



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 M Shipley
Minister of Transport

Civil Aviation Rules

Part 26

Docket Nr. 1111

Civil Aviation Rules

Part 26

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 26 is to prescribe the additional airworthiness requirements to be met for the issue of aircraft certification documents to allow an aircraft's use in the New Zealand aviation environment. The NPRM included proposed changes to Parts 21, 91, 121, 135, and 137 to prescribe the equipment standards required for different types of aircraft operations.

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 26 was developed by the rules rewrite team in consultation with members of the consultative group. An informal draft was published and distributed on 18 December 1995 and a period of informal consultation followed. This culminated in the issue of Notice of Proposed Rulemaking 96-11 under Docket 1111 on 17 July 1996.

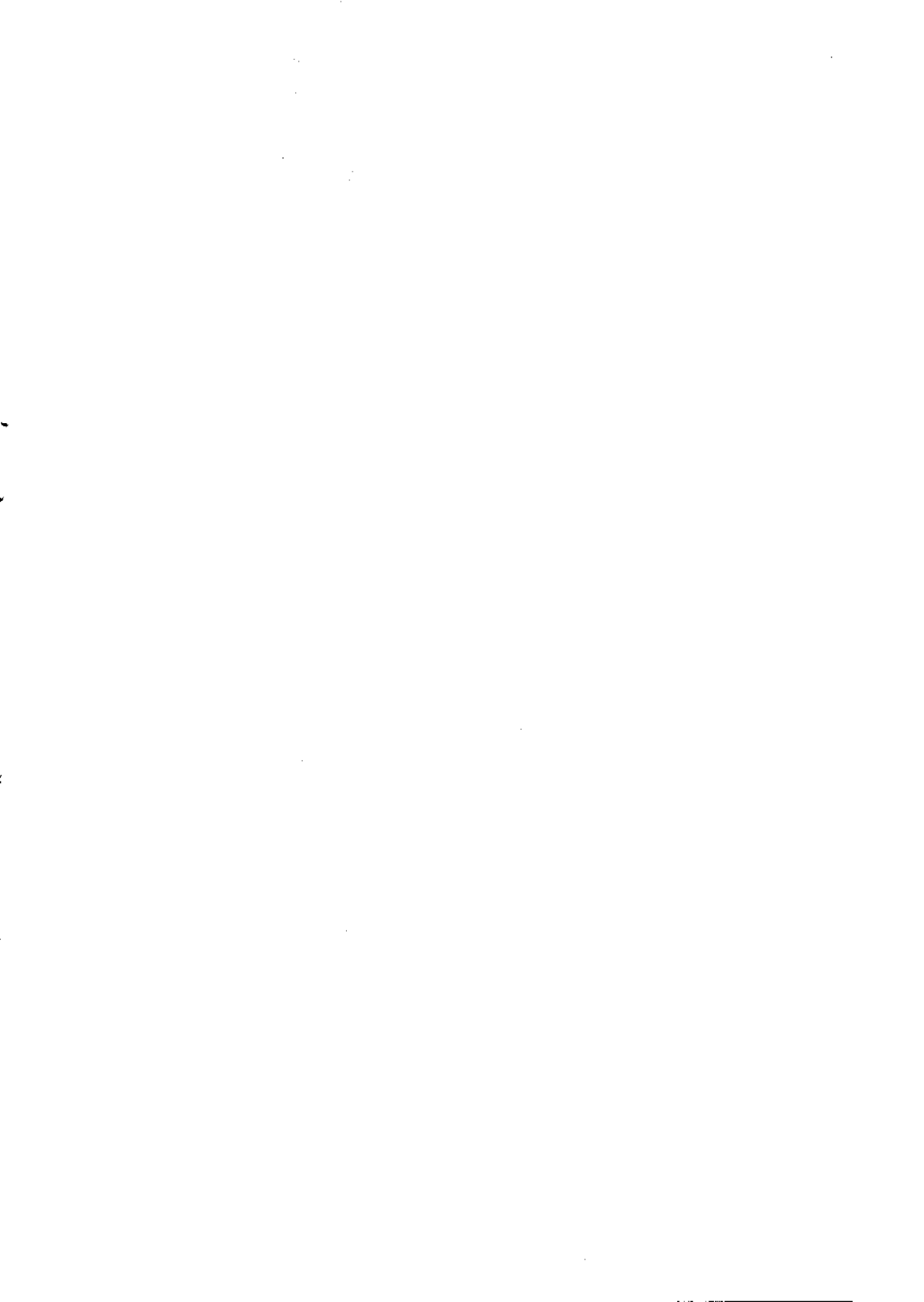
The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 17 July 1996. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas aviation authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 30 days was allowed for comment on the proposed rule. Eleven written submissions were received in response to this notice. There were no significant disagreements with the rule and the majority of the changes requested by the commenters were included. Five of the submissions received discussed the subsequent amendments to Parts 21, 91, 121, 135, and 137. Only minor changes were requested by the commenters and the majority of these changes were included.

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 26 comes into force on 1 April 1997.



List of Rules

Subpart A — General	3
26.1 Applicability.....	3
 Subpart B — Additional airworthiness requirements.....	3
26.51 Airworthiness design standards	3
26.53 Application of additional standards	3
 Appendix A — Reserved	3
 Appendix B — All aircraft.....	3
B.1 Marking of doors and emergency exits.....	4
B.2 Crew protection requirements	4
 Appendix C — Air transport aeroplanes with a type certificated seating capacity of more than 9 passengers	4
C.1 Doors and exits.....	4
C.2 Evacuation and egress provisions.....	5
C.3 Systems and equipment.....	6
 Appendix D — Air transport aeroplanes with a type certificated seating capacity of more than 19 passengers	6
D.1 Doors and exits.....	6
D.2 Evacuation and egress provisions	7
D.3 Lavatory fire protection	11
D.4 Materials for compartment interiors.....	12
D.5 Cargo and baggage compartments.....	13
 Appendix E — Helicopters	13
E.1 Doors and exits.....	13
E.2 Evacuation and egress provisions	13



Subpart A — General

26.1 *Applicability*

This Part prescribes rules governing the application of airworthiness standards to New Zealand registered aircraft, additional to those airworthiness standards prescribed in any other Part.

Subpart B — Additional airworthiness requirements

26.51 *Airworthiness design standards*

Airworthiness design standards additional to those specified in Part 21 are specified in—

- (1) Appendix B for all aircraft; and
- (2) Appendix C for air transport aeroplanes with a type certificated seating capacity of more than 9 passenger seats; and
- (3) Appendix D for air transport aeroplanes with a type certificated seating capacity of more than 19 passenger seats; and
- (4) Appendix E for helicopters.

26.53 *Application of additional standards*

The additional airworthiness design standards shall be—

- (1) applicable only to the stated class, category, or type of aircraft or aircraft component; and
- (2) complied with by each applicant for—
 - (i) a type certificate or type acceptance certificate; or
 - (ii) an airworthiness certificate.

Appendix A — Reserved

Appendix B — All aircraft

Additional airworthiness requirements for the certification of an aircraft include the following:

B.1 Marking of doors and emergency exits

(a) Each normal and emergency exit shall be clearly and conspicuously marked with the means of opening the exit and as EXIT or EMERGENCY EXIT as applicable—

- (1) on both the inside and outside of the exit; or
- (2) on both the inside and outside of the aircraft on a surface adjacent to the exit.

(b) All instructions for operation of the exits required by paragraph (a) shall be—

- (1) concise; and
- (2) in easily readable letters on a contrasting background.

B.2 Crew protection requirements

Each aircraft to be certificated in the restricted category for the purpose of agricultural aircraft operations shall comply with the crew protection requirements prescribed in Section .35 of Appendix B of the United States of America Civil Aeronautics Manual 8 in effect on 1 February 1965.

Appendix C — Air transport aeroplanes with a type certificated seating capacity of more than 9 passengers

Additional airworthiness requirements for the certification of an aeroplane with a type certificated seating capacity of more than 9 passengers, in addition to Appendix B, include the following:

C.1 Doors and exits

Each external door and exit shall—

- (1) be operable from the inside and, except for sliding window exits in the flight crew compartment, the outside; and
- (2) be unobstructed by seats, seat backs, or other equipment; and
- (3) have a means—
 - (i) of locking that prevents inadvertent opening in flight by persons or as a result of mechanical failure; and
 - (ii) when the door's initial opening movement is outwards, for the crew members to directly view the locking mechanism to determine that the door is fully closed and locked; and

- (iii) when the door is normally used to load and unload the aeroplane, of visually indicating to the crew members that the door is not fully closed and locked.

C.2 Evacuation and egress provisions

C.2.1 Additional emergency exits

- (a) The passenger entrance door shall meet the requirements of FAR 23 in effect on 10 May 1993 for a floor level emergency exit.
- (b) Each aeroplane shall be equipped with emergency exits additional to the passenger entrance door including—
 - (1) for an aeroplane with a type certificated seating capacity of less than 16 passengers, an exit on each side of the fuselage meeting the requirements of FAR 23.807(b) in effect on 10 May 1993; or
 - (2) for an aeroplane with a type certificated seating capacity of between 16 and 23 passengers—
 - (i) one exit on the same side as the passenger entrance door; and
 - (ii) two exits on the side opposite the passenger entrance door—
meeting the requirements of FAR 23.807(b) in effect on 10 May 1993; or
 - (3) for an aeroplane with a type certificated seating capacity of more than 23 passengers, exits meeting the requirements for certification of that aeroplane type.

C.2.2 Emergency exit evacuation equipment

Each emergency exit required for the type certification of the aircraft shall—

- (1) be located over the wing; or
- (2) for exits 2m or more from the ground with the aeroplane on the ground and the landing gear extended, have a means of assisting the occupants to descend to the ground.

C.2.3 Emergency exit interior marking

Each emergency exit shall be identified by a sign that—

- (1) has the word EXIT in—
 - (i) 25 mm high white letters on a 50 mm high red background; or

- (ii) 25 mm high red letters on a 50 mm high white background; and
- (2) is self illuminating or is electrically illuminated independently from the main lighting system; and
- (3) has a minimum brightness of 160 microlamberts.

C.3 Systems and equipment

C.3.1 Landing gear aural warning.

- (a) Each aeroplane equipped with wing flaps and retractable landing gear shall have a landing gear aural warning device.
- (b) Except as provided by paragraph (c), each landing gear aural warning device shall—
 - (1) function continuously when the wing flaps are extended to a normal position for landing in preparation for landing, and the landing gear is not fully extended and locked; and
 - (2) not have a manual shut off.
- (c) Paragraph (b)(2) shall not apply to amphibious aeroplanes that provide for an adequate visual indication to the flight crew members that the aircraft is configured for a water landing.

Appendix D — Air transport aeroplanes with a type certificated seating capacity of more than 19 passengers

Additional airworthiness requirements for the certification of an aeroplane with a type certificated seating capacity of more than 19 passengers, in addition to Appendix B and Appendix C, include the following:

D.1 Doors and exits

D.1.1 Exit types

Exit types shall be those specified in FAR 25.807 in effect on 29 March 1993.

D.1.2 Floor level exits

Other than exits that lead into a cargo or baggage compartment that is not accessible from the passenger cabin, each floor level exit in the side of the fuselage shall meet the requirements for floor level emergency exits if that exit is—

- (1) greater than 1 090 mm high and between 490 mm and 1 150 mm wide; or

- (2) a ventral exit; or
- (3) a tail cone exit.

D.2 Evacuation and egress provisions

D.2.1 Additional emergency exits

(a) Emergency exits in the passenger compartments that are in excess of the number required for the type certification of the aircraft shall—

- (1) meet all of the applicable provisions of this appendix; and
- (2) be readily accessible.

(b) Each ventral exit and each tailcone exit of a turbojet powered aeroplane shall be—

- (1) designed and constructed so that it cannot be opened during flight; and
- (2) marked with a placard that—
 - (i) states that the exit cannot be opened during flight; and
 - (ii) is readable from a distance of 750 mm; and
 - (iii) is installed at a conspicuous location near the means of opening the exit.

D.2.2 Emergency exit access

(a) Except for additional emergency exits, access shall be provided to aeroplane emergency exits that ensure—

- (1) each passageway is unobstructed and at least 500 mm wide—
 - (i) between individual passenger areas; and
 - (ii) leading to a Type I or Type II emergency exit; and
- (2) there is enough space next to each Type I and Type II emergency exit to allow a crew member to assist in the evacuation of passengers without reducing the unobstructed width of the passageway below 500 mm; and
- (3) access from the main aisle to each Type III and Type IV exit is unobstructed by seats, berths, or other protrusions that would reduce the effectiveness of the exit; and
- (4) each door separating a passenger compartment from an emergency exit has—

- (i) a means to latch it in the open position during each takeoff and landing and that can withstand the ultimate inertia forces, relative to the surrounding structure, as specified in the certification design standards; and
 - (ii) a placard indicating that the door must be open during each takeoff and landing.
- (b) Except for curtains that allow free entry through a passageway, each passageway between passenger compartments that leads to an emergency exit shall not be obstructed.
- (c) No door may be installed in any partition between passenger compartments.

D.2.3 Emergency exit operating handles

- (a) Except as provided in paragraph (b), each aeroplane shall be marked on or near each exit with—
- (1) markings readable from a distance of 750 mm; and
 - (2) the location of each passenger emergency exit operating handle; and
 - (3) the instructions for opening the exit including for each Type I and Type II emergency exit with a locking mechanism released by rotary motion of the handle—
 - (i) a red arrow with a shaft at least 20 mm wide and a head twice the width of the shaft, extending along at least 70° of arc at radius approximately equal to three-fourths of the handle length; and
 - (ii) the word OPEN in red letters 25 mm high placed horizontally near the head of the arrow.
- (b) Each aeroplane type certificated on or after 1 May 1972 shall be marked in accordance with the requirements for certification of that aeroplane type.
- (c) Each operating handle and operating handle cover shall have a minimum brightness of 100 microlamberts.

D.2.4 Emergency exit evacuation equipment

- (a) Except as provided in paragraph (b), each emergency exit shall have a means of assisting the occupants to descend to the ground meeting the requirements for certification of that aeroplane type in effect on 30 April 1972.

(b) Each aeroplane type certificated on or after 1 May 1972 each emergency exit shall have a means of assisting the occupants to descend to the ground meeting the requirements for certification of that aeroplane type.

(c) Each means of assisting the occupants to descend to the ground that deploys automatically shall be capable of being armed during taxiing, takeoff, and landing.

D.2.5 Emergency exit escape route

(a) Except as provided in paragraph (b), each aeroplane shall have a slip-resistant escape route meeting the requirements for certification of that aeroplane type in effect on 30 April 1972.

(b) Each aeroplane type certificated on or after 1 May 1972 shall have a slip-resistant escape route meeting the requirements for certification of that aeroplane type.

D.2.6 Emergency lighting

(a) Each light required for an emergency lighting system shall—

- (1) have a cockpit control device that has an ON, OFF, and ARMED position; and
- (2) be operable manually from—
 - (i) the flight crew members normally seated position; and
 - (ii) a point in the passenger compartment that is readily accessible to a normal flight attendant seat; and
- (3) have a means to prevent inadvertent operation of the manual controls; and
- (4) when armed or turned on, remain lighted or become lighted upon interruption of the aeroplane's normal electric power except in the case of a transverse vertical separation of the fuselage; and
- (5) provide the required level of illumination for at least 10 minutes at the critical ambient conditions after emergency landing.

(b) Lights that form part of a means of assisting the occupants to descend to the ground do not have to meet the requirements in paragraph (a) if they—

- (1) serve only one means of assistance; and
- (2) are automatically activated when the means of assistance is deployed; and

- (3) are independent of the aeroplane's main emergency lighting systems.

D.2.7 Emergency interior lighting

Each aeroplane shall have an emergency lighting system that—

- (1) has a power supply independent of the main lighting system; and
- (2) provides an average illumination in the passenger compartment of at least 0.05 foot-candles when measured at seat armrest height at 1 m intervals on the centreline of the main passenger aisle; and
- (3) illuminates each exit marking and sign; and
- (4) includes floor proximity emergency escape path markings.

D.2.8 Emergency exterior lighting

(a) Except as provided in paragraph (b), each aeroplane shall have emergency exterior lighting that meets the requirements for certification of that aeroplane type at 30 April 1972.

(b) Each aeroplane type certificated on or after 1 May 1972 shall have emergency exterior lighting that meets the requirements for certification of that aeroplane type.

D.2.9 Emergency exit interior marking

(a) Each emergency exit and its means of access shall be clearly and conspicuously marked—

- (1) such that its identity and location is recognisable from a distance equal to the width of the cabin; and
- (2) with its means of opening.

(b) The location of each passenger emergency exit shall be indicated by signs visible to occupants approaching along the main passenger aisle—

- (1) above the exit route near each over-the-wing passenger emergency exit; and
- (2) next to each floor level emergency exit, except that one sign may serve two such exits if they both can be seen readily from that sign; and
- (3) on each bulkhead or divider that prevents fore and aft vision along the passenger compartment, indicating emergency exits obscured by it.

(c) Except as provided in paragraph (d), each aeroplane shall have emergency exit markings and signs that meet the requirements for certification of that aeroplane type in effect on 30 April 1972.

(d) Each aeroplane type certificated on or after 1 May 1972 shall have emergency exit markings and signs that meet the requirements for certification of that aeroplane type.

(e) Each emergency exit marking and sign shall have a minimum brightness of 250 microlamberts.

D.2.10 Emergency exit exterior markings

Each emergency exit operable from the outside shall be marked—

- (1) with a continuous 50 mm wide coloured band outlining the exit that—
 - (i) shall differ in colour from the surrounding surface such as to achieve visual contrast; and
 - (ii) may be on the edge of the exit, on the surface surrounding the exit, or partially on both; and
- (2) with the means of opening and applicable instructions in red or in bright chrome yellow; and
- (3) if the exit is not in the side of the fuselage and the means of opening is located on only one side of the fuselage, to that effect on the other side of the fuselage.

D.3 Lavatory fire protection

(a) Each lavatory shall be conspicuously marked—

- (1) on each side of the door with the wording NO SMOKING IN LAVATORY; and
- (2) on each lavatory paper receptacle door or waste disposal receptacle door with the wording NO CIGARETTE DISPOSAL.

(b) Except for dedicated non-smoking aeroplanes, the entrance to each lavatory shall be provided with a self contained removable ash tray outside the lavatory on or near its entry.

(c) Each lavatory paper receptacle or waste disposal receptacle shall have a—

- (1) door fitted that provides a seal to contain fires within the receptacle; and

- (2) built-in fire extinguisher designed to discharge automatically upon occurrence of a fire in the receptacle.
- (d) Each lavatory shall be equipped with a smoke detector system or equivalent that provides—
 - (i) a warning light in the cockpit; or
 - (ii) a warning light or audio warning readily detectable by crew members during all phases of flight.

D.4 Materials for compartment interiors

- (a) Each aeroplane type certificated on or before 1 January 1958 shall, upon the first substantially complete replacement of the cabin interior, be equipped with materials in each compartment used by the crew members or passengers that meet the requirements of FAR Part 25 in effect on 30 April 1972.
- (b) Except as provided in paragraph (c), each aeroplane type certificated after 1 January 1958 shall—
 - (1) if manufactured on or after 20 August 1988 but before 20 August 1990, be equipped with materials in each compartment used by the crew members or passengers that meet the requirements of the heat release rate tests of FAR Part 25 in effect on 29 March 1993 except that the—
 - (i) total heat release over the first 2 minutes of sample exposure shall not exceed 100 kilowatt minutes per square metre; and
 - (ii) peak heat release rate must not exceed 100 kilowatts per square metre; and
 - (2) if manufactured on or after 20 August 1990, be equipped with materials in each compartment used by the crew members or passengers that meet the requirements of the heat release rate and smoke tests of FAR Part 25 in effect on 29 March 1993; and
 - (3) upon the first substantially complete replacement of the cabin interior components, be equipped with materials in each compartment used by the crew members or passengers that meet the requirements of FAR Part 25 in effect on 29 March 1993.
- (c) Each aeroplane type certificated after 1 January 1958 shall be equipped with seat cushions, except those on flight deck seats, that meet the requirements pertaining to fire protection of seat cushions in FAR Part 25 in effect on 26 November 1984.

D.5 Cargo and baggage compartments

(a) Each Class C or D compartment greater than 200 cubic feet in volume in an aeroplane type certificated after 1 January 1958 shall have ceiling and sidewall liner panels constructed of—

- (1) glass fibre reinforced resin; or
- (2) materials that meet the test requirements for liner panels of FAR Part 25 in effect on 29 March 1993.

(b) For the purpose of paragraph (a), liners include any design feature, such as a joint or fastener, that would affect the capability of the liner to safely contain a fire.

(c) Except for the means of attachment, liners shall be separate from the aircraft structure.

Appendix E — Helicopters

Additional airworthiness requirements for the certification of a helicopter, in addition to Appendix B, include the following:

E.1 Doors and exits

Each helicopter intended to be used for air transport shall be equipped with external doors and exits that—

- (1) are operable from the inside and the outside; and
- (2) are unobstructed by seats, seat backs, or other equipment; and
- (3) have a means—
 - (i) of locking that prevents inadvertent opening in flight by persons or as a result of mechanical failure; and
 - (ii) when the door is normally used to load and unload the helicopter, of visually indicating to the crew members that the door is not fully closed and locked.

E.2 Evacuation and egress provisions**E.2.1 Emergency exit marking**

Each emergency exit and its means of access on a helicopter intended to be used for air transport shall be clearly and conspicuously marked—

- (1) such that its identity and location is recognisable from a distance equal to the width of the cabin; and

(2) with its means of opening.

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 26.
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 96-11 under Docket Number 1111 on 17 July 1996. This Notice proposed the introduction of Civil Aviation Rules Part 26 to provide a regulatory safety boundary for Additional Airworthiness Requirements. This Notice also proposed amendments to Parts 21, 91, 121, 135, and 137 resulting from the new rules developed for Part 26.

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 1111 NPRM

Part 26 included proposed changes to Parts 21, 91, 121, 135, and 137. With the exception of Parts 137 and 21 the other rules were also in the NPRM stage of the rulemaking process. The responses to submissions on the rule changes proposed in the docket for Parts 91, 121, and 135 are included in the consultation documents attached to each of the applicable final rules.

1. General comments on the NPRM

From the 11 submissions received, four general issues were raised. These are discussed as follows:

1.1 Three commenters suggested improved wording and corrections to general errors in the NPRM document.

CAA response: The CAA agrees and has incorporated all the recommended changes.

1.2 One commenter questioned as to why some Technical Standard Order references quoted specific amendments and others didn't.

CAA response: In most cases, the Technical Standard Order reference has been rewritten to reflect the applicable Technical Standard Order series, allowing all current Technical Standard Orders in that series to be considered acceptable. In cases where the minimum acceptable performance standard has been assessed to be that of a specific amendment state of the Technical Standard Order then this amendment state has been included in the rule.

1.3 One commenter suggested that in the future there may be requirements to assess other countries' specifications and include those in the acceptable standards.

CAA response: The CAA agrees and will respond to international developments and industry requests as they arise. The main purpose of specifying the standards in the appendices to the operational rules was to allow the easy updating of them as and when required.

1.4 Two commenters raised issues relating to the use of FAR references in the New Zealand CAR. The commenters questioned the FAR revision dates used for some requirements and the lack of revision dates in other requirements.

CAA response: The CAA agrees with the points raised by the commenters and have checked the revision dates. Those revision dates that may have an effect on the certification of the aircraft have been retained. Those revision dates that could be brought into line with Appendix C of Part 21 have been.

The CAA agrees that without a revision date the subsequent amendment of FAR requirements may cause problems with compliance in New Zealand. In all cases the revision dates have been stated.

2. Specific comments on the NPRM

Specific comments received from the 11 submissions are discussed as follows:

2.1 Appendix B – All aircraft [Final Rule Appendix B]

One commenter suggested that the application of Part 26 should only be to standard and restricted category aircraft.

CAA response: The CAA disagrees. The CAA does not want to limit the applicability of Appendix B as the requirements are intended to apply to all aircraft, regardless of category. Appendices C, D, and E effectively limit the applicability by addressing either type certificated aircraft or those aircraft on air transport operations.

2.2 B.1 Marking of doors and emergency exits [Final Rule B.1]

One commenter questioned what was required to be marked to indicate an exit's means of access. The commenter suggested that the wording of the requirement related to the means of access to the operating mechanism.

CAA response: The CAA agrees that the wording of the rule changed the possible interpretations of its meaning from the existing requirements. The rule has been amended to remove the confusion.

One commenter suggested that the way the marking requirements were worded was not clear.

CAA response: The CAA agrees and has incorporated a change of wording to make the requirement clearer.

2.2 B.2 Crew protection requirements [Final Rule B.2]

One commenter suggested moving the crew protection requirements to Part 137 as they applied only to agricultural operations.

CAA response: The CAA agrees that the requirements are limited to agricultural operations but disagrees that they should be shifted. Unlike the other requirements in Part 137 that are related to equipment standards and could be applied after certification, the crew protection requirements are considered an integral part of the certification requirements. As part of the certification requirements the rule belongs in Part 26.

2.3 C.1 / D.1 Evacuation and egress provisions [Final Rule C.1 / D.1]

One commenter suggested restructuring Appendices C and D to separate out the doors and exits provisions from the emergency egress provision. The commenter also suggested rewording the door locking provisions to better reflect intent when compared to the FAR.

CAA response: The CAA agrees and has incorporated the suggested changes.

2.4 C.1.1 Doors and exits [Final Rule C.1]

One commenter suggested that obstructions to exits should include items other than seats and seat backs.

CAA response: The CAA agrees and has incorporated the suggested change.

One commenter suggested a revision to the requirements for over-wing exits and the assistance that should be provided for passengers exiting to the ground.

CAA response: The CAA agrees but subsequent research and discussion indicated assistance from the wing to the ground was not required. The

provision suggested by the commenter relating to the height with the landing gear extended has been incorporated.

2.5 D.1.3 Emergency exit access [Final Rule D.1.1]

One commenter suggested that the types of exit be defined.

CAA response: The CAA agrees and has incorporated the suggested change.

2.6 D.1.9 Emergency exit external markings [Final Rule D.2.10]

One commenter pointed out that requirement for external markings of emergency exits was worded such that it suggested not all exits were operable from the outside. This apparently conflicts with a previous requirement that all normal and emergency exits be operable from the inside and the outside.

CAA response: The CAA agrees that this may be an apparent conflict but sliding flight deck windows may function as an exit and may not be able to be opened from the outside. The requirement has been reworded and is consistent with the FAR.

2.7 D.5.1 Landing gear aural warning [Final Rule C.3.1]

Three commenters pointed out that the wording for the landing gear aural warning system meant that the warning would always operate with the flaps extended for landing.

One commenter also pointed out that the requirement would cause problems for an amphibious aircraft.

CAA response: The CAA agrees and has incorporated the suggestions.

2.8 E.1 Doors and exits [Final Rule E.1]

One commenter suggested that the locking mechanism requirement for a helicopter door meant that a completely new type of system would be required to prevent the inadvertent opening of the door as a result of a mechanical failure.

CAA response: The CAA disagrees. The requirement is similar to the requirement for other aircraft. The CAA considers that the design of helicopter doors can be shown to meet this requirement.

Conclusion

The Authority concludes from this consultation that the majority of 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 the 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 1111.

Regulatory activities

This Part will replace existing requirements in the Civil Aviation Regulation 1953 and also the requirements contained in New Zealand Civil Airworthiness Requirements Volume 1 C.4, which is authorised under regulation 8A(4).

Specific amendments to the Regulations and NZCAR will not be necessary. Section 14(2) of the Civil Aviation Amendment Act 1991 (as amended by section 34 of 1996 No. 91) deems the Civil Aviation Regulations 1953 that are continued in force by section 8 of that Act to be revoked on the close of 31 March 1997.

Section 14(3) states that any order, notice, requirement, circular, or other publication continued in force by section 8 shall expire on the close of 31 March 1997.

Commencement

Part 26 comes into force on 1 April 1997.