



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *17th* day of *February* 1997

by **JENNIFER MARY SHIPLEY**

J. Shipley
Minister of Transport

Civil Aviation Rules

Part 101

**Gyrogliders and Parasails; and Unmanned Balloons, Kites,
Rockets, and Model Aircraft – Operating Rules**

Docket Nr. 1025

Civil Aviation Rules

Part 101

**Gyrogliders and Parasails; and Unmanned
Balloons, Kites, Rockets, and Model Aircraft –
Operating Rules**

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 101 is to establish the operating rules for unmanned aircraft, gyrogliders and parasails, throughout New Zealand.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A draft of Part 101 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed in 7 October 1994 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking 95-3 under Docket 1025 on 16 August 1995.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 16 August 1995. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 56 days was allowed for comment on the proposed rule.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 101 comes into force on 1 April 1997.

List of Rules**Subpart A – General**

101.1 Applicability.....	3
101.3 Definitions	3
101.5 Registration	5
101.7 Restricted, military operational, conditional, and danger areas.....	5
101.9 Low flying areas.....	6
101.11 Controlled airspace.....	6
101.13 Hazardous operations	6
101.15 Dropping of articles	6
101.17 Exemptions.....	6

Subpart B – Moored Balloons and Kites

101.51 Applicability.....	6
101.53 Aerodrome area.....	6
101.55 Aerodrome boundary.....	7
101.57 Airspace	7
101.59 Night operation	8
101.61 Balloon mooring line marking.....	8
101.63 Balloon rapid deflation device	8
101.65 Balloon escape	8

Subpart C – Free Balloons

101.101 Applicability.....	8
101.103 Meteorological limitations	8
101.105 Operating limitation	9
101.107 Equipment.....	9
101.109 Termination	10
101.111 Night operations.....	10
101.113 Trailing antenna.....	10
101.115 Suspension device	10
101.117 Pre-launch notice.....	11
101.119 Launch notice.....	12

101.121 Cancellation notice.....	12
101.123 Balloon position reports.....	12
101.125 Pre-descent position report.....	12
101.127 Completion of operation.....	13
Subpart D – Rockets	
101.151 Applicability.....	13
101.153 Large model rockets.....	13
101.155 Aerodromes.....	13
101.157 Meteorological limitations.....	13
101.159 Night operations.....	14
101.161 Pre-launch notice.....	14
Subpart E – Model Aircraft	
101.201 Applicability.....	14
101.203 Control line model aircraft.....	14
101.205 Aerodromes.....	15
101.207 Airspace.....	15
101.209 Meteorological limitations.....	16
101.211 Night operations.....	16
101.213 Right of way.....	16
101.215 Radio controlled model aircraft.....	16
Subpart F – Gyrogliders and Parasails	
101.251 Applicability.....	16
101.253 Aerodromes.....	17
101.255 Airspace.....	17
101.257 Meteorological limitations.....	17
101.259 Night operations.....	18
101.261 Airworthiness.....	18
101.263 Safety equipment.....	18
101.265 Pre-flight briefing.....	18
101.267 Emergency towline release.....	18
101.269 Operating procedures.....	18

Subpart A – General

101.1 *Applicability*

This Part prescribes rules governing the operation of—

- (1) moored balloons and kites;
- (2) free balloons;
- (3) rockets;
- (4) model aircraft;
- (5) gyrogliders and parasails.

101.3 *Definitions*

In this Part:

Aerodrome means an aerodrome that is promulgated in the current Visual Flight Guide of the NZAIP:

Controlled aerodrome means an aerodrome at which air traffic control service is provided to aerodrome traffic:

Control line model aircraft means a model aircraft primarily controlled in flight by a single or multiple wire system operated by the person flying the aircraft and restricted to circular flight about a central point:

Free Balloon means a pilotless aerostat without propulsion in free flight, having a gas capacity greater than 1.5 m³:

Free flight model aircraft means a model aircraft with a maximum wing loading of 62 g/dm² (20 oz/ft²), with a flight path that, once launched, is uncontrollable:

Gyroglider means a ground or water towed non-power-driven heavier-than-air aircraft supported in flight by the reaction of the air on one or more rotors which rotate freely on substantially vertical axes, capable of carrying a person or persons:

Heavy free balloon means a free balloon, that—

- (1) carries a payload with—
 - (i) a combined mass of 6 kg or more; or
 - (ii) a payload package of 3 kg or more; or

(iii) a payload package of 2 kg or more with an area density of more than 13 g/cm²; and

- (2) uses a rope or other device for suspension of the payload that requires an impact force of 230 N or more to separate the suspended payload from the balloon:

Kite means a pilotless aerodyne without propulsion that is tethered to a fixed point, or is hand held, and is sustained by the wind:

Large model rocket means a rocket that—

- (1) uses more than 25 g but not more than 125 g of propellant; and
- (2) produces more than 20 but not more than 320 Newton seconds of total impulse; and
- (3) uses a slow-burning propellant; and
- (4) is made of lightweight materials such as paper, wood, rubber and plastic; and
- (5) does not have the nose cone, fins, or body fabricated from metal; and
- (6) has a gross mass, including the propellant of more than 453 g but not more than 1.5 kg:

Medium free balloon means a free balloon, that—

- (1) carries a payload of two or more payload packages with a combined mass of—
 - (i) more than 4 kg; and
 - (ii) less than 6 kg; and
- (2) does not meet any of the criteria specified in the definition of the term heavy balloon:

Model aircraft means a pilotless aircraft with a gross mass of between 100 g to 25 kg and includes—

- (1) control line model aircraft:
- (2) free flight model aircraft:
- (3) radio controlled model aircraft:

Model Rocketry Safety Code means the code of that name that was approved by the National Association of Rocketry in November 1991:

Moored balloon means a pilotless balloon that is moored to the surface of the earth, or to an object on the surface of the earth, that has a maximum diameter of more than 1.5 m or a gas capacity of more than 3 m³:

Parasail means an aerodyne, having the general form of an open, circular parachute carrying a person or persons towed behind a vehicle or motorboat to sustain flight:

Radio controlled model aircraft means a model aircraft that is primarily controlled by radio signals from a remote transmitter being operated by a person:

Rocket means a pilotless vehicle propelled by a system that contains all the ingredients needed to form its own jet other than—

- (1) an aerial firework; or
- (2) a rocket propelled by a model rocket motor as defined in the Explosives Regulations 1959:

Shielded operation means an operation within 100 m of a structure and below the top of the structure.

101.5 Registration

The requirements in Part 47 shall not apply to moored balloons, free balloons, rockets, kites, model aircraft, parasails, and gyrogliders.

101.7 Restricted, military operational, conditional, and danger areas

(a) No person shall operate a moored balloon, kite, free balloon, rocket, model aircraft, gyroglider, or parasail within a restricted area designated under Part 73 unless that person has the approval of the controlling authority specified for the area to do so.

(b) No person shall operate a moored balloon, kite, free balloon, rocket, model aircraft, gyroglider, or parasail within a military operational area designated under Part 73 unless that person has the approval of the controlling authority specified for the area to do so.

(c) No person shall operate a moored balloon, kite, free balloon, rocket, model aircraft, gyroglider, or parasail within a conditional area designated under Part 73 unless the operation can be conducted in accordance with the conditions specified for operations in that area.

(d) No person shall operate a gyroglider or parasail within a danger area designated under Part 73 unless that person has established that flight in the area will not adversely affect the safety of the flight.

[Until Part 73 come into force, restricted and danger areas are prescribed in Part 19]

101.9 Low flying areas

A person shall not operate a moored balloon, kite, free balloon, rocket, model aircraft, gyroglider, or parasail within a designated low flying area prescribed under Part 73.

[Until Part 73 comes into force, low flying areas are prescribed in Part 19]

101.11 Controlled airspace

A person shall not operate a moored balloon, kite, free balloon, rocket, model aircraft, gyroglider, or parasail in controlled airspace without prior authorisation from the ATC unit responsible for that airspace.

101.13 Hazardous operations

A person shall not operate a moored balloon, kite, free balloon, rocket, model aircraft, gyroglider, or parasail in a manner that creates a hazard to aircraft or to persons or property.

101.15 Dropping of articles

A person operating a moored balloon, kite, free balloon, rocket, model aircraft, gyroglider, or parasail shall not allow any object to be dropped in flight if such action creates a hazard to other persons or property.

101.17 Exemptions

The Director may exempt a person from any requirement in this Part in accordance with Part 11.

Subpart B – Moored Balloons and Kites

101.51 Applicability

This Subpart prescribes rules governing the operation of moored balloons and kites.

101.53 Aerodrome area

A person shall not operate a moored balloon or kite—

- (1) on or over any active aircraft movement area of an aerodrome; or

- (2) on or over any runway or runway strip area.

101.55 Aerodrome boundary

Except for a shielded operation, a person shall not operate a moored balloon or kite within 4 km of an aerodrome boundary unless—

- (1) the balloon or kite does not exceed 400 feet AGL; and
- (2) the balloon or kite remains at least 400 feet vertically below cloud; and
- (3) the horizontal visibility is not less than 4 km; and
- (4) if the aerodrome is a controlled aerodrome, they have an ATC authorisation; and
- (5) if the aerodrome is an uncontrolled aerodrome, the operation is performed in accordance with an agreement established with the aerodrome operator.

101.57 Airspace

(a) Except for a shielded operation, each person operating a moored balloon or kite at a height of more than 400 feet AGL shall—

- (1) operate in a danger area designated for that purpose under Part 73; or
- (2) operate in accordance with the restrictions specified in paragraph (b).

(b) Each person operating a moored balloon or kite at a height of more than 400 feet AGL outside of a danger area shall ensure that—

- (1) the balloon or kite remains more than 4 km from any aerodrome boundary; and
- (2) the balloon or kite remains within Class G airspace; and
- (3) the weight of the kite does not exceed 15 kg; and
- (4) the balloon or kite remains at least 400 feet vertically below cloud; and
- (5) the horizontal visibility is not less than 4 km; and
- (6) they provide the following information to the New Zealand NOTAM office at least 24 hours before the operation:
 - (i) their name, address and telephone numbers:

- (ii) the date, time and duration of the operation;
- (iii) a brief description of the moored balloon or kite, including size and predominant colour;
- (iv) the weight of the moored balloon or kite;
- (v) the height to which the moored balloon or kite will be operated.

101.59 Night operation

A person shall not operate a moored balloon or kite at night.

101.61 Balloon mooring line marking

A person shall not operate a moored balloon by day unless the mooring lines have coloured streamers or pennants attached at intervals of not more than 15 m commencing no more than 150 feet above ground level and visible for at least 1 nm.

101.63 Balloon rapid deflation device

A person shall not operate a moored balloon unless it contains a device that will automatically and rapidly deflate the balloon if it escapes from its moorings.

101.65 Balloon escape

Each person operating a moored balloon that escapes from its mooring without the deflation device functioning properly shall immediately notify the nearest ATS unit of—

- (1) the original location of the balloon; and
- (2) the time the balloon broke free; and
- (3) the estimated flight path of the balloon.

Subpart C – Free Balloons

101.101 Applicability

This Subpart prescribes rules governing the operation of free balloons.

101.103 Meteorological limitations

Except where authorised by the appropriate ATS, a person shall not operate a heavy free balloon at or through any altitude below 60 000 feet pressure-altitude at which—

- (1) there are clouds or obscuring phenomena of more than four-eighths coverage; and
- (2) the horizontal visibility is less than 8 km; and
- (3) unauthorised entry into airspace of another State's territory is imminent.

101.105 Operating limitation

A person shall not release a heavy or medium free balloon in a manner that will cause it to fly—

- (1) below 1000 feet over a congested area of a city, town, or settlement; or
- (2) over an open-air assembly of persons.

101.107 Equipment

A person shall not operate a heavy free balloon unless—

- (1) it is equipped with—
 - (i) at least two payload flight-termination devices or systems, whether automatic or by telemetry, that operate independently of each other; and
 - (ii) in an area where ground-based SSR equipment is in use, a secondary surveillance radar transponder, with an altitude reporting capability, which is continuously operating on an assigned code, or which can be turned on when necessary by the tracking station; and
- (2) for polyethylene zero pressure balloons, at least two methods, systems, devices, or combinations thereof, that function independently of each other and are employed for terminating the flight of the balloon envelope; and
- (3) the balloon envelope is equipped with—
 - (i) at least one radar reflective device; or
 - (ii) radar reflective material that will present an echo to surface radar operating in the 200 MHz to 2,700 MHz frequency range.

101.109 Termination

Each person operating a heavy free balloon shall activate the respective termination devices required by 101.107(1)(i) and (2) to terminate the flight where—

- (1) meteorological conditions are less than those prescribed in 101.103; or
- (2) further operation is hazardous to other air traffic or to persons and property on the surface; or
- (3) unauthorised entry into airspace of another State's territory is imminent.

101.111 Night operations

A person shall not operate a heavy free balloon below 60 000 feet pressure-altitude at night unless the balloon and its attachments and payload, whether or not they become separated during the operation, are each equipped with lights that—

- (1) are visible at a distance of at least 5 nm; and
- (2) have a flash frequency of between 40 and 100 cycles per minute; and
- (3) each have their own power supply.

101.113 Trailing antenna

A person shall not operate a free balloon that is equipped with a trailing antenna that requires a force of more than 230 N to break it at any point unless the antenna has coloured pennants or streamers that—

- (1) are attached at not more than 15 m intervals; and
- (2) are visible at a distance of at least 1 nm.

101.115 Suspension device

A person shall not operate a heavy free balloon that is equipped with a suspension device more than 15 m long, other than a highly coloured open parachute, by day below 60 000 feet pressure-altitude unless the suspension device—

- (1) is coloured in alternate bands of high visibility colours; or
- (2) has coloured pennants or streamers attached which are visible for at least 1 nm.

101.117 Pre-launch notice

(a) Except as provided in paragraph (b), a person shall not launch a medium or heavy free balloon unless they provide the following information to the New Zealand NOTAM office at least 24 hours prior to the estimated launch time:

- (1) their name and telephone number:
- (2) the balloon identification or project code name:
- (3) the balloon classification and description including—
 - (i) the length and diameter of the balloon; and
 - (ii) the length of the suspension device; and
 - (iii) the weight of the payload; and
 - (iv) the length of the trailing antenna:
- (4) the SSR code as applicable:
- (5) the location of the launch site:
- (6) the estimated time of launch, or time of commencement and completion of multiple launches:
- (7) the number of balloons to be launched or, for multiple launches, the scheduled interval between launches:
- (8) the expected direction of ascent:
- (9) the estimated time to reach cruising level or to pass 60 000 feet pressure-altitude, whichever is lower:
- (10) the planned cruising levels (pressure-altitude):
- (11) the planned duration of the flight:
- (12) the estimated time and location of impact with the surface of the earth.

(b) A person operating a medium or heavy free balloon for solar or cosmic disturbance investigations involving a critical time element may supply the information in paragraph (a) not less than 30 minutes prior to the estimated time of commencement.

(c) Where there are changes to the information supplied under paragraph (a), the operator shall forward the changes to the New Zealand NOTAM office, at least 6 hours prior to the projected launch time.

101.119 Launch notice

Each person operating a medium or heavy free balloon shall notify the nearest ATS unit of the following information immediately after the balloon is launched:

- (1) the balloon flight identification;
- (2) the launch site;
- (3) the actual time of launch;
- (4) the estimated time at which 60 000 feet pressure-altitude will be passed, or the estimated time at which the cruising level will be reached if at or below 60 000 feet, and the estimated location;
- (5) any changes to the information provided under 101.117(a)(7) or (8).

101.121 Cancellation notice

Each person who has provided a pre-launch notice in accordance with 101.117 who subsequently cancels the operation shall immediately notify the ATS unit of the cancellation.

101.123 Balloon position reports

Each person operating a medium or heavy free balloon shall—

- (1) unless otherwise required by the ATS unit, monitor the course of the balloon and record its position at least every 2 hours; and
- (2) forward any balloon position reports requested by the ATS; and
- (3) immediately notify the nearest ATS unit when a balloon position report is not recorded for any 2 hour period of flight. This notification shall include—
 - (i) the last recorded position; and
 - (ii) any revision of the forecast trajectory; and
- (4) immediately notify ATS when tracking of the balloon is re-established.

101.125 Pre-descent position report

Each person operating a medium or heavy free balloon shall provide the following information to the nearest ATS unit not less than one hour before the beginning of the planned descent:

- (1) the current geographical position;
- (2) the current altitude;

- (3) where applicable, the forecast time of penetration of 60 000 feet pressure-altitude:
- (4) the forecast descent trajectory:
- (5) the forecast time and location of the impact with the surface of the earth.

101.127 Completion of operation

Each person operating a medium or heavy free balloon shall notify the nearest ATS unit when the operation has ended.

Subpart D – Rockets

101.151 Applicability

This Subpart prescribes rules governing the operation of rockets.

101.153 Large model rockets

A person shall not operate a large model rocket except in accordance with the Model Rocketry Safety Code.

101.155 Aerodromes

- (a) Except as provided in paragraph (b), a person shall not operate a rocket on or within 4 km of an aerodrome boundary.
- (b) A person may operate a rocket within 4 km of an aerodrome boundary providing—
 - (1) the rocket does not fly above 400 feet AGL; and
 - (2) at uncontrolled aerodromes, it is operated in accordance with an agreement with the aerodrome operator; and
 - (3) at controlled aerodromes, it is operated in accordance with an authorisation from ATC; and
 - (4) it is not operated on or over any active aircraft movement area of an aerodrome; and
 - (5) it is not operated on or over any active runway strip area.
- (c) A person shall not operate a rocket between 4 and 8 km of an aerodrome boundary above 400 feet AGL.

101.157 Meteorological limitations

- (a) A person shall not operate a rocket at any altitude where—

- (1) there are clouds or obscuring phenomena of more than four-eighths coverage; and
 - (2) the horizontal visibility is less than 8 km.
- (b) A person shall not operate a rocket into cloud.

101.159 Night operations

Except for a large model rocket, a person shall not operate a rocket at night.

101.161 Pre-launch notice

Except for a large model rocket, a person shall not launch a rocket unless they provide the following information to the New Zealand NOTAM office at least 24 hours prior to launch:

- (1) their name, address, and telephone number or, where there are multiple participants at a single event, the name, address, and telephone number of the person whose duties include co-ordination of the launch data estimates required by paragraphs (2), (3), and (4) of this rule and co-ordinating the launch event:
- (2) the estimated number of rockets to be operated:
- (3) the estimated size and the estimated weight of each rocket:
- (4) the estimated highest altitude or flight level to which each rocket will be operated:
- (5) the location of the operation:
- (6) the date, time, and duration of the operation:
- (7) any other relevant information requested by the person to whom notification is given.

Subpart E – Model Aircraft

101.201 Applicability

This Subpart prescribes rules governing the operation of model aircraft.

101.203 Control line model aircraft

No person shall operate a control line model aircraft with a single or multiple wire system longer than 30 m.

101.205 Aerodromes

(a) With the exception of a control line model aircraft, no person shall operate a model aircraft on or within 4 km of—

- (1) an uncontrolled aerodrome, unless—
 - (i) it is undertaken in accordance with an agreement with the aerodrome operator; and
 - (ii) in the case of a free flight model aircraft, it is launched downwind of an active runway; and
 - (iii) in the case of a radio controlled model aircraft, it is operated at a height not exceeding 400 feet AGL, and each pilot has an observer in attendance while the model aircraft is active in the air; and
- (2) a controlled aerodrome, unless it is operated in accordance with an authorisation from ATC; and
- (3) any aerodrome, unless—
 - (i) the person is the holder of, or is under the direct supervision of the holder of, a pilot qualification issued by a model aircraft association approved by the Director; or
 - (ii) the person is under the direct supervision of a person appointed to give instruction in the operation of radio controlled model aircraft by a model aircraft association approved by the Director.

(b) A person shall not operate a model aircraft—

- (1) on or over any active aircraft movement area of an aerodrome; or
- (2) on or over any active runway strip area.

101.207 Airspace

Each person operating a radio controlled model aircraft more than 4 km from an aerodrome boundary and above 400 feet AGL shall ensure the operation remains clear of Class C, D, or E airspace and shall—

- (1) operate in a danger area designated for that purpose under Part 73; or
- (2) provide the following information to the New Zealand NOTAM office, at least 24 hours before the operation:
 - (i) their name, address, and telephone number:

- (ii) the location of the proposed operation:
- (iii) the date and time and duration of the proposed operation:
- (iv) the type and number of aircraft:
- (v) the maximum height AGL proposed for aircraft operation.

[Until Part 73 comes into force, airspace is designated under Part 19]

101.209 Meteorological limitations

Except for control line model aircraft, a person shall not operate a model aircraft—

- (1) in any area where the ground visibility is less than 3 km; or
- (2) in any area where the cloud base is at a level where a model aircraft is unable to be operated—
 - (i) in sight of the operator; and
 - (ii) beneath the cloud base at all times.

101.211 Night operations

With the exception of control line model aircraft, a person shall not operate a model aircraft at night unless the operation is—

- (1) indoors; or
- (2) a shielded operation.

101.213 Right of way

Each person operating a model aircraft shall ensure it gives way to, and remains clear of, all manned aircraft on the ground and in flight.

101.215 Radio controlled model aircraft

A person shall not operate a radio controlled model aircraft with a gross mass of between 15 kg and 25 kg unless the aircraft is constructed and operated under the authority of a model aircraft association approved by the Director.

Subpart F – Gyrogliders and Parasails

101.251 Applicability

This Subpart prescribes rules governing the operation of gyrogliders and parasails.

101.253 Aerodromes

(a) A person shall not operate a gyroglider or parasail on or within 4 km of an aerodrome boundary unless—

- (1) at an uncontrolled aerodrome, it is operated—
 - (i) in accordance with an agreement with the aerodrome operator; and
 - (ii) at a height not exceeding 400 feet AGL; or
- (2) at a controlled aerodrome, it is operated in accordance with an authorisation from ATC.

(b) When operating on an aerodrome a gyroglider or parasail shall not be operated—

- (1) on or over any aircraft movement area; and
- (2) on or over any active runway or runway strip area.

101.255 Airspace

Each person operating a gyroglider or parasail above 400 feet AGL shall—

- (1) ensure that the gyroglider or parasail remains more than 4 km from any aerodrome boundary; and
- (2) operate in Class G airspace; and
- (3) provide the following information to the New Zealand NOTAM office at least 24 hours before the operation:
 - (i) the name, address, and telephone number of the operator;
 - (ii) the date, time, and duration of the operation;
 - (iii) a brief description of the gyroglider or parasail (including size and predominant colour);
 - (iv) the height to which the gyroglider or parasail will be operated.

101.257 Meteorological limitations

(a) Except as provided in paragraph (b), each person operating a gyroglider or parasail shall—

- (1) not operate closer than 400 feet below cloud; and
- (2) limit operations to an area where the ground visibility is at least 5 km.

(b) Paragraph (a) shall not apply to the shielded operation of a gyroglider or parasail.

101.259 Night operations

No person shall operate a gyroglider or parasail at night.

101.261 Airworthiness

Each person who operates a gyroglider or parasail shall ensure that it is maintained in an airworthy condition.

101.263 Safety equipment

Each person carried in a gyroglider or parasail shall—

- (1) when flying over water, or within gliding distance of water, wear a permanent positive buoyancy aid; and
- (2) when flying over land, wear a rigid protective helmet; and
- (3) be secured to the gyroglider or parasail by a harness.

101.265 Pre-flight briefing

Each gyroglider or parasail passenger shall receive a pre-flight briefing on—

- (1) the nature of the flight; and
- (2) the standard operating procedures; and
- (3) emergency procedures.

101.267 Emergency towline release

A person shall not release the towline of any gyroglider or parasail in flight except in an emergency.

101.269 Operating procedures

Each person operating a gyroglider or parasail shall do so in accordance with the operating procedures recommended by the manufacturer.

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 101. It provides details of the consultation undertaken in making the rules.)

Background to the Rules

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new *Rules* format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State authority to set standards for, and monitor performance of, aviation participants

whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 28 of the Act allows the Minister to make ordinary rules.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority issued Notice of Proposed Rule Making 95-3 under Docket Number 1025 on 16 August 1995. This Notice proposed the introduction of Civil Aviation Rules Part 101 to provide a regulatory safety boundary for Unmanned Aircraft, Gyrogliders and Parasails.

Supplementary Information

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

Summary of Comments on Docket Number 1025 NPRM

1. General comments on the NPRM

1.1 From the 15 submissions received, 9 commented on model aircraft, 3 on moored balloons and kites, 3 on rockets, 2 on free balloons, and 1 on gyrogliders and parasails.

CAA response: The CAA response to specific comments is given in the following paragraphs.

2. Specific comments on the NPRM

Specific comments received from the 15 submissions are discussed as follows:

2.1 101.1(3)

One commenter recommended that Model Rockets, Large Model Rockets, and High Power Rockets be included.

CAA response: This rule does not apply to model rockets. Model rockets are covered by the Explosives Regulations 1959 and have been excluded from this Part through the definition of rocket.

The rule applies to large model rockets and larger. At this time separate requirements for rockets larger than large model rockets are identified by reference to all rockets except large model rockets.

2.2 101.3

One commenter stated that the gross mass limitation for free flight aircraft is unreasonable and would effect the vintage class. It was suggested that the gross mass limitation be deleted and a maximum wing loading of 62 g/dm^2 (20 oz/ft²) be substituted.

CAA response: This limitation has been changed as requested.

One commenter stated that the existing uncontrolled aerodrome definition is too restrictive.

CAA response: There is no definition of an uncontrolled aerodrome in Part 101. A controlled aerodrome has been defined and this should clarify matters. There is no need to define both, an uncontrolled aerodrome is quite simply one at which there is no air traffic control service provided to aerodrome traffic. Aerodrome has been defined as meaning an aerodrome that is promulgated in the current Visual Flight Guide of the NZAIP.

One commenter stated that uncontrolled aerodromes should be defined.

CAA response: A controlled aerodrome has been defined and this should clarify matters. There is no need to define an uncontrolled aerodrome as well, it is quite simply one at which there is no air traffic control service provided to aerodrome traffic.

One commenter stated that Active Movement Area should be defined.

CAA response: Movement area is defined in Civil Aviation Rules Part 1 as meaning that part of an aerodrome intended to be used for the take-off and landing of aircraft and for the surface movement of aircraft, and includes the manoeuvring area, maintenance areas, and aprons. The word 'active' can be taken to be that given in the New Oxford dictionary in the context that if the runway etc is in use it is deemed to be active. It is therefore not considered necessary to define 'active movement area' in Part 101.

One commenter stated that the Model Flying Zone definition should be expanded on to make it clearer as to what this area is.

CAA response: After further consultation within the CAA it was decided to remove the term Model Flying Zone from Part 101. Reference is, however,

made in the rule to danger areas designated under Part 73 within which certain activities may take place.

One commenter suggested that the definition of night and day hours as defined in the 1953 regulations be included in this rule.

CAA response: Night is defined in Civil Aviation Rules Part 1 as meaning the hours between the end of evening civil twilight and the beginning of morning civil twilight. There is no need to include the definition of night in this Rule.

One commenter suggested that the definition of Model Aircraft should be expanded to include the definition of each type of model.

CAA response: The various types of models are defined in alphabetical order and will therefore not be defined as subparts in the definition of Model Aircraft. The definitions of Small Model Aircraft and Large Model Aircraft have been removed as there is no reference to them in the rule.

One commenter stated that all balloons used by them are free balloons and they are not heavy or medium balloons.

CAA response: The CAA has noted this.

One commenter stated that the Large Model Rocket definition needs further expansion.

CAA response: The points recommended have been included in the definition.

One commenter stated that the definition of the Model Rocketry Safety Code should include the statement "and, if that code is amended or replaced, means any amended or replacement code."

CAA response: The commenter's submission is covered by the provisions of section 36 of the Civil Aviation Act. Where material is incorporated by reference amendments to the material are included where the Director notifies in the Gazette that the amendment is approved.

One commenter suggested that the rule include a definition of a High Powered Rocket in accordance with their submission.

CAA response: The CAA does not agree that this definition is necessary. While Part 101 is applicable to all rockets other than model rockets, there is no reference to high powered rockets in the rule and there is, therefore, no need for the definition.

One commenter suggested that a large model rocket be redefined in accordance with their submission.

CAA response: The CAA agrees and has amended the definition as suggested.

One commenter suggested that a model rocket be defined in accordance with their submission.

CAA response: The CAA does not agree that this definition is necessary. Part 101 is only applicable to large model rockets and larger. There is no reference to model rockets in the rule and there is, therefore, no need for the definition.

2.3 101.5

Two commenters stated that this section was cumbersome and confusing and needed to be reviewed.

CAA response: The CAA agrees and has replaced the wording in the NPRM with the following—

The requirements in Part 47 shall not apply to moored balloons, free balloons, rockets, kites, model aircraft, parasails, and gyrogliders.

One commenter suggested that this rule be amended to show the different rocket model types.

CAA response: The CAA does not agree. A rocket has been defined. Amending this rule to show the different types is therefore not considered necessary.

2.4 101.7

One commenter stated that unless an exemption is granted in accordance with 101.17, these provisions would cause them considerable difficulty.

CAA response: Exemptions will have to be applied for as per 101.17.

One commenter stated that this rule should be amended to show the different rocket model types.

CAA response: The CAA does not agree. A rocket has been defined. Amending this rule to show the different types is therefore not considered necessary.

2.5 101.9, 101.11, 101.13, and 101.15

One commenter stated that these rules should be amended to show the different rocket model types.

CAA response: The CAA does not agree. A rocket has been defined. Amending these rules to show the different types is therefore not considered necessary.

2.6 101.17

One commenter requested that the wording of this rule be expanded to include instruction as well as scientific research.

CAA response: This commenter is referring to the reference to 101.17 in the introductory part of the NPRM where examples were given of organisations that could apply for exemptions under part 11. Any person wishing to be exempt from any part of this rule should make application to the Director for exemption in terms of Part 11.

One commenter requested that their upper air soundings should be exempt from this rule.

CAA response: Any person wishing to be exempt from any part of this rule should make application to the Director for exemption in terms of Part 11.

2.7 101.51

One commenter stated that 101.51(1) appears to be a typographical error, or else there is no consistency with the remainder of Subpart B.

CAA response: The CAA agrees that it was a typographical error, however, 101.51 has been reworded to state that this Part prescribes rules governing the operation of moored balloons and kites. The other detail is covered in the subsequent paragraphs.

One commenter stated that they would like to have kite flying zones established in the same manner as model flying zones.

CAA response: After further consultation within the CAA it was decided to remove the term Model Flying Zone from Part 101. Kite flying zones are also not mentioned in the rule. Reference is, however, made in the rule to danger areas designated under Part 73 within which certain activities may take place. Kite flying is one of these activities.

2.8 101.55

One commenter stated that the Subpart numbers in the NPRM preamble are different to the proposed rule.

CAA response: The CAA has noted this and taken the necessary corrective action. Also, due to the simplification of the applicability in 101.51, it was necessary to include a new 101.55(1) that reads as follows—

- (1) the balloon or kite does not exceed 400 feet AGL; and

2.9 101.57

One commenter stated that there is no requirement to NOTAM such events when they are not more than 400 ft AGL and within 4 km of an aerodrome boundary. See also 101.205.

CAA response: The CAA agrees, there is no requirement to NOTAM such events.

2.10 101.67

One commenter stated that they once more take issue with the general imposition of a kite weight limit. They submit that it would still provide effective control to remove the weight limit from kites flown within the 400 foot limit.

CAA response: The CAA agrees. Part 101.67 has been deleted and the 15 kg weight limit has been put in as a new 101.57(b)(3). The effect of this is to now only limit the weight of kites to 15 kg when being flown above 400 feet.

2.11 101.103

One commenter stated that once again the responsibility rests with the appropriate ATS unit to authorise such operations. This commenter asked whether ATS responsibility only relates to the passing of NOTAM information (as per 101.117) to aircraft under its own control/area of responsibility, or is ATC supposed to separate the balloon from aircraft under its control?

CAA response: If the balloon is transponder equipped, ATS would be bound to separate the balloon from aircraft under its control, 107(1)(ii) refers, otherwise NOTAM information would suffice.

It was also decided to add paragraph (3) to 101.103 as follows—

(3) unauthorised entry into airspace of another State's territory is imminent.

This is an ICAO recommendation and has obvious implications in the European situation, however, a heavy free balloon can stay airborne for a number of days and it is not beyond the bounds of reason that it could end up in Australian airspace.

2.12 101.151, 101.153

One commenter stated that these rules should be amended to show the different rocket model types.

CAA response: The CAA does not agree. A rocket has been defined. Amending these rules to show the different types is therefore not considered necessary. See comment under 101.1.

One commenter suggested that model rockets be operated in accordance with the Model Rocket Safety Code.

CAA response: Model rockets are excluded from this rule by the definition of a rocket. There is therefore no need to state this in the rule.

One commenter suggested that high power model rockets should be operated to the High Power Rocketry Safety Code.

CAA response: At present New Zealand does not have a High Power Rocketry Safety Code. A code for High Powered Rockets is presently being developed in consultation with the Department of Labour.

One commenter suggested that the Model Rocketry Safety Code be included in the Rule as information to all concerned.

CAA response: The CAA does not agree. This code has been incorporated by reference. It is not appropriate to republish foreign codes in Civil Aviation Rules.

2.13 101.155

One commenter suggested that model rockets be allowed to operate within 4 kms of an aerodrome.

CAA response: Model rockets are excluded from this rule by the definition of a rocket. Part 101 does not concern itself with model rockets as they are covered by the Explosives Regulations 1959 and have to be operated according to the Model Rocketry Safety Code. Model rockets are, therefore, allowed to be operated within 4 kms of an aerodrome as long as they are operated in accordance with the Model Rocketry Safety Code.

One commenter suggested that large model rockets and high powered rockets be allowed to operate within 8 km of an aerodrome boundary subject to certain conditions.

CAA response: Large model rockets, and larger, are now allowed to be operated within 4 km of an aerodrome boundary subject to certain conditions. Between 4 and 8 kms from an aerodrome they are allowed to be operated up to 400 feet AGL without having to comply with the restrictions mentioned in 101.155(b)(2) - (5).

One commenter suggested that the 8 km restriction be reduced to 4 km for all rockets to make the restriction the same as for model aircraft etc.

CAA response: Large model rockets, and larger, are now allowed to be operated within 4 km of an aerodrome boundary subject to certain conditions. Between 4 and 8 kms from an aerodrome they are allowed to be operated up to 400 feet AGL without having to comply with the restrictions mentioned in 101.155(b)(2) - (5).

One commenter stated that, apart from satisfying the meteorological minima and the pre-launch requirements, a person can operate a rocket more than 8 km from an aerodrome boundary and up to any altitude outside controlled airspace.

CAA response: This statement would be correct provided that paragraphs 101.7 and 101.9 are also complied with.

One commenter queried the fact that a person wishing to operate a large model rocket does not have to comply with the pre-launch notice requirements of 101.163.

CAA response: A person wishing to operate a large model rocket does not have to file a pre-launch notice.

2.14 101.157

One commenter suggested the introduction of a new paragraph (a): A person shall not operate a model rocket into any cloud.

CAA response: The CAA does not agree. Part 101 only applies to rockets larger than a model rocket. Part 101 does not concern itself with model rockets as they are covered by the Explosives Regulations 1959.

One commenter suggested that reference be made to large model rockets and high power rockets.

CAA response: The CAA does not agree. The wording in 101.157 is such that it applies to *all* rockets larger than a model rocket.

2.15 101.159

One commenter suggested that a new concept of 'night darkness' be introduced which would allow operation of rockets within lighted stadiums at night.

CAA response: The CAA is of the opinion that it is acceptable for Large Model Rockets to be operated at night in accordance with the Model Rocketry Safety Code and other relevant rules contained in Part 101. Rockets larger than Large Model Rockets shall not be operated at night.

2.16 101.161

One commenter suggested the following—

(a) Allow Model rockets and Large Model Rockets to be operated over a congested area of a city, town, or settlement in accordance with the model rocketry safety code; and

(b) A person shall not operate a high power rocket over the congested area of a city, town, or settlement; and

(c) A person may operate a high power rocket at an open air assembly of persons only in accordance with the High Power Rocketry Safety Code.

CAA response: The CAA has removed the rule relating to the operation of rockets over the congested area of a city, town, or settlement, and over open air assemblies of persons, from Part 101 and concentrated on minimising the effect that rockets can have on navigable airspace.

This decision was made following consultation with Department of Labour. That Department issues conditions for the launch of rockets which includes site restrictions for the safety of neighbours and passers by. As CAA is primarily responsible for safety of persons carried in navigable airspace CAA considered it sufficient to leave safety requirements for persons on the ground to the Department of Labour.

The operation of rockets shall however, in addition to other requirements, be in accordance with paragraph 101.13.

One commenter suggested that a waiver or authorisation might be needed prior to launching a high power rocket.

CAA response: The CAA does not regard the inclusion of this statement as necessary. Should a person wish to conduct operations that require a deviation from this Part, that person shall apply to the Director for an exemption. The Director may exempt a person from any requirement in this Part in accordance with Part 11.

One commenter stated that placing limits on the operation of rockets over open air assemblies of persons would affect their public displays of high powered rocketry.

CAA response: The CAA has removed the rule relating to the operation of rockets over the congested area of a city, town, or settlement, and over open air assemblies of persons, from Part 101 and concentrated on minimising the effect that rockets can have on navigable airspace. The launching of rockets shall, in addition to other requirements, be in accordance with paragraph 101.13. See comment above.

2.17 101.163 [Final rule 101.161]

One commenter recommended that the first part of this rule be amended to read as follows—

A person shall not launch a large model rocket or a high power rocket unless they provide the following information to the New Zealand NOTAM office at least 24 hours prior to the operation:

CAA response: The CAA does not agree. It would be unnecessarily restrictive to require a person wishing to operate a large model rocket to file a pre-launch notice.

2.18 101.201

One commenter recommended that this be reworded as follows—

This Subpart prescribes rules governing the operation of model aircraft either within 4 km of an aerodrome boundary, or at heights above 400 feet AGL.

CAA response: The CAA has reworded and simplified this part considerably. There is, after all, no need to say any more than that this Subpart prescribes rules governing the operation of model aircraft— and leave it at that. The subsequent paragraphs say what may and may not be done.

One commenter stated that the 4 km distance seems rather excessive for uncontrolled aerodromes. If an ATZ is established, models should remain clear of it.

CAA response: The CAA does not regard the 4 kms as excessive. All that is required for operations within 4 kms of an uncontrolled aerodrome is that the operation be undertaken in accordance with an agreement with the aerodrome operator. However, as stated above, 101.201 will no longer contain this detail. The subsequent paragraphs in the rule say what may and may not be done.

2.19 101.203 [Final rule 101.205]

One commenter stated that the rule is unnecessarily restrictive and should be amended to allow model flying at uncontrolled aerodromes as per their submission.

CAA response: 101.203 (now 101.205) has been amended in accordance with this submission except for the fact that the 4 km radius is still applicable and it is no longer necessary to operate in accordance with an agreement with the users of the aerodrome.

One commenter suggested that this be amended to allow model aircraft, other than control line model aircraft, to be operated on or within 4 km of an uncontrolled aerodrome in accordance with an agreement with the operator and users of that field.

CAA response: This has been amended as requested except that it is no longer necessary to operate in accordance with an agreement with the users of the aerodrome.

Three commenters stated that they would like to operate model aircraft above 400 feet AGL (500 to 600 feet AGL) within 4 km of an aerodrome.

CAA response: The reason for the 400 feet AGL requirement is that it ensures a 100 feet buffer between the models and aircraft doing low level circuits at 500 feet. It is also consistent with the 400 feet required elsewhere in the rule. Model aircraft will therefore be restricted to a maximum of 400 feet AGL within 4 km of an aerodrome.

One commenter requested that the wording be changed to protect all licensed aerodromes with commercial operations. This commenter also stated that the definition of an aerodrome is too encompassing.

CAA response: Aerodrome has, for the purposes of this rule, been defined as meaning an aerodrome that is promulgated in the current Visual Flight Guide of the NZAIP. Aerodromes that fall outside this definition will therefore not be affected by this rule.

One commenter asked that the term uncontrolled airfield be defined.

CAA response: A controlled aerodrome has been defined as meaning an aerodrome at which air traffic control service is provided to aerodrome traffic. An uncontrolled aerodrome is therefore an aerodrome at which air traffic control service is **not** provided to aerodrome traffic. The CAA does not consider it necessary to define both terms.

One commenter asked why the CAA was restricting model flying to outside 4 km from an uncontrolled airfield and below 400 feet.

CAA response: The CAA believes this to be a misunderstanding. A person may operate a model aircraft within a 4 km radius of an uncontrolled airfield, subject to certain conditions.

Two commenters expressed concern about the fact that they would have to obtain permission from every user of the field prior to operating model aircraft within 4 km of an uncontrolled airfield.

CAA response: The term 'users of that aerodrome' has been deleted.

One commenter stated, with regard to paragraph 101.203(a)(2), that no altitude ceiling was specified.

CAA response: ATC will specify the maximum ceiling.

One commenter asked whether ATC would have to assume that the person requesting permission to operate a radio controlled model aircraft holds the necessary qualification as per 101.215?

CAA response: ATC will have to assume that the person requesting permission to operate holds the necessary qualification. It is not an ATC function to police pilot qualifications. However, the new 101.205 now specifies the qualification requirement.

2.20 101.205 [Final rule 101.207]

One commenter suggested that the maximum ceiling be raised to 600 feet AGL.

CAA response: The reason for the 400 feet AGL requirement is that it ensures a 100 feet buffer between the models and aircraft doing low level circuits at 500 feet. It is also consistent with the 400 feet required elsewhere in the rule. Model aircraft will therefore be restricted to a maximum of 400 feet AGL within 4 km of an aerodrome.

One commenter suggested that the MFZ (Model flying zone) of an aerodrome be depicted on the appropriate aerodrome chart.

CAA response: After further consultation within the CAA it was decided to remove the term Model Flying Zone from Part 101. Reference is, however, made in the rule to danger areas designated under Part 73 within which certain activities may take place. Danger areas do appear on aeronautical charts as the norm. However, consideration may be given to providing a special chart symbol depicting the activity that takes place therein.

One commenter suggested that a new paragraph (3) be added to 101.205 allowing the operation of model aircraft up to 900 feet AGL within the boundary of any city etc outside an air traffic zone without having to give 24 hour NOTAM notification.

CAA response: The CAA does not agree. The CAA believes that NOTAM information is required, in the interests of keeping third party risk as low as possible, when it is intended to operate model aircraft above 400 feet AGL over congested areas. The third party risk referred to here is that which third parties would be exposed to in the event of a collision between the model and an aircraft flying at 1000 feet AGL.

2.21 101.207 [Final rule 101.209]

Three commenters suggested that the 500 foot clearance from cloud be deleted and replaced with a requirement to operate safely beneath the cloud base.

CAA response: The CAA agrees and has amended 101.207 (now 101.209) as requested.

One commenter suggested that the last word, separating (1) and (2), should be or.

CAA response: The CAA agrees and has made the change.

2.22 101.209 [Final rule 101.211]

One commenter suggested that this should exclude control line model aircraft.

CAA response: The CAA agrees and has made the change.

2.23 101.213 [Final rule 101.205(a)(1)(ii)]

One commenter suggested that this should be deleted and that their recommended change to 101.203 will cover this aspect.

CAA response: The CAA agrees and has deleted 101.213. The amended 101.203 [Final rule 101.205] now covers the launching of free flight model aircraft within 4 km of an uncontrolled aerodrome.

One commenter recommended that the height could be restricted to 1500 feet AGL more than 3 km from an uncontrolled aerodrome.

CAA response: This commenter is referring to radio controlled gliders, which are restricted to 400 feet AGL within 4 km of an uncontrolled aerodrome. Refer the amended 101.203 [Final rule 101.205]. Outside of the 4 km radius of an aerodrome, subject to other relevant rules, radio controlled gliders may fly higher than 400 feet AGL.

One commenter recommended that glider operations be permitted within 3 km of an uncontrolled aerodrome.

CAA response: 101.213 has been deleted. The amended 101.203 [Final rule 101.205] allows the operation of model aircraft, with the exception of control line model aircraft, within 4 km of an uncontrolled aerodrome subject to certain conditions.

One commenter recommended that this activity be allowed in accordance with an agreement with the aerodrome operator and the users of that aerodrome.

CAA response: 101.213 has been deleted. The amended 101.203 [Final rule 101.205] does allow this subject to an agreement with the aerodrome operator.

One commenter recommended that gliders should be able to operate at a height not exceeding 1000 feet AGL.

CAA response: This commenter is referring to radio controlled gliders, which are restricted to 400 feet AGL within 4 km of an uncontrolled aerodrome. Refer the amended 101.203 [Final rule 101.205].

One commenter stated that this is too restrictive, and that they should be able to operate within 4 km if due permission and precautions are taken.

CAA response: 101.213 has been deleted. The amended 101.203 [Final rule 101.205] does allow this subject to certain conditions.

2.24 101.215 [See final rule 101.205(a)(3) for qualification requirements]

One commenter recommended that this be amended according to their submission.

CAA response: The CAA has amended the qualification requirement as requested and this can now be found in the requirements contained in the new 101.205. The abbreviation NZMAA has been replaced with the term “model aircraft association approved by the Director”.

2.25 101.253

One commenter stated, with regard to paragraph 101.253(a)(1)(i), the users of the aerodrome may not be based on the aerodrome; or is it the intention that it only applies to the aerodrome based users?

CAA response: The CAA has amended this to the effect that this activity be allowed in accordance with an agreement with the aerodrome operator. It is no longer necessary to have an agreement with the users of the field.

One commenter stated, with regard to paragraph 101.253(a)(2), that no altitude ceiling was specified.

CAA response: ATC will specify the maximum ceiling.

Regulatory activities

The following regulations will be replaced by Part 101—

Regulations 19B, 23, and 87 of the Civil Aviation Regulations 1953.

The following Civil Aviation Safety Orders are replaced by Part 101—

CASO 9, Part 8.

Conclusion

The Authority concludes from this consultation that the aviation industry participants favour the direction of the new rules. Specific issues that were identified in the comments received from the consultative group have been addressed. The rules also meet New Zealand’s international obligations under the applicable ICAO Annex. The comments and all background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1025.