



**PURSUANT** to Section 28 of the Civil Aviation Act 1990 and having had regard to the matters specified in section 33 of the Act,

**I, CRAIG FOSS**, Associate Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *26<sup>th</sup>* day of *August* 2015

by **HON CRAIG FOSS**

A handwritten signature in black ink, appearing to read 'Craig Foss', is written over the printed name.

Associate Minister of Transport

**Civil Aviation Rules**

**Part 119, Amendment 14**

**Air Operator - Certification**

*Docket 14/CAR/3*

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**Rule objective**

The objective of Amendment 14 to Part 119 is to correct an omission consequential to the introduction of Part 115 (Docket 5/CAR/1).

This amendment forms part of the Omnibus 2014 rule project which also contains amendments to the following Parts:

Part 1	Part 93	Part 125
Part 12	Part 101	Part 135
Part 19	Part 102	Part 139
Part 43	Part 108	Part 145
Part 65	Part 115	Part 172
Part 91	Part 121	

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 15-01, containing the proposed changes to Part 119 and other rules was issued for public consultation under Docket 14/CAR/3 on 24 March 2015.

The publication of this NPRM was notified in the Gazette on 24 March 2015. The NPRM was published on the CAA web site and emailed to subscribers to the automatic alert service provided by the CAA.

A period of 24 days was allowed for comment on the proposed rule.

**Summary of submissions**

Two written submissions and no oral comments were received on the NPRM. No submissions related to the proposed amendment to Part 119.

**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 amendment to the rule in this Part is reflected by replacing the existing rule with the amended rule.

**Effective date of rule**

Amendment 14 to Part 119 comes into force on 24 September 2015.

**Availability of rules**

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

***Replace the existing rule 119.5 with the following rule 119.5:***

**119.5 Requirement for certificate**

- (a) A person having operational responsibility for an air operation must hold, and comply with, an air operator certificate issued under this Part.
- (b) Except for an adventure aviation operation, a person must not perform an air operation except under the authority of, and in accordance with the privileges of, an air operator certificate issued under the Act and this Part.
- (c) For the purpose of paragraph (a) a person has operational responsibility for an air operation if the person has responsibility for two or more of the following functions:
- (1) determining whether the operation may be operated safely:
  - (2) assigning crew members for the operation:
  - (3) employing, contracting, or otherwise engaging crew members for the operation:
  - (4) making a decision to vary the operation, other than a decision by the pilot-in-command taken on the grounds of safety.