



Overview of Rules Realignment for Civil Aviation Act 2023

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1. Purpose of this document

The purpose of this document is to give visibility to aviation participants, of the proposed realigned rules, prior to the commencement date of 5 April 2025. We also invite any technical corrections to be submitted by 9am, 29 October 2025. This is so we can correct any errors prior to the rules being certified by the Minister.

The purpose of the rules realignment is to update the Civil Aviation Rules so that they align with the 2023 Act without changing intent or impacting certificated participants' compliance. All existing aviation rules need to be reissued under the 2023 Act. No changes to the application or compliance requirements of the rules are proposed.

2. Civil Aviation Act 2023 rules realignment

The new Civil Aviation Act was given royal assent in April 2023. The Act provides for a two-year transition period, during which all existing Civil Aviation Rule parts are required to be re-made under the new Act.

Updating all existing rule parts requires redrafting and Ministerial approval, but it is not a rewrite of the rules, as the aviation industry understands a 'rewrite'.

Normally, when a rule is rewritten, it involves policy changes and requires consultation with the aviation sector. However, the existing rules are not being rewritten – instead, words and phrases are being updated to ensure the rules can continue under the new Act when it comes into effect.

Most rules require just minor changes to support accuracy, coherency and changes in technology (i.e. typos, errors and other minor changes that don't require policy thinking).

2.1. Making the new rules

The transitional provisions of the 2023 Act (refer Schedule 1, clause 8) provide a way of remaking the existing rules. Clause 8(3) of Schedule 1 of the 2023 Act states: the draft rules must contain all the ordinary rules that were in force under the 1990 Act, with whatever changes are necessary to ensure that they are —

- consistent with the new Act;
- accurate and coherent;
- address any transitional issues;
- take into account changes in technology;
- include any minor amendments necessary to clarify intent, resolve ambiguity, or reconcile inconsistencies.

It further provides for a streamlined approval process for the rules wherein the Minister must certify the rules, and provided that there are no changes other than those listed above, there is no requirement to undertake a full rule-making process. This means that significant policy changes, which would have an impact on sector participants, have not be made as part of this process.

The goal is for the rules to align with the 2023 Act without changing intent or impacting certificated participants' compliance.

In making the rules under the 2023 Act, they will become the initial issue of the rules. This means that previous amendments to rules made under the 1990 Act will no longer be listed in the consolidated versions of rules. They will still be available online should you need to refer to them.

3. Summary of proposed changes

Each rule is provided with a summary of the proposed changes at the start. There are two main types of changes proposed – standard and non-standard.

3.1. Standard changes made to all Civil Aviation Rules

Across the entire rule-set similar changes have been made to realign the rules. We call these ‘standard changes’. The below list explains what these changes are and provides some examples. These changes are not highlighted within the draft rule.

Changing ‘revoked’ to reserved’

Rules which are currently labelled as ‘revoked’ are either removed entirely where it does not impact on the numbering of the rules, or changed to ‘reserved’ to preserve numbering.

For example:

- Subpart A — General 17
 - 91.1 Purpose 17
 - 91.3 ~~Revoked~~ Reserved 20
 - 91.5 Compliance with crew instructions and commands 20
- (d) A pilot-in-command of an aircraft must not operate Mode S transponder equipment unless the aircraft is transmitting a unique Mode S code assigned by the State of registry.
- (e) ~~Revoked~~ Reserved
- (f) A pilot-in-command of an aircraft operating in transponder mandatory controlled airspace must immediately advise the ATC unit having jurisdiction over the relevant airspace of any failure or partial failure of the transponder equipment.

Act references updated to 2023 Act

Rules are updated to refer to the appropriate part of the 2023 Act instead of the 1990 Act. Please refer to the [1990-2023 Civil Aviation Act comparison guide](#) to view equivalent 1990 and 2023 Act sections.

Modernising language – use of ‘shall’ and gendered terms

Language is updated and modernised to improve ease of use, particularly for people who are not legally trained.

For example, the outdated term ‘forthwith’ is replaced with ‘as soon as possible’. This may require changes to word order to make the result sound natural:

- The holder of an air operator certificate that expires or is revoked ~~must shall~~ ~~forthwith~~ surrender the certificate to the Director ~~as soon as possible~~.

The word 'shall' is replaced by one of 'must', 'may', 'is', 'will', 'does', 'do', or 'are' so the intent is clear, definite, and commonly understood.

- The word "must" is used where the word "shall" indicates a mandatory requirement (which will frequently be linked to an offence provision).
- The word "may" is used where the word "shall" relates to a discretion or an authorisation.
- The word "is", is used where the words "shall be" relate to the creation of liability or an entitlement.
- The word "will" is used where the word "shall" relates to a direction.
- The word "does" or "do" is used where the word "shall" relates to an application.
- The word "is" or "are" is used where the words "shall be" relates to a deeming provision.

Gendered language such as "his or hers"/"he or she" is replaced with 'them', 'they' or 'theirs'. The exact change depends on sentence tense. Subsequent edits to the rule may be required e.g. 'is' to 'are'. For example:

- A person must not act as a flight crew member on an adventure aviation operation if the person knows or suspects that ~~he or she is~~ **they are** suffering from, or, having regard to the circumstances of the flight to be undertaken, ~~is~~ **are** likely to suffer from...

Definitions refer to Act or moved to Part 1

Definitions are referenced back to the 2023 Act. Some definitions have been moved to Part 1 as they are applicable across more than one rule part.

For example, the definition of 'accident' now reads:

- **Accident** has the meaning given to it in section 6 of the Act

Acronyms are defined in the rules

To improve ease of use, acronyms are defined in the rules. These are either added to Part 1 (where a word is used in more than one rule part) or to the rule part to ensure the reader understands the term. There are some instances where what was originally an acronym has become a term in its own right, e.g. when an organisation has stated that the acronym is now its preferred name (like the RTCA). This may also apply to some acronyms originating in other languages. In these cases, the acronyms are not defined.

Numbered CAA forms replaced with generic term

References to specific CAA forms are to be replaced with 'the approved CAA form' to future proof the rules against changes to forms and as CAA transitions to a new platform (EMPIC/My Aviation) which will not use form numbers. Release certificates are not changed as they are not considered a numbered CAA form.

Removal of expired transitional rules

Expired transitional rules have been removed. In some instances this has required slight rewording of a sentence.

3.2. Non-standard changes or exceptions

Non-Standard changes or exceptions to the above list are those which are applicable only to one or a handful of rules. Other changes to the rules are to align them with 2023 Act provisions, such as changes to aviation security, terminology, and technology.

These types of changes are set out at the beginning of each draft rule document. The changes are shown as a highlighted text and explanation for the change is provided.

Rule numbering

While the current rule numbering is retained in both rule parts and sub-parts, there are some exceptions to this - where expired transitional rules have been removed, a rule has been redrafted for ease of reading, and where rules which were previously in Part 19 have been relocated.

3.3. Incorporation by reference

There are updated incorporation by reference materials in the proposed realigned rules. These have been updated where no change to compliance requirements is indicated.

We are aware that there are some incorporations by reference in the rules which are outdated, however in order to update these, a substantial policy review is required to ensure that they are fit for purpose for New Zealand's aviation industry.

3.4. Other rule changes not included

The draft rules as shared here will not be the final rules that the Minister signs. Due to the timing requirements of other aspects of the implementation of the Act or ongoing Rule consultations, some edits will be required prior to the rules being sent to the Minister. These will not affect the changes shared here, and any changes to the policy from the rules shared here will have been consulted on separately. These include:

- [Rules made for drug and alcohol management](#)
- Any rules made as a result of the [Assorted Issues consultation](#).

Further, you might notice that the rule 'description' is missing from the draft rules. These are being converted to rule 'objectives' as a requirement of making rules and will be added into the published rules. They do not have an impact on the application of the rule.

4. Official Information Act

Commenters should note that subject to the Official Information Act 1982, any information provided in their comments will be available to the public for examination.

Please state clearly if there is any information that is commercially sensitive or for some other reason you do not want the information to be released to other interested parties. The CAA will consider this in making a decision in respect of any Official Information Act requests. It should be noted that the CAA cannot guarantee confidentiality in respect of any specific comments.

5. How to let us know if you spot any technical errors

e-mail: CAACT2023@caa.govt.nz and marked **Rules Realignment**

by mail: Act Implementation Team
Civil Aviation Authority
PO Box 3555
Wellington 6140
New Zealand

6. Final date for comment

The closing date is **9am 29 October 2024**.