



PURSUANT to Sections 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 A Genter', is written over the printed name.

by Hon Julie Anne Genter

Associate Minister of Transport

Civil Aviation Rules

Part 91, Amendment 29

General Operating and Flight Rules

Docket 16/CAR/8

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Rule objective

The objective of amendment 29 to Part 91 is to establish a performance-based regulatory framework for aircraft emergency location equipment for installation in New Zealand registered aircraft operating within the New Zealand Flight Information Region.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 18-01, containing the proposed amendments 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. These submissions and comments have been considered and as a result, the rule requiring an ELT or AELS to be tested within the previous 24 months is deleted. In addition, the term “meets the requirements of TSO-C126” is changed to read “be TSO-C126 certified”.

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 91.529 to provide for a performance-based rule for an aircraft emergency location system (AELS) and making provision for the Director to approve such a system by means of a notice; and
- revoking and replacing rule 91.605 to remove the requirement for the testing of an ELT within the previous 24 months; and
- revoking and replacing Appendix A.15 by removing the installation provisions and including them in an Advisory Circular.

Effective date of rule

Amendment 29 to Part 91 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 91 General Operating and Flight Rules

Rule 91.529 is revoked and replaced with the following rule

91.529 Aircraft emergency location system (AELS) and ELT

(a) A person must not operate a New Zealand registered aircraft within the New Zealand Flight Information Region without an AELS installed in the aircraft that has been approved by the Director in a notice under paragraph (ab).

(aa) Despite paragraph (a), a person may operate without an AELS in accordance with paragraphs (b), (c), (d), (e), rule 121.353(a)(1)(ii), and rule 121.353(b).

(ab) The Director may issue a notice that approves an AELS if satisfied that it:

- (1) automatically broadcasts a signal in the event of an accident for at least 24 hours that:
 - (i) alerts search and rescue providers without human intervention; and
 - (ii) identifies the aircraft's location to at least a 5 kilometre radius; and
 - (iii) contains the aircraft's identifying information required by paragraph (f)(1); and
 - (2) broadcasts a homing signal; and
 - (3) has an independent power source; and
 - (4) is suitable for the aircraft type in which it is installed; and
 - (5) is constructed so as to remain operable after an accident, as far as is reasonably practicable.
- (ac) Before approving an AELS under paragraph (ab) the Director must:
- (1) be satisfied that the AELS is not contrary to the interests of aviation safety; and

- (2) consult with any party that the Director considers appropriate.
- (ad) An approval made under paragraph (ab) comes into force on the date specified by the Director.
- (ae) The Director must as soon as practicable after making an approval under paragraph (ab) publish it on the CAA website.
- (b) Despite paragraph (a) an aircraft may be operated without an AELS installed if—
- (1) the operation is to ferry the aircraft from the place where the operator takes possession of the aircraft to a place where an AELS is to be installed; and
 - (2) the aircraft does not carry a passenger.
- (c) Despite paragraph (a) and rule 91.501(4), an aircraft may be operated with an inoperative AELS if—
- (1) the operation is to ferry the aircraft from a place where repairs or replacement of the AELS cannot be made to a place where the repairs or replacement can be made; and
 - (2) the aircraft does not carry a passenger.
- (d) Despite paragraph (a) and rule 91.501(4), an aircraft may be operated without an operable AELS for a period of not more than 7 days if the aircraft is equipped with an ELT(S) or PLB that is accessible to any person on board the aircraft.
- (e) Paragraph (a) does not apply to any of the following aircraft:
- (1) an aircraft that is equipped with no more than 1 seat if the pilot is equipped with an ELT(S) or PLB;
 - (2) a glider or microlight aircraft if at least 1 person carried in the glider or microlight aircraft is equipped with an ELT(S) or PLB;
 - (3) a glider, or powered aircraft, including a microlight aircraft, that is equipped with no more than 2 seats, if the glider or

powered aircraft is operated not more than 10 nm from the aerodrome from which the glider or powered aircraft took off:

(4) a manned free balloon.

(f) A holder of a certificate of registration for a New Zealand registered aircraft that is equipped with an AELS or carries an ELT(S), EPIRB, or PLB that operates on 406 MHz must not operate the aircraft unless—

- (1) for an AELS or ELT(S), the AELS or ELT(S) is coded with the International Telecommunication Union (ITU) country code for New Zealand, and any of the following:
 - (i) the AELS or ELT(S) serial number;
 - (ii) the 24-bit aircraft address;
 - (iii) the ICAO aircraft operating agency designator and a serial number allocated by the operator;
 - (iv) the aircraft nationality and registration marks; and
- (2) for an EPIRB or PLB, the EPIRB or PLB is coded with—
 - (i) the International Telecommunication Union (ITU) country code for New Zealand; and
 - (ii) a unique code to identify the EPIRB or PLB; and
- (3) the holder of the aircraft certificate of registration has notified the Rescue Coordination Centre New Zealand of—
 - (i) the code, in accordance with subparagraph (1) or (2), for each AELS, EPIRB, ELT(S), or PLB that is installed or carried in the aircraft; and
 - (ii) the name and emergency contact details of the aircraft operator.

(g) A person must not operate a foreign aircraft in New Zealand that is equipped with or carries an ELT that operates on 406 MHz unless the ELT is coded with—

- (1) the International Telecommunication Union (ITU) country code of the State of registry; and
- (2) any of the following:
 - (i) the ELT serial number;
 - (ii) the 24-bit aircraft address;
 - (iii) the ICAO aircraft operating agency designator and a serial number allocated by the operator;
 - (iv) the aircraft nationality and registration marks.

Rule 91.605 is revoked and replaced with the following rule

91.605 Maintenance programmes and schedules

(a) Except for paragraphs (b), (c), and (d), the operator of an aircraft must maintain the aircraft under—

- (1) a maintenance programme approved under Part 115; or
- (2) a maintenance programme approved under Part 119; or
- (3) a maintenance programme approved under rule 91.607; or
- (4) the manufacturer's maintenance schedule; or
- (5) if the aircraft is powered by a piston engine and has a MCTOW of 2730 kg or less, a maintenance programme that is acceptable to the Director and includes at least the following:
 - (i) details of the responsibilities and standards for maintenance of the aircraft in accordance with the applicable rule requirements;
 - (ii) details of pre-flight checks;

- (iii) details of scheduled maintenance checks and inspections.
- (b) The operator of an aircraft that is—
 - (1) used for air operations under the authority of an air operator certificate issued by the Director under the Act and Part 119 must maintain the aircraft under the maintenance programme that is required by Part 119 for the issue of the air operator certificate; or
 - (2) used for adventure aviation operations under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115 must maintain the aircraft under the maintenance programme that is required by Part 115 for the issue of the adventure aviation operator certificate; or
 - (3) issued with a special category airworthiness certificate must maintain the aircraft under a valid maintenance programme approved under rule 91.607 for the holder of the certificate of registration for the aircraft.
- (c) If the manufacturer's maintenance schedule referred to in subparagraph (a)(4) does not provide for an aircraft that operates for less than 100 hours of time in service per year, the operator must ensure that the manufacturer's 100-hour inspection or an equivalent inspection is completed within the preceding 12 months.
- (d) If the Director determines that a manufacturer's maintenance schedule referred to in subparagraph (a)(4) is deficient, the Director may require the operator to submit a maintenance programme for approval under rule 91.607.
- (e) Except as provided in paragraph (f) and rule 91.611, the operator of an aircraft must not operate the aircraft unless—
 - (1) every aircraft radio station that is required to be installed in the aircraft under Subpart F for operations under IFR has been tested and inspected under Part 43, Appendix B within the preceding 24 months; and

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- (2) every static pressure system, altimeter instrument, or automatic pressure altitude reporting system that is required to be installed in the aircraft under Subpart F, or required for an SSR transponder installed in the aircraft, has been tested and inspected under Part 43, Appendix D—
 - (i) within the preceding 24 months; and
 - (ii) following any opening and closing of the static pressure system, except for the use of system drain and alternate static pressure valves, or where self-sealing disconnect coupling is provided; and
 - (iii) following installation of, or maintenance on, the automatic pressure altitude reporting system where data correspondence error could be introduced; and
 - (3) every SSR transponder that is required to be installed in the aircraft under Subpart F has been tested and inspected, under Part 43, Appendix E within the preceding 24 months; and
 - (4) every ELT or AELS that is required to be installed in the aircraft under Subpart F—
 - (i) has been tested and inspected under—
 - (A) Appendix F of Part 43 within the previous 12 months or on aircraft manufacturer's 100 hour inspection or a manufacturer's equivalent inspection, whichever is earlier; or
 - (B) for an aircraft maintained under a maintenance programme required by rule 119.63, the scheduled intervals, which must not be more than 12 months, as described in the approved maintenance programme; and
 - (ii) has the battery replaced in accordance with the manufacturer's instructions, when the life of the battery, as established by the manufacturer, has expired; and

- (5) every compass that is required to be installed in the aircraft under Subpart F has been calibrated—
 - (i) within the preceding 24 months; and
 - (ii) following any out of phase event that may affect the calibration of the compass unless the aircraft manufacturer specifies otherwise; and
- (6) every first aid kit that is required to be installed in the aircraft under Subpart F has been inspected—
 - (i) within the preceding 12 months to ensure that appropriate quantities of items are included and time-expired items are replaced; and
 - (ii) after every reported use to ensure that appropriate quantities of items are included; and
- (7) every portable fire extinguisher that is required to be installed in the aircraft under Subpart F has been inspected for condition and tested in accordance with the manufacturer's instructions or other equivalent instructions acceptable to the Director within the preceding 12 months; and
- (8) all flotation equipment that is required to be installed in the aircraft under Subpart F has been inspected for condition and tested in accordance with the manufacturer's instructions or other equivalent instructions acceptable to the Director within the preceding 12 months; and
- (9) the aircraft's empty weight and centre of gravity is re-established if—
 - (i) changes have been made to the aircraft that could affect the empty weight and centre of gravity; or
 - (ii) the operator has any reason to suspect that the information in the aircraft's flight manual is no longer accurate; and

- (10) for a powered aircraft with a maximum certificated seating capacity of 4 or more seats, the aircraft has been weighed within the preceding 10 years.
- (f) The operator of an aircraft that is maintained under a maintenance programme referred to in subparagraphs (a)(1), (a)(2) or (a)(3) is not required to comply with any particular requirement in paragraph (e) if the maintenance programme for the aircraft includes a test, inspection, or other action that is equivalent to the particular requirement in paragraph (e).
- (g) The operator of an aircraft must—
- (1) identify in the maintenance logbook for the aircraft which maintenance option under paragraph (a) is to be used for the aircraft; and
 - (2) if the maintenance programme is one that is approved under Part 119 or approved under rule 91.607, identify in the maintenance programme the person who is responsible for scheduling the maintenance that is required in the programme; and
 - (3) if changing from the maintenance programme or option identified under subparagraph (g)(1) to another programme or option under paragraph (a), schedule the inspections required by the new programme or schedule, to provide for the continued airworthy condition of the aircraft; and
 - (4) provide a copy of the applicable maintenance programme or schedule to the person who performs maintenance on the aircraft, and upon request to the Director.
- (h) The tests and inspections required by subparagraphs (e)(1), (e)(2)(i), (e)(3), and the 12 month test and inspection requirement in subparagraph (e)(4)(i)(A) do not need to be performed if—
- (1) the aircraft has been inspected for the grant of an airworthiness certificate under section 9 of the Act and Part 21 within the preceding 12 months; and

- (2) the applicable equipment was installed in the aircraft when the inspection specified in subparagraph (h)(1) was performed.

Appendix A.15 is revoked and replaced with the following appendix

Appendix A.15 Emergency locator transmitters

- (a) An ELT(S) must—
 - (1) be TSO-C126 certified; and
 - (2) transmit on both frequencies of 406 MHz and 121.5 MHz.
- (b) [Revoked]
- (c) An EPIRB must—
 - (1) meet the requirements of Australian/New Zealand Standard AS/NZ 4280.1; and
 - (2) transmit on both frequencies of 406 MHz and 121.5 MHz.
- (d) An ELT(S) and EPIRB must—
 - (1) be self-buoyant; and
 - (2) be water resistant; and
 - (3) be portable.
- (e) A PLB must operate on both frequencies of 406 MHz and 121.5 MHz, and must—
 - (1) meet the requirements of Australian/New Zealand Standard AS/NZS 4280.2; or
 - (2) be COSPAS-SARSAT type approved.
- (f) An ELT(S) must be stowed in the aircraft in a manner that allows it to be readily available to any person on the aircraft in the event of an emergency.