



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MARK GOSCHE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *23rd* day of *May* 2002

by **MARK GOSCHE**

John Legg
Associate Minister of Transport
Minister of Transport

Civil Aviation Rules

Part 121, Amendment 8

Air Operations – Large Aeroplanes

Docket 97/CAR/1255

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Rule objective

The objective of amendment 8 to Part 121 is to bring into force changes regarding carriage of firearms and automatic ELT that result from amendment 7 to Part 91.

Extent of consultation

A Notice of Proposed Rulemaking 98-1 containing the amendment proposals was issued under Docket 97/CAR/1255 on 11 March 1998.

The publication of this NPRM was advertised in the daily newspapers in the five main provincial centres on 11 March 1998 and in the Gazette on 12 March 1998. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 36 days was allowed for comment on the proposed rule. Additional consultation on certain issues took place after the 36 day period with certain aviation industry members as well as with members of the CAA Industry Rules Advisory Group (CIRAG) executive. Pursuant to section 34 (1)(d) of the Act, the Environmental Risk Management Authority was consulted on 21 August 2001 in respect of the rules relating to the carriage and discharge of firearms on aircraft.

The submissions and verbal comments were considered and where appropriate the proposed rule was amended to take account of the comments made.

The amendment was then referred to and signed by the Minister of Transport.

Examination of comments

Comments may be examined by application to the Docket Clerk at Aviation House between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of existing rules and insertion of a new rule.

Effective date of rule

Part 121, Amendment 8 comes into force on 1 July 2002.

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 121 Amendments

121.13 *Carriage of firearms is revoked as the requirements are now covered by the amendment to 91.9.*

121.353 *General is revoked and replaced by the following:*

121.353 General

(a) A holder of an air operator certificate must ensure that an air transport operation does not commence unless—

- (1) the aeroplane is equipped—
 - (i) subject to paragraph (b), with the type of instruments and equipment required by Part 91 and this Subpart; and
 - (ii) with the number of instruments and equipment to ensure that the failure of any independent system required for either communication or navigation purposes, or both, will not result in the inability to communicate and navigate safely as required for the route being flown; and
- (2) the instruments and equipment installed in the aeroplane comply with the specifications and airworthiness design standards listed in—
 - (i) Appendix B to this Part; or
 - (ii) Appendix C to Part 21; or
 - (iii) Part 26; or
 - (iv) alternative specifications or standards acceptable to the Director; and
- (3) the instruments and equipment have been installed in accordance with the aeroplane manufacturer's instructions or other instructions acceptable to the Director; and

- (4) except as may be provided by a MEL approved under 91.539 for use for that aeroplane, the instruments and equipment installed in the aeroplane are in operable condition.
- (b) Aircraft being operated under this Part conducting regular air transport operations to and from countries outside New Zealand are not required to comply with 91.529(a) regarding an automatic ELT.

Summary of comments

(These statements do not form part of the rules contained in Part 121. They provide details of the consultation undertaken in making the rules)

The NPRM proposed that 121.13 Carriage of firearms be revoked as the requirements are now covered by the amendment to 91.9.

There were no comments on the above proposal.

Taupo Air Services suggested that consideration be given to deleting the proposed 91.529(e)(1) and replacing it with an exemption in Part 121.

CAA response: The proposed 91.529(e)(1) has been deleted and Part 121.353 has been amended with the result that aircraft being operated under Part 121 conducting regular air transport operations to and from countries outside New Zealand are not required to comply with the requirement in Part 91.529(a) to have an automatic ELT installed. The reason for this is that these scheduled operators are required to file flight plans with ATS who provide flight following services and this provides an equivalent level of safety.