

## Part 119 Air Operator – Certification: Summary of changes

Alongside the standard changes outlined in Section 3.1 of the Overview of Rules Realignment for the Civil Aviation Act 2023 document, this Rule Part also contains the following changes.

### **119.21 Renewal of certificate**

To improve sentence clarity and readability, rule 119.21 has been reworded:

- (a) ~~The holder of the air operator certificate shall make an application for the renewal of an air operator certificate on form CAA 24119/01. If the holder of an air operator certificate wishes to apply for renewal of their certificate, they must use the approved CAA form.~~
- (b) **An** The application **under** required by paragraph (a) **must** shall be submitted to the Director before the application renewal date specified in the certificate or, if no such date is specified, not less than 60 days before the certificate expires.

### **119.81 Airline air operator exposition**

As all operators are now SMS certified and no longer need an implementation plan (noting also that any new operator must meet full SMS certification requirements), rule 119.81(a)(1A) has been rewritten:

- (a) An applicant for the grant of an airline air operator certificate must provide the Director with an exposition that contains—
- (1A) ~~in relation to the system for safety management required by rule 119.79,—~~
- (i) ~~all of the documentation required by rule 100.3(b)~~ **to establish and maintain the system for safety management**
  - (ii) ~~for an applicant that is not applying for a renewal of an airline air operator certificate, an implementation plan that describes how the system for safety management will be implemented; and~~

### **119.125 General aviation air operator exposition**

As all operators are now SMS certified and no longer need an implementation plan (noting also that any new operator must meet full SMS certification requirements), rule 119.125(a)(1A) has been rewritten:

- (a) An applicant for the grant of a general aviation air operator certificate must provide the Director with an exposition, that contains—
- (1A) ~~in relation to the system for safety management required by rule 119.124,—~~
- (i) ~~all of the documentation required by rule 100.3(b)~~ **to establish and maintain the system for safety management**
  - (ii) ~~for an applicant that is not applying for a renewal of a general aviation air operator certificate, an implementation plan that describes how the system for safety management will be implemented; and~~

### **119.165 Changes to certificate holder's organisation**

To improve sentence clarity and readability, rule 119.165(b) has been reworded:

- (b) ~~Before a holder of an air operator certificate changes any of the following, prior acceptance by the Director is required:~~ **A certificate holder must obtain the approval of the Director before changing any of the following:**
- (1) the chief executive:

- (2) the listed senior persons:
- (3) the locations detailed in the exposition under rules 119.81(a)(7) or 119.125(a)(5), as appropriate, from which the certificate holder conducts air operations:
- (4) the scope of the certificate holder's certificate:
- (5) the system for safety management, if the change is a material change:
- (6) *Reserved*
- (7) the maintenance programme:
- (8) any contractor carrying out the certificate holder's maintenance or training:
- (9) the flight and duty scheme:
- (10) where required, the air operator security programme.

## **Part 119**

### **Air Operator – Certification**

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## Subpart A — General

### 119.1 Purpose

(a) This Part prescribes requirements for the certification and continuing operations of persons domiciled in New Zealand conducting air operations under Parts 121, 125, and 135.

(b) This Part does not apply to the holder of an Australian AOC with ANZA privileges.

### 119.3 Definitions

In this Part:

**Airline air operator certificate** means an air operator certificate that authorises the holder to conduct—

- (1) air operations using an aeroplane that has a passenger seating configuration of more than 30 seats, excluding any required crew member seat, or a payload capacity of more than 3410 kg, in accordance with Part 121; or
- (2) air operations using an aeroplane that has a passenger seating configuration of 10 to 30 seats, excluding any required crew member seat, or a payload capacity of 3410 kg or less and a MCTOW of greater than 5700 kg, in accordance with Part 125; or
- (3) SEIFR passenger operations, in accordance with Part 125; or
- (4) air operations, except SEIFR passenger operations, using an aeroplane that has a passenger seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less, or using a helicopter, in accordance with Part 135:

**Air operator certificate** means an airline air operator certificate or a general aviation air operator certificate:

**Exposition**, unless the context otherwise requires, means the exposition required by rule 119.81 or 119.125:



**General aviation air operator certificate** means an air operator certificate that authorises the holder to conduct air operations, except SEIFR passenger operations, using an aeroplane that has a passenger seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less, or using a helicopter, in accordance with Part 135.

### **119.5 Requirement for certificate**

- (a) A person having operational responsibility for an air operation must hold, and comply with, an air operator certificate issued under this Part.
- (b) Except for an adventure aviation operation, a person must not perform an air operation except under the authority of, and in accordance with the privileges of, an air operator certificate issued under the Act and this Part.
- (c) For the purpose of paragraph (a) a person has operational responsibility for an air operation if the person has responsibility for two or more of the following functions:
  - (1) determining whether the operation may be operated safely:
  - (2) assigning crew members for the operation:
  - (3) employing, contracting, or otherwise engaging crew members for the operation:
  - (4) making a decision to vary the operation, other than a decision by the pilot-in-command taken on the grounds of safety.

### **119.7 *Reserved***

### **119.9 Application for certificate**

An applicant for the grant of an air operator certificate must complete the approved CAA form, which requires—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the details required by rule 119.15(b), for the operations specifications; and

- (3) the exposition required—
  - (i) by rule 119.81 for an airline air operator certificate; or
  - (ii) by rule 119.125 for a general aviation air operator certificate; and
- (4) such further particulars relating to the applicant as may be required by the Director as indicated on the form—

and submit it to the Director, with a payment of the appropriate application fee prescribed by regulations made under the Act, not less than 90 days before the date of intended operation, unless a shorter period is acceptable to the Director.

#### **119.11 Issue of certificate**

- (a) An applicant is entitled to an airline air operator certificate if the Director is satisfied that, in accordance with section 75 of the Act,—
  - (1) the applicant meets the applicable requirements of subpart B; and
  - (2) the applicant, where the applicant is a natural person, and the applicant's senior persons required by rules 119.51(a)(1) and (2) are fit and proper persons; and
  - (3) the granting of the certificate is not contrary to the interests of aviation safety; and
  - (4) in the case of a New Zealand AOC with ANZA privileges, the airline operations to, from, or within Australia will be conducted using—
    - (i) in the case of passenger operations, aircraft with a capacity of more than 30 passenger seats, or a maximum certificated take-off weight of more than 15,000 kg; and
    - (ii) in the case of cargo or combined cargo and passenger operations, aircraft with a maximum certificated take-off weight of more than 15,000 kg or a maximum payload capacity of more than 3,410kg.

(b) An applicant is entitled to a general aviation air operator certificate if the Director is satisfied that, in accordance with section 75 of the Act—

- (1) the applicant meets the applicable requirements of Subpart C; and
- (2) the applicant, where the applicant is a natural person, and the applicant's senior persons required by rules 119.101(a)(1) and (2) are fit and proper persons; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

### **119.13 Privileges of certificate holder**

(a) An air operator certificate specifies the privileges that the certificate holder is authorised to perform.

(b) An air operator certificate authorises the certificate holder to perform—

- (1) air operations listed in the certificate holder's air operator certificate; and
- (2) ground or flight training appropriate to the aircraft operated or intended to be operated; and
- (3) test or check flights to determine the competence of flight crew; and
- (4) tests or checks to determine the competence of other persons providing the services or carrying out the operations listed in the certificate holder's exposition.

### **119.15 Operations specifications**

(a) An air operator certificate issued under the Act and this Part must be accompanied by the operations specifications specified in paragraph (b).

(b) The operations specifications must contain—

- (1) details of the physical location of the certificate holder's principal base of operations; and

- (2) the certificate holder's address for service in New Zealand; and
  - (3) other business names under which the certificate holder may operate; and
  - (4) the type, serial number, and registration of every aircraft that is authorised for use; and
  - (5) details of the air operation types authorised; and
  - (6) the authorisation and limitations for routes and areas of operations; and
  - (7) any exemption granted from any requirement of this or any other Part; and
  - (8) any other item that the Director determines is necessary to cover a particular situation; and
  - (9) where applicable, the authorisations and limitations for routes and areas of air operations conducted in Australia by a holder of a New Zealand AOC with ANZA privileges.
- (c) When authorising SEIFR passenger operations in a certificate holder's operations specifications, the Director may specify that the authorisation is valid for a period less than that for which the air operator certificate is valid.
- (d) When authorising EDTO in a certificate holder's operations specifications the Director must specify the following:
- (1) the registration of each aeroplane authorised for EDTO; and
  - (2) the maximum diversion time for each aeroplane that is authorised for EDTO under paragraph (1); and
  - (3) the EDTO alternate aerodromes authorised for EDTO.

#### **119.17 Duration of certificate**

- (a) An air operator certificate may be granted or renewed for a period of up to five years.

- (b) An air operator certificate remains in force until it expires or is suspended or revoked by the Director.
- (c) The holder of an air operator certificate that expires or is revoked must surrender the certificate to the Director as soon as possible.
- (d) The holder of an air operator certificate that is suspended must as soon as possible produce the certificate to the Director for appropriate endorsement.

### **119.19 Notification of termination of operations**

Each holder of an air operator certificate that terminates air operations must notify the Director of the termination in writing within 30 days of the date of termination.

### **119.21 Renewal of certificate**

- (a) If the holder of an air operator certificate wishes to apply for renewal of their certificate, they must use the approved CAA form.
- (b) An application under paragraph (a) must be submitted to the Director before the application renewal date specified in the certificate or, if no such date is specified, not less than 60 days before the certificate expires.

## **Subpart B — Airline Air Operator – Certification Requirements**

### **119.51 Personnel requirements**

- (a) An applicant for the grant of an airline air operator certificate must employ, contract, or otherwise engage—
  - (1) a senior person identified as the chief executive who—
    - (i) has the authority within the applicant’s organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and
    - (ii) is responsible for ensuring that the applicant’s organisation complies with the requirements of this Part; and

- (2) senior persons—
    - (i) responsible for ensuring that the applicant’s organisation complies with its exposition; and
    - (ii) responsible for the functions referred to in paragraph (b)(1); and
    - (iii) ultimately responsible to the chief executive; and
  - (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the applicant’s exposition.
- (b) The senior persons required by paragraph (a) must—
- (1) unless otherwise acceptable to the Director as a consequence of the size and expected scope of the applicant’s organisation, each be responsible for no more than one of the following functions:
    - (i) air operations including the flight operations and the supporting ground operations:
    - (ii) crew training and competency assessment:
    - (iii) the control and scheduling of maintenance:
    - (iv) the system for safety management required under rule 119.79:
    - (v) air operator security, if an air operator security programme is required by rule 119.75:
    - (vi) conducting occurrence investigations in accordance with Part 12; and
  - (2) hold the minimum qualifications, competency and experience listed in Appendix A that are applicable to the function for which they are responsible.
- (c) Despite paragraph (b)(1)(ii), and if applicable to the structure of the applicant’s organisation, the senior person responsibilities for competency

assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).

(d) Any function referred to in paragraph (b)(1) may be delegated to other personnel provided the senior person responsible for the function retains responsibility for the function and the delegation is acceptable to the Director.

### **119.53 Personnel competency requirements**

(a) Each applicant for the grant of an airline air operator certificate must establish procedures—

- (1) to initially assess and to maintain the competence of personnel authorised to plan, perform, supervise, inspect, or certify the air operations listed in the applicant's exposition; and
- (2) to ensure personnel are provided with written evidence of the scope of their authorisation.

(b) Each applicant may contract with an organisation that is certificated under Part 141 and appropriately authorised under that certificate to perform the functions of checking to assess, or training to maintain, the competence of the applicant's personnel in accordance with paragraph (a)(1).

(c) Each applicant that contracts with an organisation under paragraph (b) must include in its exposition details of—

- (1) the functions to be transferred to the organisation; and
- (2) the scope of the checking or training to be carried out by the organisation; and
- (3) the authority of the organisation in respect of the checking or training functions to be carried out.

### **119.55 Resource requirements**

(a) Each applicant for the grant of an airline air operator certificate must provide resources, acceptable to the Director—

- (1) that enable the satisfactory provision of the operations listed in the applicant's exposition; and

- (2) that, where appropriate, include—
  - (i) accommodation, offices, workshops, hangars, and buildings; and
  - (ii) equipment, tools, material, training aids, data, and documentation necessary to perform the operations listed in the applicant's exposition.
- (b) The applicant must ensure the environment it provides—
  - (1) is appropriate for the tasks to be performed; and
  - (2) where appropriate, offers protection from weather elements.

### **119.57 Proving flights or tests**

- (a) Each applicant for the grant or amendment of an airline air operator certificate must, if required by the Director, perform proving flights or tests to satisfy the Director that it can meet any relevant prescribed requirement.
- (b) The flights or tests must be conducted in a manner acceptable to the Director.

### **119.59 *Reserved***

### **119.61 Maintenance procedures**

- (a) An applicant for the grant of an airline air operator certificate must establish procedures for ensuring the continued airworthiness of —
  - (1) every aircraft that is operated under the authority of the certificate; and
  - (2) any equipment installed in or attached to the aircraft.
- (b) An applicant for the grant of an airline air operator certificate that contracts with another person to perform maintenance on the applicant's aircraft must include in the exposition required under rule 119.81 details of—
  - (1) the functions to be transferred to the other person; and
  - (2) the scope of the maintenance to be carried out by the other person; and



- (3) the authority of the other person in respect of the functions and maintenance to be carried out.

### **119.63 Maintenance programme**

(a) An applicant for the grant of an airline air operator certificate must establish a maintenance programme for every aircraft that is operated under the authority of the certificate.

(b) The maintenance programme required under paragraph (a) must include—

- (1) the registration, type, and serial number of each aircraft that is subject to the programme; and
- (2) instructions and procedures, that are at least equivalent to the requirements prescribed in Subpart G of Part 91 and the manufacturer's maintenance schedule, for the performance of maintenance of the aircraft including any required inspection and test of the airframe, aircraft engine, propellers, rotors, appliances, and emergency equipment, together with details of the parts and areas that—
  - (i) must be inspected; and
  - (ii) could result in a failure, malfunction, or defect endangering the safe operation of the aircraft if maintenance is not performed properly or if an improper part or material is used; and
- (3) a schedule for the performance of the maintenance under paragraph (b)(2) expressed in terms of the time-in-service, cycles, calendar time, number of system operations, or any combination of these; and
- (4) procedures for the induction of an aircraft onto the maintenance programme; and
- (5) procedures for maintenance trend analysis if the programme utilises condition monitored maintenance or information derived from health and usage monitoring systems; and

- (6) procedures to ensure that every inspection required by the programme is performed; and
- (7) procedures for recording a defect, including an example of a record; and
- (8) procedures for rectifying or deferring defects; and
- (9) procedures for varying an inspection interval because of service experience; and
- (10) procedures for retaining a maintenance record in accordance with rule 91.623.

#### **119.65 Documentation**

- (a) An applicant for the grant of an airline air operator certificate must establish procedures for controlling, amending, and distributing its operational, safety, and maintenance data.
- (b) An applicant for the grant of an airline air operator certificate must establish a procedure for the control of documentation required by any applicable Part, including but not limited to Parts 91, 108, 121, 125, and 135.
- (c) The procedures required by paragraphs (a) and (b) must provide for the following—
  - (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
  - (2) current issues of all relevant documents are available to personnel at all locations where they need access to such documentation, in either hard copy, electronic, or other form acceptable to the Director; and
  - (3) all obsolete documentation is promptly removed from all points of issue or use; and
  - (4) changes to documentation are reviewed and approved by appropriate personnel; and

- (5) the current version of each item of documentation can be identified to preclude the use of superseded material.

### **119.67 Records—personnel**

An applicant for the grant of an airline air operator certificate must establish procedures for ensuring that—

- (1) an accurate record is maintained of—
- (i) each employee who, in the performance of their duties, is required to hold a licence or rating; and
  - (ii) each employee who is exercising any delegation of the Director’s functions or powers; and
  - (iii) each employee who is exercising any authorisation granted by the certificate holder; and
- (2) the record includes details of—
- (i) the relevant experience, qualifications, and training of each employee referred to in subparagraph (1); and
  - (ii) the scope, validity, and currency of any licence or rating referred to in subparagraph (1)(i); and
  - (iii) the delegations referred to in subparagraph (1)(ii); and
  - (iv) the authorisations referred to in subparagraph (1)(iii); and
- (3) the record is retained for 3 years from the date that the employee—
- (i) ceases to perform duties requiring a licence or rating; or
  - (ii) exercises any delegation or authorisation.

**119.69 Records—resources**

Each applicant for the grant of an airline air operator certificate must—

- (1) establish procedures to ensure details are accurately recorded of testing, checking, and calibration of any safety-critical resources used in carrying out the operations specified on the certificate; and
- (2) retain the record of details required by subparagraph (1) for two years from the date the details are recorded.

**119.71 Flight authorisation and control**

Each applicant for the grant of an airline air operator certificate must establish procedures to ensure that the initiation, continuation, and termination of a flight or series of flights is authorised by the person required by rule 119.51(b)(1)(i).

**119.73 Flight following service**

(a) An applicant for the grant of an airline air operator certificate must establish procedures to ensure that a flight following service is provided for any air operation that is conducted without a flight plan being submitted to an ATS unit.

(b) The procedures required in paragraph (a) must ensure that for each air operation being provided with a flight following service, the person providing the flight following service—

- (1) has the information required under rule 91.307(c) for a VFR flight plan; and
- (2) has a pre-arranged time for the completion of the air operation; and
- (3) subject to paragraph (c), has a time for re-establishing communications if the flight will operate in an area where communications cannot be maintained; and
- (4) has details of any other arrangements that may be appropriate for the safety of the operation for the pilot-in-command to report to the flight following service; and

- (5) makes timely notification to —
  - (i) the national rescue co-ordination centre; or
  - (ii) an organisation capable of taking emergency activation action that is acceptable to the Director —

if the pilot-in-command fails to establish communications within the pre-arranged times under paragraphs (2), (3), or (4).

- (c) An aircraft may not be without communication under paragraph (b)(3) for longer than 30 minutes unless such longer period is acceptable to the Director.

#### **119.75 Air operator security programme**

An applicant for the grant of an airline air operator certificate that proposes to operate a regular air transport passenger service from or within New Zealand with any aircraft that has a passenger seating configuration (excluding any required crew member seats) of more than 9 seats must establish an air operator security programme that meets the requirements of Part 108.

#### **119.77 Establishment of operations procedures**

Each applicant for the grant of an airline air operator certificate intending to conduct air operations must establish procedures necessary to enable any requirement of this or any other Part to be complied with.

#### **119.79 Safety management**

An applicant for the grant of an airline air operator certificate must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

#### **119.81 Airline air operator exposition**

- (a) An applicant for the grant of an airline air operator certificate must provide the Director with an exposition that contains—
  - (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—

- (i) define the air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (1A) the documentation required by rule 100.3(b) to establish and maintain the system for safety management; and
- (2) the titles and names of the senior persons required by rules 119.51(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons required by rules 119.51(a)(1) and (2), including—
- (i) matters for which they have a responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and
- (4) a summary of the scope of activities at each location where the applicant's operations personnel are based for the purpose of providing air transport operations; and
- (5) an organisation chart showing lines of responsibility of the senior persons required by rules 119.51(a)(1) and (2) and extending to each location listed under paragraph (a)(4); and
- (6) a summary of the staffing structure at each location listed under paragraph (a)(4); and
- (6A) information identifying the lines of safety responsibility within the organisation; and
- (7) details of the principal place of operation and, if applicable, the main operation base and the main maintenance base; and
- (8) details of the resources required by rule 119.55; and
- (9) details of the procedures required by this Part; and

- (10) details of—
    - (i) the maintenance procedures required by rule 119.61; and
    - (ii) the maintenance programme required by rule 119.63; and
    - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
  - (11) details of the programmes required, as appropriate, by this Part, and Part 121, Part 125, or Part 135; and
  - (12) details of the procedures that ensure compliance with the laws of any foreign State in which the applicant's aircraft operate; and
  - (13) procedures for controlling, amending, and distributing the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

## **Subpart C —General Aviation Air Operator – Certification Requirements**

### **119.101 Personnel requirements**

- (a) An applicant for the grant of a general aviation air operator certificate must employ, contract, or otherwise engage—
- (1) a senior person identified as the chief executive who—
    - (i) has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be financed and carried out in accordance with the requirements and standards prescribed by this Part; and
    - (ii) is responsible for ensuring that the organisation complies with the requirements of this Part; and
  - (2) a senior person—
    - (i) responsible for ensuring that the applicant's organisation complies with its exposition; and

- (ii) responsible for the functions referred to in paragraph (b)(1); and
  - (iii) ultimately responsible to the chief executive; and
- (3) sufficient personnel to plan, perform, supervise, inspect, and certify the operations listed in the applicant's exposition.
- (b) The senior persons required by paragraph (a) must—
  - (1) unless otherwise acceptable to the Director as a consequence of the size and expected scope of the applicant's organisation, each be responsible for no more than one of the following functions—
    - (i) air operations, including the flight operations and the supporting ground operations:
    - (ii) crew training and competency assessment:
    - (iii) the control and scheduling of maintenance:
    - (iv) the system for safety management required under rule 119.124:
    - (v) conducting occurrence investigations in accordance with Part 12; and
  - (2) hold the minimum qualifications and experience listed in Appendix B that are applicable to the function for which they are responsible.
- (c) Despite paragraph (b)(1)(ii), and if applicable to the structure of the applicant's organisation, the senior person responsibilities for competency assessment may be assumed by the senior person responsible for air operations under paragraph (b)(1)(i).

### **119.103 Personnel competency requirements**

- (a) Each applicant for the grant of a general aviation air operator certificate must establish procedures—



- (1) to initially assess and to maintain the competence of personnel authorised to plan, perform, supervise, inspect, or certify the air operations listed in the applicant's exposition; and
  - (2) to ensure personnel are provided with written evidence of the scope of their authorisation.
- (b) Each applicant may contract with an organisation that is certificated under Part 141 and appropriately authorised under that certificate to perform the functions of checking to assess, or training to maintain, the competence of the applicant's personnel in accordance with paragraph (a)(1).
- (c) Each applicant that contracts with an organisation under paragraph (b) must include in its exposition details of—
- (1) the functions to be transferred to the organisation; and
  - (2) the scope of the checking or training to be carried out by the organisation; and
  - (3) the authority of the organisation in respect of the checking and training functions to be carried out.
- (d) The applicant may, as an alternative to paragraph (b), utilise an external checking or training programme acceptable to the Director that is carried out by an appropriately qualified holder of a flight examiner rating.

### **119.105 Resource requirements**

- (a) Each applicant for the grant of a general aviation air operator certificate must provide resources, acceptable to the Director—
- (1) that enable the satisfactory provision of the operations listed in the applicant's exposition; and
  - (2) that, where appropriate, include—
    - (i) accommodation, offices, workshops, hangars, and buildings; and

- (ii) equipment, tools, material, training aids, data, and documentation necessary to perform the operations listed in the applicant's exposition.
- (b) The applicant must ensure the environment it provides—
- (1) is appropriate for the tasks to be performed; and
  - (2) where appropriate, offers protection from weather elements.

### **119.107 Proving flights or tests**

- (a) Each applicant for the grant or amendment of a general aviation air operator certificate must, if required by the Director, perform proving flights or tests to satisfy the Director that it can meet the relevant prescribed requirements.
- (b) The flights or tests must be conducted in a manner acceptable to the Director.

### **119.109 Maintenance procedures**

- (a) An applicant for the grant of a general aviation air operator certificate must establish procedures for ensuring the continued airworthiness of—
- (1) every aircraft that is operated under the authority of the certificate; and
  - (2) any equipment installed in or attached to the aircraft.
- (b) An applicant for the grant of a general aviation air operator certificate that contracts with another person to perform maintenance of the applicant's aircraft must include in the exposition required under rule 119.125 details of—
- (1) the functions to be transferred to the other person; and
  - (2) the scope of the maintenance to be carried out by the other person; and
  - (3) the authority of the other person in respect of the functions and maintenance to be carried out.

### 119.111 Maintenance programme

(a) An applicant for the grant of a general aviation air operator certificate must establish a maintenance programme for every aircraft that is operated under the authority of the certificate.

(b) The maintenance programme required under paragraph (a) must include—

- (1) the registration, type and serial number of each aircraft that is subject to the programme; and
- (2) instructions and procedures, that are at least equivalent to the requirements prescribed in Subpart G of Part 91 and the manufacturer's maintenance schedule, for the performance of maintenance on the aircraft including any required inspections and tests of the airframe, aircraft engine, propellers, rotors, appliances, and emergency equipment, together with details of the parts and areas that—
  - (i) must be inspected; and
  - (ii) could result in a failure, malfunction, or defect endangering the safe operation of the aircraft if maintenance is not performed properly or if improper parts or materials are used; and
- (3) a schedule for the performance of the maintenance under paragraph (b)(2) expressed in terms of the time-in-service, cycles, calendar time, number of system operations, or any combination of these; and
- (4) procedures for the induction of an aircraft onto the maintenance programme; and
- (5) procedures for maintenance trend analysis if the programme utilises condition monitored maintenance or information derived from health and usage monitoring systems; and
- (6) procedures to ensure that every inspection required by the programme is performed; and

- (7) procedures for recording defects, including examples of records; and
- (8) procedures for rectifying or deferring defects; and
- (9) procedures for varying an inspection interval because of service experience; and
- (10) procedures for retaining maintenance records in accordance with rule 91.623.

### **119.113 Documentation**

- (a) An applicant requiring a management system under rule 119.124 for the grant of a general aviation air operator certificate must establish procedures for controlling, amending, and distributing its operational, safety, and maintenance data.
- (b) An applicant for the grant of a general aviation air operator certificate must establish a procedure for the control of documentation required by any applicable Part, including but not limited to Parts 91 and 135.
- (c) The procedures required by paragraphs (a) and (b) must provide for the following—
  - (1) all documentation is reviewed and authorised by appropriate personnel before issue; and
  - (2) current issues of all relevant documents are available to personnel at all locations where they need access to such documentation, in either hard copy, electronic, or other form acceptable to the Director; and
  - (3) all obsolete documentation is promptly removed from all points of issue or use; and
  - (4) changes to documentation are reviewed and approved by appropriate personnel; and
  - (5) the current version of each item of documentation can be identified to preclude the use of superseded material.

**119.115 Records—personnel**

Each applicant for the grant of a general aviation air operator certificate must establish procedures to ensure that—

- (1) an accurate record is maintained of—
  - (i) each employee who, in the performance of their duties, is required to hold a licence or rating; and
  - (ii) each employee who is exercising any delegation of the Director's functions or powers; and
  - (iii) each employee who is exercising any authorisation granted by the certificate holder; and
- (2) the record includes details of—
  - (i) the relevant experience, qualifications, and training of each employee listed under subparagraph (1); and
  - (ii) the scope, validity, and currency of any licence or rating referred to in subparagraph (1)(i); and
  - (iii) the delegations referred to in subparagraph (1)(ii); and
  - (iv) the authorisations referred to in subparagraph (1)(iii); and
- (3) the record is retained for one year from the date that the employee—
  - (i) ceases to perform duties requiring a licence or rating; or
  - (ii) exercises any delegation or authorisation.

**119.117 Records—resources**

Each applicant for the grant of a general aviation air operator certificate must—

- (1) establish procedures to ensure details are accurately recorded of testing, checking, and calibration of any safety-critical resources used in carrying out the operations specified on the certificate; and

- (2) retain the record of details required by subparagraph (1) for two years from the date the details are recorded.

### **119.119 Flight authorisation and control**

Each applicant for the grant of a general aviation air operator certificate must establish procedures to ensure the initiation, continuation, and termination of a flight or series of flights is authorised by the person required by rule 119.101(b)(1)(i).

### **119.121 Flight following service**

(a) An applicant for the grant of a general aviation air operator certificate must establish procedures to ensure that a flight following service is provided for any air operation that is conducted without a flight plan being submitted to an ATS unit.

(b) The procedures required in paragraph (a) must ensure that for each air operation being provided with a flight following service, the person providing the flight following service—

- (1) has the information required under rule 91.307(c) for a VFR flight plan; and
- (2) has a pre-arranged time for the completion of the air operation; and
- (3) subject to paragraph (c), has a time for re-establishing communications if the flight will operate in an area where communications cannot be maintained; and
- (4) has details of any other arrangements that may be appropriate for the safety of the operation for the pilot-in-command to report to the flight following service; and
- (5) makes timely notification to —
  - (i) the national rescue co-ordination centre; or
  - (ii) an organisation capable of taking emergency activation action that is acceptable to the Director —

if the pilot-in-command fails to establish communications within the pre-arranged times under paragraphs (2), (3), or (4).

(c) An aircraft may be without communication under paragraph (b)(3) for—

(1) no longer than 30 minutes, if it is an air transport operation; or

(2) any period of time that is established before the flight in accordance with the procedures under paragraph (a) if it is a commercial transport operation.

### **119.123 Establishment of operations procedures**

Each applicant for the grant of a general aviation air operator certificate intending to conduct air operations must establish procedures necessary to enable any requirement of this or any other Part to be complied with.

### **119.124 Safety management**

An applicant for the grant of a general aviation air operator certificate must establish, implement, and maintain a system for safety management in accordance with rule 100.3.

### **119.125 General aviation air operator exposition**

(a) An applicant for the grant of a general aviation air operator certificate must provide the Director with an exposition, that contains—

(1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—

(i) define the air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and

(ii) are to be complied with by the organisation's personnel at all times; and

(1A) the documentation required by rule 100.3(b) to establish and maintain the system for safety management; and

- (2) the titles and names of the senior persons required by rules 119.101(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons required by rules 119.101(a)(1) and (2) including—
  - (i) matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
  - (ii) responsibilities for safety management; and
- (4) if appropriate, an organisation chart showing lines of responsibility of the senior persons required by rules 119.101(a)(1) and (2); and
- (4A) information identifying the lines of safety responsibility within the organisation; and
- (5) details of the principal place of operation and the main maintenance base; and
- (6) details of the applicant's procedures required by this Part; and
- (7) details of—
  - (i) the maintenance procedures required by rule 119.109; and
  - (ii) the maintenance programme required by rule 119.111; and
  - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
- (8) details of the programmes required, as appropriate, by this Part and Part 135; and
- (9) details of the applicant's procedures that ensure compliance with the laws of any foreign State in which the applicant's aircraft operate; and
- (10) procedures for controlling, amending, and distributing the exposition.



- (b) The applicant's exposition must be acceptable to the Director.

## **Subpart D — Operating Requirements**

### **119.151 Continued compliance**

- (a) A holder of an air operator certificate must comply with the operations specifications required by rule 119.15.
- (b) A holder of an air operator certificate must—
- (1) continue to meet the standards and comply with the requirements of Subpart B or Subpart C as appropriate; and
  - (2) comply with every procedure and programme detailed in the certificate holder's exposition; and
  - (3) hold at each location specified in the certificate holder's exposition—
    - (i) at least 1 current copy of the certificate holder's operations specifications; and
    - (ii) in hard copy, electronic, or other form acceptable to the Director, at least 1 current copy of the relevant sections of the certificate holder's exposition that are applicable to the operations at the location.

### **119.153 Flight operation requirements**

- (a) Each holder of an airline air operator certificate conducting an air operation with—
- (1) an aeroplane that has a passenger seating configuration, excluding any required crew member seat, of more than 30 seats, or that has a payload capacity of more than 3410 kg, must comply with the applicable operating requirements of Part 121; and
  - (2) an aeroplane that has a passenger seating configuration, excluding any required crew member seat, of 10 to 30 seats, or a payload capacity of 3410 kg or less and a MCTOW of greater than 5700 kg, must comply with the applicable operating requirements of Part 125; and

- (3) an aeroplane that has a passenger seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less, or a helicopter, must, subject to paragraph (b), comply with the applicable operating requirements of Part 135.
- (b) Each holder of an airline air operator certificate conducting an SEIFR passenger operation must comply with the applicable operating requirements of Part 125.
- (c) Each holder of a general aviation air operator certificate conducting an air operation must comply with the applicable operating requirements of Part 135.

### **119.155 Flight crew qualifications**

- (a) The holder of an air operator certificate must not authorise any person to act as a flight crew member, and no person may serve as a flight crew member, on an air operation, unless the person holds the licence and rating in accordance with Part 61 that includes the privileges necessary to perform the operation.
- (b) Each person authorised to perform an air operation outside New Zealand must have in their possession the licence required by paragraph (a) and that person's current medical certificate.

### **119.157 Charter, cross-hire, and leasing of New Zealand registered aircraft**

- (a) Each holder of an air operator certificate that charters, cross-hires, or leases an aircraft, with or without flight crew, from another holder of an air operator certificate must clearly establish with that other operator, and inform the pilot-in-command, prior to the aircraft's use in an air operation, under which air operator certificate the operation will be conducted.
- (b) Where the holder of an air operator certificate charters, cross-hires, or leases an aircraft, with or without flight crew, from any person who does not hold an air operator certificate, then the certificate holder must conduct the operation under its own air operator certificate.
- (c) Each holder of an air operator certificate must keep a copy of each written charter, cross-hire, or lease arrangement, under which it performs an

air transport operation, for a period of at least one year after the date of completion of the last flight under the arrangement.

(d) In the case of a charter, cross-hire, or lease arrangement, that is made orally, the certificate holder must keep a memorandum stating the elements of the arrangement, and of any amendments to it, for a period of at least one year after the date of completion of the last flight under the arrangement.

### **119.159 Use of non-New Zealand registered aircraft**

(a) Each holder of an air operator certificate that uses a non-New Zealand registered aircraft under a charter, lease, or similar arrangement to perform an air operation must, at least 30 days prior to the performance of the operation, unless a shorter period is acceptable to the Director, notify the Director of the basic terms of the charter, lease, or similar arrangement, including—

- (1) whether the aircraft provider is authorised by an ICAO contracting State to perform air operations; and
- (2) the names of the parties to the arrangement; and
- (3) the duration of the arrangement; and
- (4) the nationality, the registration markings, and the type of each aircraft involved in the arrangement.

(b) The certificate holder must obtain approval from the Director prior to the use of a non-New Zealand registered aircraft on air operations.

### **119.161 Business or trading name**

(a) Each holder of an air operator certificate must conduct its air operations using the trading or business name that appears on the certificate holder's certificate.

(b) A person must not perform an air operation unless the trading or business name of the certificate holder conducting the operation is displayed in such a manner that it is clearly identifiable, visible, and legible to any intending passenger before they board the aircraft.

(c) The certificate holder must clearly identify, when it advertises any air operation conducted by it, the business or trading name that appears on the certificate.

### **119.163 Limitations of general aviation air operator certificate holder**

Except in accordance with an airline air operator certificate, the holder of a general aviation air operator certificate must not conduct operations to which Part 121 or Part 125 applies.

### **119.165 Changes to certificate holder's organisation**

- (a) A holder of an air operator certificate must—
- (1) ensure that its exposition is amended so as to remain a current description of its organisation; and
  - (2) ensure that any amendment made to its exposition meets the applicable requirements of this or any other Part and complies with the amendment procedures contained in its exposition; and
  - (3) forward to the Director for retention a copy of each amendment to its exposition as soon as practicable after the amendment is incorporated into its exposition; and
  - (4) make such amendments to its exposition as the Director considers necessary in the interests of aviation safety.
- (b) A certificate holder must obtain the approval of the Director before changing any of the following:
- (1) the chief executive;
  - (2) the listed senior persons;
  - (3) the locations detailed in the exposition under rules 119.81(a)(7) or 119.125(a)(5), as appropriate, from which the certificate holder conducts air operations;
  - (4) the scope of the certificate holder's certificate:

- (5) the system for safety management, if the change is a material change:
  - (6) *Reserved*
  - (7) the maintenance programme:
  - (8) any contractor carrying out the certificate holder's maintenance or training:
  - (9) the flight and duty scheme:
  - (10) where required, the air operator security programme.
- (c) *Reserved*
- (d) The Director may impose conditions on the air operator certificate during or following any of the changes specified in paragraph (b).
- (e) The certificate holder must comply with any condition imposed by the Director under paragraph (d).
- (f) If any of the changes referred to in paragraph (b) requires an amendment to the air operator certificate, the certificate holder must forward the certificate to the Director for endorsement of the change as soon as practicable.

### **119.167 Changes to the maintenance programme**

The holder of an air operator certificate must, upon the Director's request, make any revisions to a maintenance programme found by the Director to be necessary to satisfy the continuing airworthiness requirements of that programme.

## Appendix A — Qualifications and Experience of Senior Persons — Airline Air Operator Certificate Holder

This Appendix prescribes the qualifications and experience for the senior persons responsible under rules 119.51(b)(1)(i), (ii), (iii), and (iv).

### A.1 Senior person responsible for air operations

Part 121 Operation	
Document required	Airline Transport Pilot Licence
Pilot-in-command experience	3 years as pilot-in-command under Part 121 operations
Managerial experience	3 years in an operational control position

	Part 125 Operation		Part 135 Operation
	Multi-crew	Single pilot	
Document required	Airline Transport Pilot Licence	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Refer Appendix B
Pilot-in-command experience	3 years as pilot-in-command under Part 121, Part 125 or Part 135 operations; or ↓	3 years as pilot-in-command under Part 121, Part 125 or Part 135 operations; or ↓	Refer Appendix B
Managerial experience	3 years in an operational control position	3 years in an operational control position	Refer Appendix B

## A.2 Senior person responsible for crew training and competency assessment

Part 121 Operation	
Document required	Airline Transport Pilot Licence with ratings
Currency	Current to act as pilot-in-command of one type of operator's aircraft
Experience	3 years as pilot-in-command under Part 121, Part 125, or Part 135 operations and 2 years' experience in the check and training role

	Part 125 Operation		Part 135 Operation
	Multi-crew	Single pilot	
Document required	Airline Transport Pilot Licence with ratings	Commercial Pilot Licence, with Instrument Rating if operations include IFR	Refer Appendix B
Currency	Current to act as pilot-in-command of one type of operator's aircraft	Current to act as pilot-in-command of one type of operator's aircraft	Refer Appendix B
Experience	3 years as pilot-in-command under Part 121, Part 125, or Part 135 operations and 2 years' experience in the check and training role	3 years as pilot-in-command under Part 121, Part 125, or Part 135 operations and 2 years' experience in the check and training role	Refer Appendix B

In addition, where there is a requirement for experience under Part 121, Part 125, or Part 135 operations, a person may be assessed as meeting that requirement if they have had equivalent experience in air transport operations conducted under the authority of an Air Service Certificate issued under regulation 136 of Civil Aviation Regulations 1953 or an equivalent type of operation acceptable to the Director.

### **A.3 Senior person responsible for the control and scheduling of maintenance**

#### **A.3.1 Part 121 Operations**

(a) The senior person responsible for the control and scheduling of maintenance in an organisation conducting air operations under Part 121 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 121; and
- (2) meet the requirements of paragraph (b); and
- (3) undertake any examination or test that the Director may require to determine the applicant's competency to perform the maintenance planning and control functions required.

(b) The senior person in paragraph (a)—

- (1) must—
  - (i) hold or have held an aircraft maintenance engineer licence or equivalent, acceptable to the Director, with appropriate ratings; and
  - (ii) have at least 5 years' experience in the maintenance of aircraft of a similar size and type as that to be operated by the organisation; and
  - (iii) have at least 2 years' experience in a supervisory position which may be undertaken during the 5 years' experience required under subparagraph (1)(ii); or
- (2) must—
  - (i) be a graduate engineer or equivalent in an aeronautical, mechanical or electrical discipline; and
  - (ii) have at least 5 years' experience of the maintenance of aircraft, which may be gained while working in a



maintenance supervision, maintenance planning, engineering development, or workshop environment; and

- (iii) have at least six months practical experience in aircraft maintenance tasks which may be undertaken during the 5 years' experience required under subparagraph (2)(ii); and
- (iv) have at least 2 years' experience in a supervisory position which may be undertaken during the 5 years' experience required under subparagraph (2)(ii).

(c) The experience requirements in paragraphs (b)(1)(ii) and (b)(2)(ii) may be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 75 of the Act and in accordance with Part 141 or Part 147 .

### **A.3.2 Part 125 Operations**

(a) The senior person responsible for the control and scheduling of maintenance in an organisation conducting air operations under Part 125 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 125; and
- (2) meet the requirements of paragraph (b); and
- (3) undertake any examination or test that the Director may require to determine the person's competency to perform the maintenance planning and control functions required.

(b) The senior person referred to in paragraph (a)—

- (1) must meet the requirements of paragraph A.3.1; or
- (2) must—
  - (i) hold or have held an aircraft maintenance engineer licence granted under section 75 of the Act and in accordance with Part 66, or an equivalent licence acceptable to the Director, with appropriate ratings; and

- (ii) have at least 3 years' experience performing maintenance on aircraft of a similar size and type as that to be operated by the organisation; and
  - (iii) have at least 1 years' experience certifying aircraft for release-to-service, which may be undertaken during the 3 years' experience required under subparagraph (ii); or
- (3) must have experience acceptable to the Director including at least 5 years' experience responsible for the control and direction of maintenance and the continuing airworthiness of aircraft of a similar size and type as that to be operated by the organisation.
- (c) The experience requirement specified in paragraph (b)(2)(ii) may alternatively be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 75 of the Act and in accordance with Part 141 or Part 147.

#### **A.4 Senior person responsible for the system for safety management**

<b>Part 121, 125, or 135 Operation</b>	
Competency	Demonstrate competency relevant to systems for safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

## A.5 Senior person responsible for internal quality assurance

	Part 121 Operation	Part 125/135 Operation
Document required	Certificate in Quality Assurance or equivalent qualification or ↓	Certificate in Quality Assurance or equivalent qualification or ↓
	5 years' experience in quality assurance management in the aviation industry	5 years' experience in quality assurance management in the aviation industry
Experience	5 years' experience in aviation with flight operations or maintenance background	5 years' experience in aviation with flight operations or maintenance background

In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have had equivalent experience in quality assurance management acceptable to the Director.

## Appendix B — Qualifications and Experience of Senior Persons – General Aviation Air Operator Certificate Holder

This Appendix prescribes the qualifications and experience for the senior persons responsible under rules 119.101(b)(1)(i), (ii), (iii), and (iv).

### B.1 Senior person responsible for air operations

Part 135 Operation		
	Greater than 3 aircraft or greater than 2 bases	Less than 4 aircraft and less than 3 bases
Document required	commercial pilot licence, with instrument rating if operations include IFR	commercial pilot licence, with instrument rating if operations include IFR
Pilot-in-command experience	3 years as pilot-in-command under Part 135 operations and 750 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR; or ↓	500 hours flight time during air operations on the same category of aircraft to be operated, with experience in the same or similar type of air operation to be performed that is acceptable to the Director; and 75 hours actual or simulated instrument time if operations include IFR; or ↓
Managerial experience	3 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.	2 years in an operational control position with experience, including flight experience, appropriate to the type of air operation to be performed that is acceptable to the Director.

For assessing the above senior person experience requirements, the Director may consider the following:

- (a) for a senior person qualifying under the pilot-in-command requirements, the Director may consider experience in the same types of air operations or similar types of air operations involving similar operating environment, types of equipment and aircraft

configurations including operations in a military or similar type of service:

- (b) for a senior person qualifying under the managerial experience requirements, the Director may consider flight operational control experience, or similar experience, in air operations or other similar transport type operations in a military or similar type of service.

## **B.2 Senior person responsible for crew training and competency assessment**

<b>Part 135 Operation</b>		
	<b>Greater than 3 aircraft and/or greater than 2 bases</b>	<b>Less than 4 aircraft and/or less than 3 bases</b>
Document required	commercial pilot licence, with instrument rating if operations include IFR	commercial pilot licence, with instrument rating if operations include IFR
Currency	current to act as pilot-in-command of one type of operator's aircraft	current to act as pilot-in-command of one type of operator's aircraft
Experience	3 years as pilot-in-command under Part 135 operations and 2 years' experience in the check and training role	

## **B.3 Senior person responsible for the control and scheduling of maintenance**

(a) The senior person responsible for the control and scheduling of maintenance in an organisation conducting air operations under Part 135 must—

- (1) have a clear knowledge and understanding of the maintenance parts of the organisation's exposition and the applicable maintenance provisions of Part 135; and
- (2) meet the requirements of paragraph (b); and
- (3) undertake any examination or test that the Director may require to determine the applicant's competency to perform the maintenance planning and control functions required.

- (b) The senior person in paragraph (a) must—
- (1) meet the requirements of Appendix A.3.1; or
  - (2) meet the requirements of Appendix A.3.2; or
  - (3) for organisations intending to conduct or conducting air operations with a total of three or less aircraft listed on their operations specifications and from a total of two or less bases, have sufficient knowledge of maintenance to be able to ensure that the aircraft is maintained in an airworthy condition and that any maintenance required by its maintenance programme is satisfactorily accomplished.
- (c) The knowledge requirements in paragraph (b)(3) may be met through a course of instruction acceptable to the Director and conducted under the authority of a training organisation certificate granted under section 75 of the Act and in accordance with Part 141 or Part 147.

#### **B.4 Senior person responsible for the system for safety management**

<b>Part 135 Operation</b>	
Competency	Demonstrate competency relevant to systems for safety management. A working knowledge of the applicable Civil Aviation Rules and safety management requirements.
Experience	Experience and background relevant to the management of safety systems and the activities of the organisation.

## B.5 Senior person responsible for the organisational management system

Part 135 Operation		
	Greater than 3 aircraft and/or greater than 2 bases	Less than 4 aircraft and/or less than 3 bases
Document required	certificate in quality assurance or equivalent qualification or ↓	general knowledge and awareness of quality assurance or management systems
	general knowledge and awareness of quality assurance or management systems or ↓	
	2 years' experience in management systems in the aviation industry	
Experience	3 years' experience in aviation with flight operations or maintenance background	

In addition, a person may be assessed as meeting the qualification requirements for this senior person position if they have had equivalent experience in quality assurance management acceptable to the Director.