



19/EXE/1 (Amendment #1)

Exemption from the Requirement in Civil Aviation Rule (CAR) 91.207(a)(2)

PURSUANT TO Section 37(2)(c) of the Civil Aviation Act 1990,

I, **Keith Manch**, Director of Civil Aviation, being satisfied that—

- (a) the requirement of CAR 91.207(a)(2) that a pilot-in-command cannot permit a passenger to remove their safety belt below 1000 feet to embark onto or disembark from a helicopter while in the hover is clearly unreasonable and inappropriate for helicopter operations; and
- (b) the risk to safety will not be significantly increased by the granting of this exemption,

HEREBY EXEMPT—

the pilot-in-command of the aircraft

FROM—

the requirement in CAR 91.207(a)(2) that a pilot-in-command of an aircraft must require each passenger to occupy a seat or berth and to fasten their safety belt, restraining belt or, if equipped, shoulder harness or single diagonal shoulder belt— when the aircraft is flying at a height of less than 1000 feet above the surface,

ONLY WITH RESPECT TO

passenger entry into or exit from the aircraft while it is hovering,

PROVIDED THAT—

- a) the pilot-in-command must hover the aircraft as close to the surface as reasonably practicable; and
- b) except for winching operations, each person entering or exiting the aircraft must be able to enter directly from or exit directly onto a stable surface; and
- c) except where an approved aid to night vision is used by the pilot-in-command as well as another trained person on board the aircraft for the purpose of assisting the pilot-in-command to manage the risks associated with hover entry or exit, the operation must be conducted during the day; and
- d) for operations carried out by the holder of an air operator certificate, agricultural aircraft operator certificate, or training organisation certificate –
 - the operator of the aircraft must establish, document and implement standard operating procedures, passenger briefing procedures, training procedures and competency assessment procedures to ensure the risk of injury to any person entering or exiting the aircraft in the hover and any person on board the aircraft

- while a person is entering or exiting the aircraft in the hover, is reduced to as low as reasonably practicable; and
- the operator must utilise their accepted Safety Management System to identify and assess an acceptable level of risk; or
- e) for operations not carried out by the holder of an air operator certificate, agricultural aircraft operator certificate, or training organisation certificate –
- i. the pilot-in-command must have been trained by an appropriate instructor in the operational techniques necessary to manage the risks associated with persons entering or exiting the aircraft in a hover and have been checked by an appropriate instructor in these techniques within the last two years; and
 - ii. the pilot-in-command must identify the risks associated with persons entering or exiting the aircraft in a hover and the mitigations that will be used to reduce these risks to as low as reasonably practicable; and
 - iii. the pilot-in-command must brief each person that will be on board the aircraft while a person exits the aircraft in a hover and any person intending to enter the aircraft in a hover, on the mitigations identified for entering or exiting the aircraft in a hover; and
- f) this exemption does not apply to fast roping or rappelling operation.

This exemption shall remain in effect until 30 September 2025, unless withdrawn earlier in writing by the Director.

SIGNED at Wellington)

This 28th day of September 2023)

by **Keith Manch**)

Director of Civil Aviation)

