefit analysis has been undertaken of the proposed change.

NZCAA comments are only correct if the rule was amended as proposed.

There is no intention to amend rule 121.9 which provides the same level of flexibility for crew member competency checks.

Air NZ appreciate the CAA has concerns regarding the use of the flexibility provision however the proposed rule 61.29(3)(iii) will provide

greater control on how flexibility is exercised. At the present time CAA is very reliant on operators maintaining appropriate controls. Introduction of this new sub clause will permit the CAA to monitor the use of flexibility provision independent of the operator.

***CAA Comment:** The present 30 days after due date grace period provision creates problems if the person fails the competency check conducted after the currency due date and they would then have been operating illegally. Likewise there could be significant legal implications if a pilot has an accident in the 30 day grace period after the due date when it could be said that the pilot was operating outside the required competency period. To address this issue the CAA has amended the 30 days before to 60 days to allow more flexibility in planning. This then allows the check to be undertaken up to 60 days before and deemed to be completed on the due date. The present Rule provision is 60 days being a month either side of the due date and this time period is now moved prior to the due date.*

Other grace period rules such as rule 121.9 will be amended accordingly in due course.

Subpart S – Flight Examiner Ratings

61.901 Eligibility requirements

The RNZAC submits they accept this proposal as presented.

61.903 Issue

The RNZAC submits they accept this proposal as presented.

61.905 Privileges and limitations

The RNZAC submits they accept this proposal as presented.

(d) Carlton Campbell, CFI Wakatipu Aero Club, submits; why does this apply to Restricted Flight Examiners and not Airline or General Aviation? This is confusing when (e) states a current medical is not required, yet to have a current instructor rating requires a CPL with a current medical. This submission is supported by Ardmore Flying School.

CAA Comment: *The sections (d) and (e) apply to all three types of Flight Examiner not just the Restricted Rating. Paragraph (e) is a notwithstanding clause and thus (d) does not apply so a Flight Examiner who is not a designated crew member does not require a current medical certificate. The headings may be causing confusion and an "All examiner ratings" heading will be added prior to (d).*

(e) Flight Test NZ, submits that provision for renewal of a GA Flight Examiner rating without a current medical needs to be provided for to allow the Flight Examiner to continue examining as rule 61.905(e) allows. This needs to be addressed now before Stage 2 of the Part 61 review.

CAA Comment: *The CAA agrees and the rule permits this provided the Flight Examiner is not pilot in command.*

61.907 Currency requirements

The RNZAC submits they accept this proposal as presented.

Part 121 Air Operations — Large Aeroplanes

Subpart J — Crew Member Competency Requirements

121.607 Flight crew competency checks

The RNZAC submits they accept this proposal as presented.

Part 125 Air Operations — Medium Aeroplanes

Subpart J — Crew Member Competency Requirements

125.607 Flight crew competency checks

The RNZAC submits they accept this proposal as presented.

PART 135 Air Operations — Helicopters and Small Aeroplanes

Subpart J — Crew Member Competency Requirements

135.607 Flight crew competency checks

The RNZAC submits they accept this proposal as presented.