



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This

18 day of *Nov*

1997

by **JENNIFER MARY SHIPLEY**

A handwritten signature in black ink, appearing to read 'Jennifer Mary Shipley', written over the printed name.

Minister of Transport

Civil Aviation Rules

Part 91, Amendment 2

Docket Nr. 1259 & 1253

Civil Aviation Rules
Part 91, Amendment 2

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 92, Amendment 2 is to bring into force the necessary changes that result from the coming into force of Parts 21, Amendment 5, 43, Amendment 3, 47, Amendment 1, 145, Amendment 6, and 148, Amendment 1, of the Civil Aviation Rules. Consultation regarding this amendment was conducted as part of the consultation process under those Parts and the consultation details are contained in the summary of consultation details attached to Part 21, Amendment 5 that was signed by the Minister.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. As of 1 April 1997 the reviewed rules, the Civil Aviation Rules, came into force. Due to the application of some transitional provisions not all of these new rules were immediately applicable.

Prior to 1 April 1997 the Rules and Standards Group of the Civil Aviation Authority identified a requirement to continue to monitor the effectiveness and adequacy of the regulatory boundary and to amend the rules defining this boundary where necessary.

The general airworthiness amendments were developed by the Rules and Standards Group from comments received since the associated rules came into force, consultation with industry representatives, and a petition for rulemaking submitted in accordance with Part 11. The information received by the Rules and Standards Group culminating in the issue of two Notices of Proposed Rulemaking; NPRM 97-2 under Docket 1259 on 5 March 1997 that addressed the general amendments and NPRM 97-5 under Docket 1253 on 9 July 1997 that addressed the petition for rulemaking.

The publication of these notices was advertised in the daily newspapers in the five main provincial centres on 5 March 1997 and 9 July 1997 respectively. The notice was mailed to interested parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 37 days was allowed for comment on the proposed amendments. Thirty written responses were received in response to this notice. There were 16 specific issues raised but no significant disagreements

with the rule. The majority of the changes requested by the commenters were included.

A period of 51 days was allowed for comment on the petition for rulemaking Part 21 proposal. Eight written responses were received in response to this notice. There were no significant disagreements with the rule.

The submissions and verbal comments were considered and the specific issues discussed with the commenters during a series of meetings around New Zealand, where appropriate amending the proposed rules to take account of the comments made.

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

Part 91, Amendment 2 comes into force 28 days after its notification in the *Gazette*.

Part 91 Amendments

91.101 is amended by deleting “21.191(b)(1)-(5)” in paragraph (c)(1) and inserting “21.191”.

91.107 is revoked and the following new rule inserted:

“91.107 Aircraft registration

(a) Except as provided in paragraph (b), no person shall operate an aircraft unless it is registered and identified in accordance with the requirements of—

- (1) Part 47; or
- (2) the appropriate aeronautical authorities of a contracting State of ICAO; or
- (3) the appropriate authorities of another State that is party to an agreement with the Government of New Zealand or the Civil Aviation Authority of New Zealand which provides for the acceptance of each other’s registrations.

(b) Paragraph (a) shall not apply to a new production aircraft undergoing flight testing by an aircraft manufacturing organisation certificated under Part 148 and holding a special flight permit for that aircraft.”

91.601 is amended by revoking paragraph (d) and inserting the following new paragraphs (d) and (e):

“(d) The requirements in 91.607, 91.621, 91.623, and 91.625 of this Subpart shall not apply to aircraft maintained in accordance with a maintenance programme authorised by an air operator certificate issued under Part 119.

(e) The requirements in 91.619 of this Subpart shall not apply to aircraft reviewed in accordance with a maintenance review process authorised by an air operator certificate issued under Part 119.”

91.617 is amended by deleting “43.75, 43.105, 43.107, or 43.207 as applicable,” from paragraph (a)(2) and inserting “Part 43”.

91.619 is amended by revoking paragraph (b) and inserting the following new paragraph (b):

“(b) The first annual review of airworthiness shall be required before 1 April 1998.”

91.623 is amended by deleting the words “design change” in paragraph (b)(5) and inserting the word “programme”.