



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990

I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 17th day of February 2010

by **STEVEN JOYCE**

A handwritten signature in black ink, appearing to be 'S. Joyce', is written over a horizontal line. Below the signature, the text 'Minister of Transport' is printed.

Minister of Transport

Civil Aviation Rules

Part 121, Amendment 20

Air Operations - Large Aeroplanes

Docket 9/CAR/1

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Rule objective

The objective of amendment 20 to Part 121 is to make minor editorial and minor technical changes to facilitate clearer interpretation of the rule, including the deletion of certain transitional arrangements.

Amendment 20 to Part 121 is constituent to NPRM 09-03 which contains amendments to the following Parts:

Part 1	Part 95	Part 140
Part 12	Part 105	Part 145
Part 19	Part 106	Part 148
Part 26	Part 119	Part 172
Part 43	Part 121	Part 173
Part 65	Part 125	Part 175
Part 77	Part 129	
Part 91	Part 135	
Part 93	Part 139	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 09-03, containing the proposed changes to Part 121 and changes to other rules was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

The publication of this NPRM was notified in the Gazette on 31 July 2009 and advertised in the daily newspapers in the five main provincial centres on 31 July 2009. The NPRM was published on the CAA web site on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

Summary of submissions

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 121, and consequently no changes were made to the proposed amendments.

However in finalising the rule it became apparent that an exception provision in rule 121.353(c) regarding ELTs for existing aeroplanes performing air transport operations to, from, and within countries outside of New Zealand had been inadvertently deleted. Rule 121.353 was amended to retain the exception.

The rule as amended was then referred to the Minister of Transport for signing.

Examination of submissions

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

Insertion of Amendments

The amendments to the rules in this Part are reflected by the revocation of 6 existing rules and 2 appendix paragraphs, and the insertion of new rules and appendices.

Effective date of rule

Amendment 20 to Part 121 comes into force on 25 March 2010.

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

Subpart A — General

Rule 121.15 is revoked and replaced by the following rule:

121.15 Applicability to air operations conducted under an Australian AOC with ANZA privileges

The following rules do not apply in the case of air operations conducted in New Zealand under an Australian AOC with ANZA privileges:

- (1) 121.79:
- (2) 121.81:
- (3) 121.83:
- (4) 121.89:
- (5) 121.91(a):
- (6) 121.91(b):
- (7) 121.803:
- (8) 121.805.

Subpart C — Operating Limitations and Weather Requirements

Rule 121.159 is revoked and replaced by the following rule:

121.159 Aerodrome operating minima – IFR flight

(a) A pilot-in-command of an aeroplane must not continue an instrument approach to an aerodrome past the final approach fix or, if a final approach fix is not used, must not commence the final approach segment of the instrument approach procedure if, before passing the final approach fix or before commencing the final approach segment, current meteorological information indicates that the visibility at the aerodrome is less than the minimum visibility published in the applicable AIP for the instrument approach procedure being used.

- (b) For the purpose of paragraph (a), the final approach segment begins—
- (1) at the final approach fix or facility specified in the instrument approach procedure; or
 - (2) if a final approach fix is not specified in the instrument approach procedure and the procedure includes a procedure turn, at the point where the procedure turn is completed and the aeroplane is established on the final approach course within the distance specified in the instrument approach procedure.

Rule 121.163 is revoked and replaced by the following rule:

121.163 Reduced take-off minima

(a) A holder of an air operator certificate may operate an aircraft at lower take-off minima than those prescribed in rule 91.413(f) if the certificate holder ensures that the operation is conducted in accordance with the reduced take-off minima procedure specified in the certificate holder's exposition.

- (b) The reduced take-off minima procedure must require that—
- (1) the pilot-in-command and the second-in-command are qualified for reduced minima take-offs in accordance with rule 121.515; and
 - (2) the runway to be used has centre-line marking or centre-line lighting; and
 - (3) reduced take-off minima on the runway to be used are published in the applicable AIP; and
 - (4) if the aeroplane is a 2 engine propeller-driven aeroplane, the aeroplane is equipped with an operative auto-feather or auto-coarse system; and
 - (5) the runway visibility is established using RVR; and

- (6) the method for observing and confirming that the required visibility exists for the take-off is acceptable to the Director.

Subpart D — Performance

Rule 121.225 is revoked and replaced by the following rule:

121.225 Steep approach and short landing techniques

A holder of an air operator certificate may perform steep approach procedures using approach slope angles of 4.5°, or more, and with screen heights of less than 50 feet but not less than 35 feet, if—

- (1) the aeroplane flight manual states the maximum authorised approach slope angle, any other limitations, procedures, including emergency procedures, for the steep approach, as well as amendments for the field length data when using steep approach criteria; and
- (2) for air operations performed under IFR, an approach slope indicator system comprising of at least a visual approach slope indicating system is available for the runway to be used at the aerodrome at which steep approach procedures are to be conducted; and
- (3) for air operations performed under IFR, weather minima are specified and approved for each runway to be used with a steep approach; and
- (4) for air operations performed under IFR, consideration is given to—
 - (i) obstacles; and
 - (ii) the type of approach slope indicator reference and runway guidance such as visual aids, MLS, GPS, ILS, LOC, VOR, or NDB; and
 - (iii) the minimum visual reference to be required at DH and MDA; and
 - (iv) usable airborne equipment; and

- (v) pilot qualification and special aerodrome familiarisation; and
- (vi) aeroplane flight manual limitation and procedures; and
- (vii) missed approach criteria.

Subpart F — Instruments and Equipment

Rule 121.353 is revoked and replaced by the following rule:

121.353 General

(a) Except as provided in paragraph (b), a holder of an air operator certificate must ensure that an air transport operation does not commence unless—

- (1) the aeroplane is equipped with—
 - (i) the type of instruments and equipment required by Part 91 and this Subpart; and
 - (ii) for an aeroplane that is performing a regular air transport service to, from, and within countries outside of New Zealand and for which the individual airworthiness certificate is first issued after 1 July 2008, an additional ELT that meets the requirements prescribed in paragraph A.15 of Appendix A to Part 91; and
 - (iii) the number of instruments and equipment to ensure that the failure of any independent system required for either communication or navigation purposes, or both, does 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—

- (i) the applicable specifications and airworthiness design standards listed in the following:
 - (A) Appendix B to this Part:
 - (B) Appendix C to Part 21:
 - (C) Part 26; or
 - (ii) an alternative specification or design standard acceptable to the Director; and
 - (3) the instruments and equipment have been installed in accordance with the aeroplane manufacturer's instructions or equivalent instructions acceptable to the Director; and
 - (4) except as may be provided by a MEL approved under rule 91.539 for use for the aeroplane, the instruments and equipment installed in the aeroplane are in operable condition.
- (b) A holder of an air operator certificate is not required to equip an aeroplane with an automatic ELT as required by rule 91.529(a) if—
- (1) the individual airworthiness certificate for the aeroplane was first issued before 1 July 2008; and
 - (2) the aeroplane is performing a regular air transport service to, from, and within countries outside of New Zealand; and
 - (3) the aeroplane is equipped with 2 ELTs of any type that meet the requirements prescribed in A.15 of Appendix A to Part 91 instead of the automatic ELT required by rule 91.529(a).

Subpart L — Manuals, Logs, and Records

Rule 121.855 is revoked and replaced by the following rule:

121.855 Documents to be carried

- (a) A holder of an air operator certificate must ensure that the following documents are carried on each air operation:

- (1) details of the operational flight plan:
 - (2) NOTAM and aeronautical information service briefing documentation appropriate to the operation:
 - (3) meteorological information appropriate to the operation:
 - (4) a copy of the load manifest:
 - (5) notification of dangerous goods:
 - (6) copies of the relevant flight guide charts and plates:
 - (7) for a regular air transport service, a route guide covering each route flown and alternate aerodromes that may be used.
- (b) The holder of an air operator certificate must ensure that separate copies of the documents referred to in paragraph (a)(6) are available for each pilot performing flight crew duties on the flight.

Appendix A is revoked and the appendix reference is reserved:

Appendix A — Reserved

Appendix C — Runways

Table 1 of paragraph C.1.1 is revoked and replaced by the following table:

Table 1. Aerodrome Reference Code (ARC)

Code Element 1		Code Element 2		
Code Number	Aeroplane Reference Field Length	Code Letter	Wing Span	Outer Main Gear Wheel Span
1	Less than 800 m	A	Up to but not including 15 m	Up to but not including 4.5 m
2	800 m up to but not including 1200 m	B	15 m up to but not including 24 m	4.5 m up to but not including 6 m
3	1200 m up to but not including 1800 m	C	24 m up to but not including 36 m	6 m up to but not including 9 m
4	1800 m and over	D	36 m up to but not including 52 m	9 m up to but not including 14 m
		E	52 m up to but not including 65 m	9 m up to but not including 14 m
		F	65m up to but not including 80 m	14 m up to but not including 16 m

Table 2 of paragraph C.1.2 is revoked and replaced by the following table:

Table 2. Runway widths

Code Number	Code Letter					
	A	B	C	D	E	F
1	18 m	18 m	23 m	-	-	-
2	23 m	23 m	30 m	-	-	-
3	30 m	30 m	30 m	45 m	-	-
4	-	-	45 m	45 m	45 m	60 m

Consultation Details

(This statement does not form part of the rules contained in Part 121. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 09-03 Omnibus 2009, containing the proposed rule amendments for Part 121, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 121.

The purpose of NPRM 09-03 was to make minor editorial and minor technical amendments to various Parts of the Civil Aviation Rules (CAR). The proposed amendments included the correction of spelling and grammatical errors, the updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations, and the revocation of specific transitional arrangements.