



**PURSUANT** to Sections 28 and 30 of the Civil Aviation Act 1990

**I, HARRY JAMES DUYNHOVEN**, Minister for Transport Safety,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *22nd* day of *November* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven'. The signature is written in a cursive style with some stylized flourishes.

Minister for Transport Safety

**Civil Aviation Rules**

**Part 119, Amendment 7**

**Air Operator - Certification**

*Docket 1/CAR/1357*

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## **Rule objective**

The objective of amendment 7 to Part 119 is to amend and update the requirements in Part 119 relating to the air operator's responsibilities for the maintenance of the operator's aircraft. The amendments clarify the air operator's responsibilities for maintenance by moving some of these requirements from the operating rules to Part 119, and the amendments also provide consistency with the maintenance and airworthiness amendments that are being made to Parts 43 and 91.

Amendment 7 to Part 119 is associated with the following amendments to other Parts:

- Amendment 5 to Part 43
- Amendment 15 to Part 91
- Amendment 6 to Part 103
- Amendment 5 to Part 104
- Amendment 1 to Part 106
- Amendment 15 to Part 121
- Amendment 11 to Part 125
- Amendment 15 to Part 135
- Amendment 4 to Part 137

## **Extent of consultation**

In 1999 the Civil Aviation Industry Rules Advisory Group (CIRAG) Executive established a Technical Study Group (TSG) to participate in a rule making project to amend and update various rules relating to the airworthiness and maintenance requirements for aircraft. A number of the issues to be addressed arose from an investigation carried out by the CAA in 1997 into the concerns about maintenance standards and practices for aircraft less than 5,700 kg maximum certified take-off weight (MCTOW). Other issues to be addressed arose from various

petitions for amendments to be made to airworthiness and maintenance rules.

The TSG was made up of representatives from general aviation (fixed wing operators), aircraft maintenance organisations, helicopter operators, and the Aircraft Owners and Pilots Association. The TSG met 4 times and concluded its work in early 2002. The CAA continued to refine the draft rule proposals during 2002 and 2003 and released the draft rules to a representative industry group for comment before they were published for public consultation.

A Notice of Proposed Rulemaking, NPRM 05-06, containing the proposed rule amendments to Parts 119, 103, 104, 121, 125, 135, and 137 was issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

Two other associated Notices of Proposed Rulemaking, NPRM 05-04 dealing with amendments to Parts 1, 43, 91, and 145, and NPRM 05-05 dealing with amendments to Parts 21, 26, 39, 146, and 148, were also issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

The publication of these NPRMs was notified in the Gazette on 5 May 2005 and advertised in the daily newspapers in the 5 main provincial centres on 7 May 2005. The NPRMs were 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 46 days was initially allowed for comment on the proposed amendments to the rules and this was extended upon industry request for a further 10 days.

### **New Zealand Transport Strategy**

The development of the NPRM and the proposed rule changes took into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Amendment 7 to Part 119 has been assessed as follows against the NZTS:

**Assisting Economic Development**— the rule amendment is unlikely to affect economic development:

**Assisting safety and personal security**— the rule amendment contributes to aviation safety by clarifying the air operator’s responsibilities for the maintenance of the operator’s aircraft:

**Improving access and mobility**—the rule amendment is unlikely to affect access and mobility issues:

**Protecting and promoting public health**— the rule amendment is unlikely to affect public health:

**Ensuring environmental sustainability**—the rule amendments are unlikely to affect environmental sustainability.

### **Summary of submissions**

Eighty written submissions were received on the 3 NPRM. These submissions and comments have been considered but none of the submissions related to the proposed amendments to Part 119.

The rule was then referred to Parliament’s Regulations Review Committee before being signed by the Minister for Transport Safety. The Committee raised a concern that proposed rules 119.81(b) and 119.125(b) appeared to duplicate the Director’s discretion under section 9 of the Act. These proposed rules were amended to address the Committee’s concerns before being signed by the Minister.

Rule 119.151 was also amended to incorporate an amendment that came into force on 22 June 2006 before amendment 7 to Part 119 was signed by the Minister.

### **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 the revocation of existing rules and replacing them with new rules.

### **Effective date of rule**

Amendment 7 to Part 119 comes into force on 1 March 2007.

### **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 119 Amendments

### Subpart A — General

*Rule 119.1 is revoked and replaced by the following new rule:*

#### **119.1 Purpose**

This Part applies to the certification and activities of a person domiciled in New Zealand who conducts an air operations in accordance with Parts 121, 125, or 135.

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

*Rule 119.61 is revoked and replaced by the following new rule:*

#### **119.61 Maintenance procedures**

(a) An applicant for the grant of an airline air operator certificate must establish procedures to ensure the continued airworthiness of —

- (1) every aircraft that is operated under the authority of the certificate; and
- (2) any equipment installed in or attached to the aircraft.

(b) An applicant for the grant of an airline air operator certificate that contracts with another person to perform maintenance on the applicant's aircraft must include in the exposition required under rule 119.81 details of—

- (1) the functions to be transferred to the other person; and
- (2) the scope of the maintenance to be carried out by the other person; and
- (3) the authority of the other person in respect of the functions and maintenance to be carried out.

***Rule 119.63 is revoked and replaced by the following new rule:***

**119.63 Maintenance programme**

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



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

***Rule 119.81 is revoked and replaced by the following new rule:***

**119.81 Airline air operator exposition**

- (a) An applicant for the grant of an airline air operator certificate must provide the Director with an exposition that contains—
- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
    - (i) define the air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and
    - (ii) are required to be complied with by the organisation's personnel at all times; and
  - (2) the titles and names of the senior persons required by rules 119.51(a)(1) and (2); and
  - (3) the duties and responsibilities of the senior persons identified under paragraph (a)(2), including matters for which they have responsibility to deal directly with the Director, on behalf of the applicant's organisation; and

- (4) a summary of the scope of activities at each location where the applicant's operations personnel are based for the purpose of providing air transport operations; and
  - (5) an organisation chart showing lines of responsibility of the senior persons identified under paragraph (a)(2) and extending to each location listed under paragraph (a)(4); and
  - (6) a summary of the staffing structure at each location listed under paragraph (a)(4); and
  - (7) details of the principal place of operation and, if applicable, the main operation base and the main maintenance base; and
  - (8) details of the resources required by rule 119.55; and
  - (9) details of the procedures required by this Part; and
  - (10) details of—
    - (i) the maintenance procedures required by rule 119.61; and
    - (ii) the maintenance programme required by rule 119.63; and
    - (iii) the maintenance organisation that performs maintenance of the applicant's aircraft; and
  - (11) details of the programmes required, as appropriate, by this Part, and Part 121, Part 125, or Part 135; and
  - (12) details of the procedures that ensure compliance with the laws of any foreign State in which the applicant's aircraft operate; and
  - (13) procedures to control, amend, and distribute the exposition.
- (b) The exposition must remain acceptable to the Director.

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

*Rule 119.109 is revoked and replaced by the following new rule:*

### **119.109 Maintenance procedures**

(a) An applicant for the grant of a general aviation air operator certificate must establish procedures to ensure the continued airworthiness of—

- (1) every aircraft that is operated under the authority of the certificate; and
- (2) any equipment installed in or attached to the aircraft.

(b) An applicant for the grant of a general aviation air operator certificate that contracts with another person to perform maintenance of the applicant's aircraft must include in the exposition required under rule 119.125 details of—

- (1) the functions to be transferred to the other person; and
- (2) the scope of the maintenance to be carried out by the other person; and
- (3) the authority of the other person in respect of the functions and maintenance to be carried out.

*Rule 119.111 is revoked and replaced by the following new rule:*

### **119.111 Maintenance programme**

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

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

- (1) the registration, type and serial number of each aircraft that is subject to the programme; and

- (2) instructions and procedures, that are at least equivalent to the requirements prescribed in Subpart G of Part 91 and the manufacturer's maintenance schedule, for the performance of maintenance on the aircraft including any required inspections and tests of the airframe, aircraft engine, propellers, rotors, appliances, and emergency equipment, together with details of the parts and areas that—
  - (i) must be inspected; and
  - (ii) could result in a failure, malfunction, or defect endangering the safe operation of the aircraft if maintenance is not performed properly or if improper parts or materials are used; and
- (3) a schedule for the performance of the maintenance under paragraph (b)(2) expressed in terms of the time-in-service, cycles, calendar time, number of system operations, or any combination of these; and
- (4) procedures for the induction of an aircraft onto the maintenance programme; and
- (5) procedures for maintenance trend analysis if the programme utilises condition monitored maintenance or information derived from health and usage monitoring systems; and
- (6) procedures to ensure that every inspection required by the programme is performed; and
- (7) procedures for recording defects , including examples of records; and
- (8) procedures for rectifying or deferring defects; and
- (9) procedures for varying an inspection interval because of service experience; and
- (10) procedures for retaining maintenance records in accordance with rule 91.623.

***Rule 119.125 is revoked and replaced by the following new rule:***

**119.125 General aviation air operator exposition**

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

- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
  - (i) define the air operator organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part and any other applicable Part; and
  - (ii) are required to be complied with by the organisation's personnel at all times; and
- (2) the titles and names of the senior persons required by rules 119.101(a)(1) and (2); and
- (3) the duties and responsibilities of the senior persons identified under paragraph (a)(2) including matters for which they have responsibility to deal directly with the Director on behalf of the applicant's organisation; and
- (4) if appropriate, an organisation chart showing lines of responsibility of the senior persons identified under paragraph (a)(2); and
- (5) details of the principal place of operation and the main maintenance base; and
- (6) details of the applicant's procedures required by this Part; and
- (7) details of—
  - (i) the maintenance procedures required by rule 119.109; and

- (ii) the maintenance programme required by rule 119.111; and
    - (iii) the maintenance organisation that performs maintenance on the applicant's aircraft; and
  - (8) details of the programmes required, as appropriate, by this Part and Part 135; and
  - (9) details of the applicant's procedures that ensures compliance with the laws of any foreign State in which the applicant's aircraft operate; and
  - (10) procedures to control, amend, and distribute the exposition.
- (b) The exposition must remain acceptable to the Director.

## Subpart D — Operating Requirements

*Rule 119.151 is revoked and replaced by the following new rule:*

### **119.151 Continued compliance**

- (a) A holder of an air operator certificate must comply with the operations specifications required by rule 119.15.
- (b) Except as provided in rule 119.169, a holder of an air operator certificate must—
- (1) continue to meet the standards and comply with the requirements of Subpart B or Subpart C as appropriate; and
  - (2) comply with every procedure and programme detailed in the certificate holder's exposition; and
  - (3) except for the holder of a general aviation air operator certificate whose organisational management system is not required to comply with the requirements of rule 119.124(c), hold at each location specified in the certificate holder's exposition—

- (i) at least 1 current copy of the certificate holder's operations specifications; and
- (ii) in hard copy, electronic, or other form acceptable to the Director, at least 1 current copy of the relevant sections of the certificate holder's exposition that are applicable to the operations at the location.

***Rule 119.169 is revoked and replaced by the following new rule:***

**119.169 Transition**

(a) A holder of an airline air operator certificate is not required to comply with the following rules until 1 March 2008:

- (1) rule 119.61(a)(2):
- (2) rule 119.63(b)(1) regarding the aircraft type and serial number:
- (3) rule 119.63(b)(4):
- (4) rule 119.63(b)(9).

(b) A holder of a General Aviation Air Operator Certificate is not required to comply with the following rules until 1 March 2008:

- (1) rule 119.109(a)(2):
- (2) rule 119.111(b)(1) regarding the aircraft type and serial number:
- (3) rule 119.111(b)(4):
- (4) rule 119.111(b)(9):
- (5) rule 119.125(a)(9).

## Consultation Details

*(This statement does not form part of the rules contained in Part 119. It provides details of the consultation undertaken in making the rules.)*

A review of the continuing airworthiness and maintenance requirements for New Zealand aircraft has been under development since 1998 following a review of the state of aircraft maintenance that was carried out in 1997. The changes to Part 43 are the central part of a package of changes that update rules relating to the maintenance of aircraft. The package was developed under docket 1/CAR/1357 and published in May 2005 as 3 separate Notices of Proposed Rule Making, NPRM 05-04 dealing with Part 43 and related rule Parts 91, and 145, NPRM 05-05 dealing with Part 21 and related Parts 26, 39,146, and 148, and NPRM 05-06 dealing with Part 119 and related Parts 103, 104, 121, 125, 135, and 137. The changes to the various rules are based on the 1997 review of aircraft maintenance and proposals arising from a CAA-Industry Technical Study Group set up in 1999.

The 3 Notices of Proposed Rulemaking, NPRM 05-04 Part 43 General Maintenance Rules, NPRM 05-05 Part 21 Certification of Products and Parts, and NPRM 05-06 Part 119 Air Operator – Certification, containing the proposed rules were issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

### Comments arising from the NPRM

A total of eighty written submissions were received on the 3 NPRM's, mostly in relation to the Part 43 and 91 changes. The CAA has worked through these submissions and as a result has amended the rules where appropriate. None of the submissions related to Part 119.

The structure of some rules have been amended and editorial changes have been made to provide clarity and, in some cases, to maintain consistency in the terminology used.

The consultation details relating to amendment 7 to Part 119 are contained in the consultation details of amendment 5 to Part 43. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road Petone. Persons wishing to view the



docket should contact the Docket Clerk on Phone +64 560 9603 and ask for docket 1/CAR/1357.