



**WELLINGTON NEW ZEALAND**

**PURSUANT** to Section 28 of the Civil Aviation Act 1990

**I, MARK GOSCHE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *23rd* day of *May* 2002

by **MARK GOSCHE**

*John Young*  
*Associate Minister of*  
*Transport*  
Minister of Transport

**Civil Aviation Rules**

**Part 108, Amendment 1**

**Air Operator Security Programme**

*Docket 97/CAR/1255*

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**Rule objective**

The objective of amendment 1 to Part 108 is to bring into force editorial changes to cross-references to other rules that are revoked as a result of amendment 7 to Part 91, and to correct the reference to certificated aviation security organisations.

**Extent of consultation**

A Notice of Proposed Rulemaking 98-1 containing the amendment proposals was issued under Docket 97/CAR/1255 on 11 March 1998.

The publication of this NPRM was advertised in the daily newspapers in the five main provincial centres on 11 March 1998 and in the Gazette on 12 March 1998. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 36 days was allowed for comment on the proposed rule. Additional consultation on certain issues took place after the 36 day period with certain aviation industry members as well as with members of the CAA Industry Rules Advisory Group (CIRAG) executive. Pursuant to section 34(1)(d) of the Act, the Environmental Risk Management Authority was consulted on 21 August 2001 in respect of the rules relating to the carriage and discharge of firearms on aircraft.

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

The amendment was then referred to and signed by the Minister of Transport.

**Examination of comments**

Comments may be examined by application to the Docket Clerk at Aviation House 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 the revocation of the existing rules and insertion of new rules.

**Effective date of rule**

Amendment 1 to Part 108 comes into force on 1 July 2002.

**Availability of rules**

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

## Part 108 Amendments

**108.53 Security requirements – domestic *is revoked and replaced by the following:***

### **108.53 Security requirements – domestic**

(a) An air operator security programme for a domestic regular air transport passenger service must have security procedures for flights within New Zealand to safeguard passengers, crew, ground personnel, aircraft, and facilities, against acts of unlawful interference.

(b) The security procedures must detail the means by which—

- (1) the requirements of 91.9 are complied with, regarding the carriage of firearms on board an aircraft; and
- (2) danger to the air operator's passengers, crew, and ground personnel in the event of a hijacking, bomb threat, or any other threat of unlawful interference is minimised; and
- (3) access to unattended aircraft is controlled at all times to prevent unlawful interference with such aircraft; and
- (4) access to security areas of security designated aerodromes and operational areas at other aerodromes within New Zealand, through the air operator's facilities or any other access used by the air operator for passengers, personnel, baggage, cargo, freight, or aircraft supplies is controlled; and
- (5) cargo, courier, and express parcels and mail intended for carriage on an aircraft are to be subjected to appropriate security controls to prevent the introduction of any weapon, substance, or other device which may be used to commit an act of unlawful interference; and
- (6) the safe conduct of any flight is to be achieved and the pilot-in-command notified, where one or more persons on board are required to travel on that aircraft because they are in legal custody, or subject to other judicial or administrative proceedings, whether or not they are required to be escorted; and

- (7) the risk arising from baggage on board any aircraft belonging to a passenger who has failed to board, is assessed by the air operator and the pilot-in-command, before deciding whether the baggage may be transported on the flight; and
  - (8) all passengers and crew members boarding any aircraft are subjected to passenger and baggage screening by, or under the direct supervision of, the Aviation Security Service established under section 72B(ca) of the Act, or the holder of an aviation security organisation certificate issued under Part 140, when the Director requires passenger and baggage screening for the flight.
- (c) The procedures required by paragraph (b)(6) must include procedures to ensure, in relation to the carriage of any person in lawful custody on a regular air transport passenger service, that—
- (1) the person is escorted; and
  - (2) the escort confirms that the person is not carrying any item that may be used as a weapon; and
  - (3) the escort is equipped with adequate devices for restraining the person; and
  - (4) the pilot-in-command and senior flight attendant are notified of the location of, and the security arrangements for, the person; and
  - (5) alcoholic beverages are not served to the person or their escort; and
  - (6) metal utensils are not provided for the person's use; and
  - (7) no more than one person in custody is carried on an aircraft with a certificated seating capacity of less than 30 seats and no more than one additional person in custody is carried for every additional 25 seats of certificated seating capacity.

**108.55 Security requirements – international is revoked and replaced by the following:**

**108.55 Security requirements – international**

(a) An air operator security programme for an international regular air transport passenger service must have security procedures for flights within or from New Zealand to safeguard passengers, crew, ground personnel, aircraft, and facilities, against acts of unlawful interference.

(b) The security procedures must detail the means by which—

- (1) the requirements of 91.9 are complied with, regarding the carriage of firearms on board an aircraft; and
- (2) danger to the air operator's passengers, crew, and ground personnel in the event of a hijacking, bomb threat, or any other threat of unlawful interference is minimised; and
- (3) access to unattended aircraft is controlled at all times to prevent unlawful interference with such aircraft; and
- (4) access to security areas of designated aerodromes and operational areas at other aerodromes within New Zealand, through the air operator's facilities or any other access used by the air operator for passengers, personnel, baggage, cargo, freight, or aircraft supplies is controlled; and
- (5) temporary security measures are implemented to upgrade the security of the air operator's services from New Zealand, where the Director finds or suspects an increased level of security risk to any person on an aircraft, or to any aircraft or aerodrome; and
- (6) cargo, courier, and express parcels and mail intended for carriage on an aircraft are to be subjected to appropriate security controls to prevent the introduction of any weapon, substance, or other device which may be used to commit an act of unlawful interference; and
- (7) the safe conduct of any flight is to be achieved and the pilot-in-command notified, where one or more persons on board

are required to travel on that aircraft because they are in lawful custody, or subject to other judicial or administrative proceedings, whether or not they are required to be escorted; and

- (8) transit and transfer passengers and their cabin baggage are controlled to prevent unauthorised articles being taken on board by such passengers; and
- (9) where the flight is under an increased level of threat of an act of unlawful interference, disembarking passengers do not leave items on board the aircraft; and
- (10) all cargo, baggage, mail, aircraft supplies, stores, and air operator's supplies being moved within an airport and intended for carriage on an aircraft are to be protected against the introduction of any weapons, explosives, or any other dangerous devices which may be used to commit an act of unlawful interference; and
- (11) consignments of packages other than air cargo or mail intended for carriage on an aircraft, whether unaccompanied or using commercial courier services, are subjected to security screening; and
- (12) all passengers and crew members boarding any aircraft are subjected to a passenger and baggage screening before the aircraft departs. For aircraft operating from New Zealand the screening must be conducted by, or under the direct supervision of, the Aviation Security Service established under section 72B(ca) of the Act, or the holder of an aviation security organisation certificate issued under Part 140. For New Zealand registered aircraft operating from aerodromes outside New Zealand, the screening must be conducted by an organisation acceptable to the appropriate authority of the state of departure; and
- (13) the baggage from passengers who are not on the aircraft is prevented from being transported if the baggage is not subjected to security screening; and



- (14) pre-flight checks of originating aircraft are undertaken, including procedures to discover suspicious objects or anomalies that could conceal weapons, explosives or any other dangerous devices; and
  - (15) protection is to be provided for baggage from the point where it is checked in until it is placed on board an aircraft, where that baggage is intended for carriage on passenger flights and has originated from places other than airport check-in counters.
- (c) The procedures required by paragraph (b)(7) must include procedures to ensure, in relation to the carriage of any person in lawful custody on a regular air transport passenger service, that—
- (1) the person is escorted; and
  - (2) the escort confirms that the person is not carrying any item that may be used as a weapon; and
  - (3) the escort is equipped with adequate devices for restraining the person; and
  - (4) the pilot-in-command and senior flight attendant are notified of the location of, and the security arrangements for, the person; and
  - (5) alcoholic beverages are not served to the person or their escort; and
  - (6) metal utensils are not provided for the person's use; and
  - (7) no more than one person in custody is carried on an aircraft with a certificated seating capacity of less than 30 seats and no more than one additional person in custody is carried for every additional 25 seats of certificated seating capacity.
- (d) Where a domestic air operator accepts passenger or baggage check-in on behalf of an international air operator, or for transshipment for carriage on an international regular air transport passenger service,

the international air operator must ensure the domestic air operator complies with the international air operator's security programme.

**Summary of comments**

(These statements do not form part of the rules contained in Part 108. They provide details of the consultation undertaken in making the rules)

The NPRM proposed that 108.53 Security requirements – domestic be amended by removing references to the revoked rules in Parts 121 and 135 regarding carriage of firearms.

The NPRM also proposed that 108.55 Security requirements – international be amended by removing references to the revoked rules in Parts 121 and 135 regarding carriage of firearms.

There were no comments on these proposals.