



PURSUANT to Sections 28 and 29 of the Civil Aviation Act 1990
I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,
HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This **24th** day of **September** 2007
by **HARRY JAMES DUYNHOVEN**

Minister for Transport Safety

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', with a stylized flourish at the end.

Civil Aviation Rules

Part 135, Amendment 16

Air Operations - Helicopters and Small Aeroplanes

Docket 5/CAR/3

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Rule objective

The objective of amendment 16 to Part 135 is to make minor and technical changes as part of a general rule fix up project.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 06/02, containing the proposed changes to Part 135 was issued for public consultation under Docket 5/CAR/3 on 13 April 2006.

The publication of this NPRM was notified in the Gazette on 13 April 2006 and advertised in the daily newspapers in the five main provincial centres on 13 April 2006. The NPRM was published on the CAA web site and mailed to stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 41 days was allowed for comment on the proposed rule.

Following public notifications of this NPRM, a supplementary NPRM proposing amendments to Part 67 Medical Standards and Certification was Gazetted on 11 May 2006 with a submission closing date of 8 June 2006. This proposal was distributed to all DME's via email.

A period of 29 days was allowed for comment on this proposed rule.

Summary of submissions

Two submissions were received by the closing date of the original NPRM issued 13 April 2006, both of which were in regard to rule 121.91- Refuelling and defuelling operations. In addition to the comments received from industry, a comment was also received from within the CAA in regard to Part 133 - Helicopter External Load Operations.

One submission was received in relation to the supplementary NPRM issued on 11 May 2006 proposing changes to Part 67.

No submissions were received on the proposed amendments to Part 135. An amendment to rule 135.73 was made as a result of a submission on Part 121 (refer to summary of submissions for amendment 17 to Part 121). Minor editorial corrections were also made to the proposed rule changes after further internal CAA review.

The rule as amended with editorial corrections 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 amendments to the rules in this Part are reflected by the revocation of the existing rule and insertion of the amended rule.

Effective date of rule

Amendment 16 to Part 135 comes into force on 25 October 2007.

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 135 Amendments

Subpart B — Flight Operations

Rule 135.73 is revoked and the following new rule is substituted:

135.73 Refuelling and defuelling operations

(a) Despite the requirements of rule 91.15(3), a person operating an aircraft under the authority of an air operator certificate issued in accordance with Part 119 may refuel or defuel the aircraft with a Class 3.1C or a Class 3.1D flammable liquid when a person is embarking, on board, or disembarking the aircraft, if the person operating the aircraft ensures that safety and aircraft evacuation precautions are taken in accordance with procedures specified in the certificate holder's exposition.

(b) A person operating an aircraft under the authority of an air operator certificate issued in accordance with Part 119 may refuel or defuel the aircraft with a Class 3.1C or a Class 3.1D flammable liquid with one or more propulsion engines running if—

- (1) the person ensures that safety and aircraft evacuation precautions are taken in accordance with procedures specified in the certificate holder's exposition; and
- (2) the pilot-in-command is responsible for every aspect of the fuelling operation.

Rule 135.75 – Fuel spillage - is revoked and the rule number is reserved:

135.75 Reserved

Subpart C — Operating Limitations and Weather Requirements

Rule 135.153 is revoked and the following new rule is substituted:

135.153 Meteorological information

(a) A person performing an air operation under VFR must plan, perform, and control the flight using meteorological information of a

sufficient reliability and accuracy provided from a source considered acceptable to the operator and the pilot-in-command.

(b) A person performing an air transport operation under IFR must plan, perform, and control the flight using meteorological information provided for aviation purposes by—

- (1) subject to paragraph (c), for a flight sector originating within New Zealand, the holder of an aviation meteorological service organisation certificate issued in accordance with Part 174; or
- (2) for a sector originating from an aerodrome outside New Zealand, an aviation meteorological service organisation that—
 - (i) meets a standard equivalent to that specified by Part 174; and
 - (ii) is authorised by an ICAO Contracting State to provide aviation meteorological information.

(c) A pilot-in-command of an aircraft may, for an IFR flight that originates and terminates within New Zealand, use the meteorological information provided in a basic weather report to perform an instrument approach procedure if the holder of the air operator certificate under which the flight is operated is satisfied that the basic weather report is provided in accordance with the requirements of rule 174.6.

Subpart F — Instruments and Equipment

Rule 135.361 is revoked and the following new rule is substituted:

135.361 Instrument flight rules

(a) Except as provided in paragraph (b), a holder of an air operator certificate must ensure that every aircraft that is operated under IFR under the authority of the certificate is equipped with—

- (1) the following in addition to, and independent of, the instruments and equipment required under Subpart F of Part 91:

- (i) a means of indicating airspeed, calibrated in knots, with a means of preventing malfunctioning due to either condensation or icing;
 - (ii) a means of indicating sensitive pressure altitude calibrated in feet; and
- (2) spare bulbs for flight compartment instrument illumination; and
 - (3) spare fuses.
- (b) An additional means of indicating aircraft attitude, powered by a power source that is separate from the power source for the attitude indication required under Subpart F of Part 91, may be installed instead of the additional means of indicating air speed required by paragraph (a)(1)(i).

Consultation Details

(This statement does not form part of the rules contained in Part 135. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 06-02 Omnibus Rule Fix Up, containing the proposed rules was issued for public consultation under Docket 5/CAR/3 on 13 April 2006.

A supplementary NPRM proposing amendments to Part 67 Medical Standards and Certification was published under the same docket number on 11 May 2006.

A total of 3 submissions were received by the closing date of the original NPRM and 1 submission was received in relation to the supplementary NPRM. No submissions were received on the proposed amendments to Part 135. An amendment to Part 135.73 was made as a result of a submission on Part 121 (refer to summary of submissions for amendment 17 to Part 121). Minor editorial corrections were also made to the proposed rule changes after further internal CAA review.

The comments and all background material used in developing these rules are held on the docket. The docket is available for public inspection at Aviation House, 10 Hutt Road. Persons wishing to view the docket should contact the Docket Clerk on Phone 64-4-560-9603 and ask for docket 5/CAR/3.