



**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 *10<sup>th</sup>* day of *April* 2006  
by **HARRY JAMES DUYNHOVEN**

*[Handwritten signature of Harry James Duynhoven]*  
Minister for Transport Safety

**Civil Aviation Rules**

**Part 104, Amendment 3**

**Gliders – Operating Rules**

*Docket 2/CAR/1*

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**Rule objective**

The objective of Amendment 3 to Part 104 is to amend rule 104.5 Pilot Requirements as a consequence of Amendment 7 to Part 61 (re-issue) Pilot Licences and Ratings.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 04-02, containing the proposed changes to Part 61 including the inclusion of a Private Pilot Licence – Glider 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. One submission was received from Gliding New Zealand in respect to proposed changes to rule 61.7 and rule 61.153 to introduce a Private Pilot Licence – Glider. The Gliding New Zealand submission commented that with the changes to Part 61 relating to the introduction of the Private Pilot Licence – Glider there needed to be a consequential amendment to Part 104 in relation to pilot requirements. The CAA agreed this was required

and that it had not been included in the original NPRM. This change was 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 the rule in this Part is reflected by the revocation of the existing rule and the substitution of the new rule.

### **Effective date of rule**

Amendment 3 to Part 104 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 104            Gliders – Operating Rules

### Subpart A — General

*Rule 104.5 is revoked and the following new rule is substituted:*

#### **104.5    Pilot requirements**

- (a) A pilot of a glider must—
- (1) hold—
    - (i) a current glider pilot certificate; or
    - (ii) a current private pilot licence (glider) issued in accordance with Part 61; or
    - (iii) a current commercial pilot licence (glider) issued in accordance with Part 61; and
  - (2) be—
    - (i) at least 16 years of age; or
    - (ii) individually authorised for each flight by an A or B category glider instructor; and
  - (3) comply with the privileges and limitations of the pilot licence or pilot certificate, and any applicable rating; and
  - (4) comply with the operational standards and procedures of a gliding organisation.
- (b) Notwithstanding paragraph (a), a person may act as a pilot of a glider without complying with paragraph (a)(1), (2), and (3) if the person acts as a pilot of the glider under the direct supervision of the holder of an instructor rating issued by a gliding organisation.

## Consultation Details

(This statement does not form part of the rules contained in Part 104. It provides details of the consultation undertaken in making the rules.)

### Comments arising from the NPRM

Amendment 3 to Part 104 is consequential to amendment 7 to Part 61 (re-issue). The rule amendment was developed under docket 2/CAR/1 and published as NPRM 04-02. Fifty written submissions were received on the NPRM with one comment on the proposed amendments to Part 61 in relation to a consequential amendment to Part 104. Gliding New Zealand commented that a consequential amendment to Part 104 was required in relation to the new Private Pilot Licence – Glider. The CAA agreed and this consequential amendment has been included.

The full consultation details relating to docket 2/CAR/1 and this amendment to Part 104 are contained in the consultation details associated with amendment 7 to Part 61.

The comments and all background material used in developing the rules are held on the docket and are available for public inspection. Persons wishing to view the docket should call at Aviation House, 10 Hutt Road, Petone and ask for docket 2/CAR/1.