



Civil Aviation Rules

Part 39, Initial Issue

Airworthiness Directives

These rules are made by the Minister of Transport under section 52 of the Civil Aviation Act 2023 after having certified the rules in accordance with clause 8 of Schedule 1 of that Act.

Made at Wellington on

This 13th day of December 2024

A handwritten signature in black ink, appearing to read 'Simeon Brown'. The signature is written in a cursive style and is located below the date.

by Hon Simeon Brown

Minister of Transport

Rule Objective

The objective of Part 39 is to ensure that aircraft continue to operate safely, by correcting any safety deficiencies in a timely manner.

Part 39 prescribes rules for:

- operator compliance with an airworthiness directive
- the approval of an alternative means of compliance regarding the requirements specified in an airworthiness directive.

Effective date of rule

Part 39 comes into force on 5 April 2025

Administering Agency

The administering agency responsible for administering these rules is the Civil Aviation Authority of New Zealand.

Availability of rules

Civil Aviation Rules are available from–

CAA website: <http://www.aviation.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

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Subpart A — General

39.1 Purpose

This Part prescribes rules relating to:

- (1) operator compliance with an airworthiness directive;
- (2) the approval of an alternative means of compliance regarding the requirements specified in an airworthiness directive.

39.3 Exemptions

The Director must not grant an exemption from the requirements of rule 39.51.

Subpart B — Airworthiness Directives

39.51 Compliance

(a) An operator of an aircraft must not operate the aircraft unless the operator complies with—

- (1) every applicable airworthiness directive issued by the Director in accordance with section 429(1) of the Act; and
- (2) for an aircraft in excess of 5,700 kg MCTOW, every—
 - (i) applicable airworthiness directive issued by the State of Design of the aircraft; and
 - (ii) applicable airworthiness directive issued by the State of Design of an aeronautical product that is used on the aircraft; or
- (3) an alternative means of compliance approved by the Director under rule 39.53 for an airworthiness directive that is applicable to the aircraft under paragraphs (1) and (2).

(b) If a person is notified by the Director of an emergency airworthiness directive in relation to an aircraft and the person does not hold a New Zealand certificate of registration for the aircraft, the person must immediately notify the Director that they do not hold the certificate.

39.53 Alternative means of compliance

- (a) An operator of an aircraft who is required under rule 39.51(a)(1) and (2) to comply with the requirements of an airworthiness directive, may apply to the Director for the approval of an alternative means of complying with the requirements specified in the airworthiness directive.
- (b) An applicant for the approval of an alternative means of compliance under paragraph (a) must—
- (1) complete the approved CAA form; and
 - (2) submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.
- (c) The Director may approve an alternative means of compliance for an operator regarding an airworthiness directive if the Director is satisfied that the alternative means of compliance provides an equivalent level of safety to that achieved through compliance with the requirements specified in the airworthiness directive.

39.55 Deferred compliance

If an airworthiness directive requires a series of inspections of an aircraft or an aeronautical product installed in an aircraft, the operator of the aircraft may, unless specifically prohibited by the airworthiness directive, defer a required inspection, except the initial inspection, for a period of not more than 10% of the inspection interval specified in the airworthiness directive to allow the inspection to be carried out during other scheduled maintenance.

39.57 Conflict with other continuing airworthiness instructions

If there is a conflict between the requirements specified in an airworthiness directive and any other applicable instruction for continuing airworthiness, the requirement specified in the airworthiness directive prevails.