



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

**I, Hon Julie Anne Genter, Associate Minister of Transport,**

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This 16 day of April 2018

A handwritten signature in black ink, appearing to read 'Julie Anne Genter', is written over the printed name. The signature is fluid and cursive, with a large initial 'J' and 'G'.

by Hon Julie Anne Genter  
Associate Minister of Transport

**Civil Aviation Rules**

**Part 121, Amendment 30**

**Air Operations—Large Aeroplanes**

*Docket 16/CAR/8*

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**Rule objective**

The objective of amendment 30 to Part 121 is to adopt part of ICAO Amendment 40 to Annex 6 Part I relating to the location of aircraft in distress and the carriage of ELTs. This portion of the amendment gives operators a choice of systems and a potential reduction in the number of ELTs to be carried on these international flights.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 18-01, containing the proposed amendment was issued for public consultation under Docket 16/CAR/8 on 4 September 2017.

The NPRM was published on the CAA website on 4 September 2017, notified to the industry by automatic email alerts, and notified in the Gazette on 7 September 2017. A copy of the NPRM was sent to:

- The Ministry of Transport
- Internal CAA stakeholders
- Members of the CAA Aircraft Emergency Location System (AELS) Rules Drafting Group.

A period of 28 days was allowed for comment on the proposed rule.

**Summary of submissions**

Nine written submissions and no oral comments were received on the NPRM. A summary of submissions for this NPRM is available on the CAA website. There was one submission relating to the proposed amendment to this Part. The submission has been considered, and as a result no changes were made to the proposed amendments.

**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:

- revoking and replacing rule 121.353 to:
  - (i) insert a new sub-paragraph to give the option of reducing the number of ELTs to be carried if equipped with a capability to autonomously transmit aircraft position information when in distress; and
  - (ii) in paragraph (b) replace the term “ELT(AF)” with the term “AELS”.

**Effective date of rule**

Amendment 30 to Part 121 comes into force on 18 May 2018.

**Availability of rules**

Civil Aviation Rules are available from—

CAA website: <http://www.caa.govt.nz/>  
Freephone: 0800 GET RULES (0800 438 785)

## Part 121 Air Operations—Large Aeroplanes

*Rule 121.353 is revoked and replaced with 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 either:
    - (A) 3 ELTs, 1 of which must be an ELT(AF); or
    - (B) at least 2 ELTs and a capability to autonomously transmit information from which a position can be determined by the operator at least once every minute, when in distress; 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.
- (aa) Each ELT referred to in paragraph (a)(1)(ii) must meet the relevant standards referred to in A.15 of Appendix A to Part 91.
- (b) A holder of an air operator certificate is not required to equip an aeroplane with AELS 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 AELS required by rule 91.529(a).