



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990,
and having had regard to the matters specified in section 33 of the Act,

I, GERRY BROWNLEE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This **3rd** day of **February** 2014

by **GERRY BROWNLEE**

Minister of Transport

A large, handwritten signature in black ink, appearing to be 'Gerry Brownlee', is written over the printed name. The signature is fluid and cursive, with a long horizontal stroke at the end.

Civil Aviation Rules

Part 121, Amendment 24

Air Operations — Large Aeroplanes

Docket 13/CAR/1

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Rule objective

The objective of amendment 24 to Part 121 is to clarify the intent of the rules, make editorial corrections and update the rules in line with modern drafting style.

Amendment 24 to Part 121 is constituent to NPRM 13-02 which contains amendments to the following Parts:

Part 1	Part 106
Part 19	Part 108
Part 43	Part 121
Part 65	Part 141
Part 66	Part 145
Part 77	Part 146
Part 91	Part 172
Part 93	Part 175
Part 101	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 13-02, containing the proposed changes to Part 121 and changes to other rules was issued for public consultation under Docket 13/CAR/1 on 30 May 2013.

The publication of this NPRM was notified in the Gazette, and was published on the CAA web site, on 30 May 2013.

A period of 30 days was allowed for comments on the proposed rule.

Summary of submissions

A total of 4 written submissions were received on NPRM 13-02 (2 submissions related to Part 1, one related to Part 66, and one related to Part 103).

A submission to Part 1 concerned the use of the phrase ‘air operations as defined in Part 1’ in rule 121.557(d)(1)(i). It is proposed that the definition of ‘air operation’ in Part 1 be extended to include an ‘adventure aviation operation’. If the phrase were to be retained, it would mean that adventure aviation operations would count towards the 100 hours of flight time in air operations required under the rule. It is the submitter’s view that adventure aviation operations should not count

towards the 100 hours of flight time experience in respect of commencing the introduction segment of the training programme.

Further internal review resulted in amendments to the proposed rule 121.557(d) by—

- removing the phrase ‘at least 100 hours of flight time in air operations as defined in Part 1’ (paragraph (1)(i));
- removing the minimum 500 hours of flight time experience as a pilot on a multi-engine aeroplane type and replacing with ‘completes the certificate holder’s airline pilot training programme acceptable to the Director’ (paragraph (1)(ii));
- removing paragraph (2)(ii) regarding the minimum 40 hours of instrument time;
- removing the phrase ‘for air operations at night’ in paragraph (3).

These later amendments are more aligned with the proposed wordings of the same rule in the earlier NPRM Docket 6/CAR/5; of which industry had been consulted on.

A detailed summary of the submission and the resulting CAA comments are provided in the “Consultation Details” section of this document.

The rule 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.

Description of Amendments

The amendments to the rules in this Part are reflected by the revocation and replacement of existing rules and the revocation of rule 121.11.

Effective date of rule

Amendment 24 to Part 121 comes into force on 01 April 2014.

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 Air Operations — Large Aeroplanes

Rule 121.9 is revoked and replaced by the following rule:

121.9 Crew member grace provisions

If a crew member completes a test, flight check, or assessment, that is required under Subparts I, J, or M within 60 days before the date on which the test, flight check, or assessment is required, the crew member is deemed to have completed the test, flight check, or assessment on the date that it is required to be completed.

Rule 121.11 is revoked and the rule number is reserved.

121.11 Reserved

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 under rule 121.537; 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.

Rule 121.535 is revoked and replaced by the following rule:

121.535 Flight crew operating multiple aeroplane types or variants

(a) If a holder of an air operator certificate assigns a flight crew member to operate more than one aeroplane type or more than one variant of an aeroplane type, the certificate holder must—

- (1) ensure that the flight crew member is appropriately trained and qualified to operate each aeroplane type or variant; and
- (2) establish appropriate training and competency assessment procedures acceptable to the Director.

(b) The holder of an air operator certificate must ensure that the procedures required by paragraph (a)(2) provide for the following —

- (1) before the flight crew member is assigned to operate more than one aeroplane type or variant, the flight crew member has the relevant experience, taking into account the aircraft manufacturer's recommendations; and
- (2) the flight crew member has sufficient experience required on one aeroplane type or variant before beginning training for another aeroplane type or variant, taking into account the manufacturer's recommendations; and
- (3) the flight crew member who is qualified on one aeroplane type or variant is trained and qualified on another aeroplane type or variant; and
- (4) the flight crew member—
 - (i) has the applicable competency and recent flight experience requirements for each aeroplane type or variant; or

- (ii) satisfactorily completes a competency assessment on one specified aeroplane type or variant that is deemed to meet the competency standard on another specified aeroplane type or variant; and
 - (iii) for the purpose of paragraph (ii), the specified aeroplane types or variants must be recommended by the aeroplane manufacturer.
- (c) The relevant experience referred to in paragraph (b)(1) must include the minimum flight time experience or operating cycles the flight crew member must complete in air operations to which this Part applies.
- (d) The experience referred to in paragraph (b)(2) must include—
 - (1) the minimum flight time experience or operating cycles the flight crew member must complete in the aeroplane type already flown to which this Part applies; and
 - (2) the minimum number of hours the flight crew member must complete exclusively on the new aeroplane type or variant after commencing training for the new aeroplane type or variant.
- (e) The training and competency assessment procedures required by paragraph (a)(2) for the flight crew member to operate on more than 1 aeroplane type or different types of aeroplane with similar characteristics, must take into account at least the following:
 - (1) the aeroplane operating procedures; and
 - (2) the aeroplane systems; and
 - (3) the aeroplane performance limitations; and
 - (4) the aeroplane handling characteristics.
- (f) Despite rule 61.37, the holder of an air operator certificate must ensure that a flight crew member other than a cruise relief pilot, assigned to act as a flight crew member on multiple aeroplane types or variants, meets—

- (1) the recent flight experience required by Part 61 for each aeroplane type or variant; or
- (2) the recent flight experience requirements for each aeroplane type or variant as specified in the procedures required by paragraph (a)(2).

Rule 121.537 is revoked and replaced by the following rule:

121.537 Flight crew conducting Category II or III precision approach and reduced take-off minima

(a) A holder of an air operator certificate must ensure that the pilots of an aeroplane conducting an air operation under the authority of the certificate do not perform a Category II or Category III precision approach procedure, or a departure with reduced take-off minima, unless both the pilot-in-command and the pilot acting as second-in-command are qualified to perform the particular approach procedure or departure.

(b) For the purpose of paragraph (a)—

- (1) where the pilot-in-command is qualified only as pilot flying for the Category II or III precision approach and reduced take-off minima, the pilot-in-command must conduct the particular approach procedure and reduced take-off minima departure as pilot flying; and
- (2) where the second-in-command is qualified only as the pilot non-flying for the Category II or III precision approach and reduced take-off minima, the pilot-in-command must conduct the particular approach procedure and reduced take-off minima departure as pilot flying.

(c) Despite paragraph (b), the pilot of an aeroplane may perform a Category II or III precision approach procedure or a departure with reduced take-off minima as pilot flying or pilot non-flying for the particular approach and take-off if —

- (1) the pilot-in-command and the second-in-command are qualified as specified in paragraph (a); and
- (2) the pilot-in-command is—

- (i) a line supervisory pilot qualified as specified in rule 121.517; or
- (ii) a pilot instructor qualified as specified in rule 121.519; or
- (iii) a flight examiner qualified as specified in rule 121.521.

Rule 121.541 is revoked and replaced by the following rule:

121.541 Transitional arrangements

(a) The following rules do not apply to the holder of an air operator certificate until 6 September 2014:

- (1) rule 121.517(4):
- (2) rule 121.523(a)(4):
- (3) rule 121.525(2):
- (4) rule 121.529(2):

(b) Rule 121.519(4) does not apply to the holder of an air operator certificate until 6 September 2014 provided that the holder continues to comply with rule 121.585(4) that was in force on 5 September 2012.

(c) Rule 121.521(4) does not apply to the holder of an air operator certificate until 6 September 2014 provided that the holder continues to comply with rule 121.583(5) that was in force on 5 September 2012.

Rule 121.557 is revoked and replaced by the following rule:

121.557 Crew member introduction segment

(a) Subject to paragraphs (b) and (c), a holder of an air operator certificate must ensure that a pilot or flight attendant who is not qualified and currently serving as a crew member in an air operation under the authority of the certificate, completes the introduction segment of the training programme required by rule 121.553, and in accordance with the syllabus required by rule 121.555.

- (b) The certificate holder may, with prior acceptance of the Director, vary the syllabus of the introduction segment of the training programme in the holder's exposition for a crew member if details of the variation and the reasons for the variation are recorded and certified in the crew member's record of training.
- (c) The certificate holder must ensure that the introduction segment of the training programme includes training on human factors, and crew resource management.
- (d) A pilot may not commence an introduction segment of the training programme under paragraph (a) unless the pilot—
- (1) has acquired at least 500 hours of flight time experience as pilot; or
 - (2) completes the certificate holder's airline pilot training programme acceptable to the Director; and
 - (3) holds a current instrument rating; and
 - (4) has acquired at least 25 hours of night flight time experience as pilot.

Rule 121.567 is revoked and replaced by the following rule:

121.567 Pilot line training

- (a) A holder of an air operator certificate must ensure that a pilot, other than a cruise relief pilot, who under rule 121.557 completes the introduction segment, or under rule 121.559 completes the transition segment, or under rule 121.561 completes the upgrade segment of the training programme required by rule 121.553—
- (1) completes a competency assessment under Subpart J before commencing the pilot line training specified in paragraph (b); and
 - (2) completes the pilot line training specified in paragraph (b).
- (b) The pilot line training required by paragraph (a)(2) must comprise of—

- (1) following introduction training segment—
 - (i) for multi-engine turboprop powered aeroplanes – 20 hours including 10 take-offs and landings of which at least 6 take-offs and landings must be as pilot flying; and
 - (ii) for turbojet and turbofan powered aeroplanes – 25 hours including 10 take-offs and landings of which at least 6 take-offs and landings must be as pilot flying; and
 - (iii) for all aeroplanes, including those referred to in paragraphs (i) and (ii) – 4 operating cycles of which at least 2 must be as pilot flying;
- (2) following the transition or upgrade training segment—
 - (i) for multi-engine, turboprop powered aeroplanes – 12 hours including 10 take-offs and landings of which at least 6 take-offs and landings must be as pilot flying; and
 - (ii) for turbojet and turbofan powered aeroplanes – 20 hours including 10 take-offs and landings for the pilot-in-command of which 6 take-offs and landings must be as pilot flying; or 10 hours including 10 take-offs and landings for second-in-command of which 6 take-offs and landings must be as pilot flying; and
 - (iii) for all aeroplanes, including those referred to in paragraphs (i) and (ii) – 4 operating cycles of which at least 2 must be as pilot flying.
- (c) The pilot line training specified in paragraph (b) must be—
 - (1) acquired in an aeroplane conducting an air operation; and
 - (2) conducted under the supervision of an instructor—
 - (i) who meets the requirements referred to in rule 121.519; or

- (ii) who is approved by the Director to conduct specific training for the introduction of a new aeroplane type.
- (d) For the purpose of paragraph (c)(1), the pilot instructor required by paragraph (c)(2)—
 - (1) must act as pilot-in-command at all times; and
 - (2) must occupy a pilot station when supervising a pilot undergoing line training for a second-in-command position; and
 - (3) must occupy a pilot station when supervising a pilot undergoing line training for a pilot-in-command position, until the pilot acquiring the experience has—
 - (i) made at least 2 take-offs and landings as pilot flying in the aeroplane type for which the pilot-in-command qualification is required; and
 - (ii) demonstrated to the pilot instructor the ability to perform the duties of a pilot-in-command for that aeroplane type; and
 - (4) may occupy the observer's seat if the requirements of paragraph (3) are met.
- (e) A holder of an air operator certificate must ensure that a cruise relief pilot, completes the introduction segment referred to in rule 121.557, or completes the transition segment referred to in rule 121.559—
 - (1) completes a competency assessment under Subpart J before commencing the pilot line training specified in paragraph (b); and
 - (2) completes at least 6 operating sectors as a cruise relief pilot occupying either pilot station; and
 - (3) completes a route check under Subpart J following the pilot line training specified in paragraph (2).

(f) The pilot line training required by paragraph (e)(2) for a cruise relief pilot must be conducted—

- (1) under the supervision of a pilot instructor who meets the requirements referred to in rule 121.519; and
- (2) on air operations in the particular aeroplane type that the training relates to.

Rule 121.579 is revoked and replaced by the following rule:

121.579 Transitional arrangements

The following rules do not apply to the holder of an air operator certificate until 6 September 2014:

- (1) 121.553(d):
- (2) 121.555(b)(8):
- (3) 121.557(c):
- (4) 121.559(b)(3):
- (5) 121.561(b)(1):
- (6) 121.563(d):
- (7) 121.573(2).

Rule 121.607 is revoked and replaced by the following rule:

121.607 Flight crew competency assessments

A holder of an air operator certificate must ensure that—

- (1) each pilot acting as pilot-in-command of an aeroplane conducting an air operation under the authority of the certificate has, within the immediately preceding 12 months, passed a route check conducted in an aeroplane including an aerodrome proficiency check that is administered by a flight examiner and that—

- (i) consists of at least 1 flight over 1 route segment and 1 or more landings at aerodromes representative of the operations to be flown; and
 - (ii) establishes that the pilot can satisfactorily perform the duties and responsibilities of a pilot-in-command of an aeroplane performing an air operation appropriate to the type of air operations authorised by the certificate holder's operations specifications; and
- (2) each pilot acting as a flight crew member of an aeroplane conducting an air operation under VFR has, within the immediately preceding 12 months, successfully completed a competency assessment administered by a flight examiner that covers—
- (i) procedures, including emergency procedures; or
 - (ii) the pilot's flying skills in an aeroplane type normally used by the pilot in an air operation; and
 - (iii) human factors and crew resource management; and
- (3) each pilot acting as a flight crew member of an aeroplane conducting an air operation under IFR has, within the immediately preceding 6 months, successfully completed a competency assessment administered by a flight examiner that—
- (i) covers procedures, including emergency procedures, appropriate to the equipment fitted to the aeroplane and to the type of operations to which the pilot is assigned by the certificate holder; and
 - (ii) includes human factors and crew resource management; and
- (4) each pilot acting as a flight crew member of an aeroplane conducting an air operation has, within the immediately preceding 12 months, successfully completed a written or oral test of the pilot's knowledge of the following:

- (i) the relevant Civil Aviation Rules:
 - (ii) the certificate holder's operations specifications and exposition:
 - (iii) the aeroplane systems, performance, operating procedures, and the content of the flight manual for each aeroplane type normally flown by the pilot:
 - (iv) navigation, air traffic control, and meteorology:
 - (v) special flight operations as appropriate to the type of operation normally conducted by the pilot:
 - (vi) new equipment, procedures, and techniques:
 - (vii) location and operation of emergency equipment fitted to an aeroplane of the type normally flown by the pilot; and
- (5) each flight engineer acting as a flight crew member of an aeroplane conducting an air operation has, within the immediately preceding 12 months, completed a competency assessment administered by a flight engineer examiner that covers procedures, including emergency procedures, human factors, and crew resource management appropriate to the equipment fitted to the aeroplane and to the type of operations to which the flight engineer is assigned by the certificate holder; and
- (6) each flight engineer acting as a flight crew member of an aeroplane conducting an air operation has, within the immediately preceding 12 months, successfully completed a written or oral test of the flight engineer's knowledge of the following:
- (i) the relevant Civil Aviation Rules:
 - (ii) the certificate holder's operations specifications and exposition:

- (iii) the aeroplane systems, performance, operating procedures, and the content of the flight manual for each aeroplane type that the flight engineer is normally assigned to:
- (iv) special flight operations that are appropriate to the type of operation that the flight engineer is normally assigned to:
- (v) new equipment, procedures, and techniques.

Rule 121.615 is revoked and replaced by the following rule:

121.615 Transitional arrangements

(a) The following rules do not apply to the holder of an air operator certificate until 6 September 2014:

- (1) rule 121.607(3)(ii):
- (2) rule 121.609(2):
- (3) rule 121.611(4).

(b) Rule 121.607(2)(iii) does not apply to the holder of an air operator certificate until 6 September 2014, provided that the holder continues to comply with rule 121.607(2) that was in force on 5 September 2012.

(c) Rule 121.607(5) does not apply to the holder of an air operator certificate until 6 September 2014, provided that the holder continues to comply with rule 121.607(5)(i) that was in force on 5 September 2012.

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 13-02 Omnibus 2013, containing the proposed rule amendments for Part 121, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 13/CAR/1 on 30 May 2013.

A period of 30 days was allowed for comment on the proposed rule. A total of 4 responses to the NPRM were received; one related to Part 121.

The purpose of NPRM 13-02 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 that have expired.

Details of Public Submissions and CAA Response

Rule 121.557 Crew member introduction segment

The submitter stated:

Part 1 Air Operation Definition
Proposed change to include Adventure Aviation Operation.

We have no objection to the inclusion of the words Adventure Aviation Operations.

However we believe this will create an inequality and confusion that perhaps has not been recognised.

Rule 121.557 Crew Member Introduction Segment

This rule requires that a pilot has acquired at least 500 hours of flight time experience as a pilot, including at least 100 hours of flight time in Air Operations as defined in Part 1 [*italics addition to current rule*] or

Has acquired at least 500 hours flight time experience as a pilot on a multi engine aeroplane type.

The inclusion of Adventure Aviation Operations within the Air Operations definition would create a situation where the activities listed under the Adventure Aviation Operation definition would suffice to satisfy the flight time requirements of the 121.557 Air Operations 100 hour requirement.

Instructional flights carried out by qualified instructors, be it in Multi engine or single engine aircraft, are not classified as an Air Operation, as the person under instruction is by definition is a Crew Member.

This would create the rather bizarre situation whereby a person who had 100 hours flight time conducting any of the items listed in 1 to 8 of the Adventure Aviation Operation definition [for example a tandem hang glider or para glider flight] would be able to satisfy the 100 hour ATO requirement of 121.557, but a person carrying out flight instruction would not.

We suggest the following

- CAA define Instructional flights carried out by qualified Flight Instructors as being an Air Operation, or
- Delete the requirement for 100 hours Air Operations from 121.557 [preferred]
- Delete the requirement for 500 hours multi engine experience from 121.557 [preferred]

CAA Response

Following the implementation of Part 115, the CAA agreed to add “adventure aviation operations” in the current definition of “air operations” in Part 1 so that Part 115 certificate holders have the same privileges as the Part 119 certificate holders regarding the Part 43 A1 maintenance schedule. The CAA notes that adding “adventure aviation operations” in Part 1 definition will have effect on other rules where “air operations” is referenced, in this case rule

121.557(d)(1)(i), and will check other rule parts for the same unintended consequence.

The CAA reviewed the submission and resolved to qualify the reference to “air operations” in rule 121.557(d)(1)(i) by adding “(air operations) conducted under Parts 121, 125 or 135” in order to specify the relevant types of air operation involved so that flight time experience in adventure aviation operations is excluded. After further internal review, the proposed rule 121.557(d) was further amended by removing—

- the phrase ‘at least 100 hours of flight time in air operations’ as defined in Part 1 (paragraph (1)(i)); and*
- the minimum 500 hours of flight time experience as a pilot on a multi-engine aeroplane type and replacing with ‘completes the certificate holder’s airline pilot training programme acceptable to the Director’ (paragraph (1)(ii)); and*
- paragraph (2)(ii) regarding the minimum 40 hours of instrument time; and*
- the phrase ‘for air operations at night’ in paragraph (3).*

These later amendments are more aligned with the proposed wordings of the same rule in the earlier NPRM Docket 6/CAR/5; of which industry had been consulted on.

The CAA considers other suggestions offered by the submitter to be outside the scope of an omnibus amendment

as they constitute a change of policy that has not been consulted.