



PURSUANT to Section 28, 29, and 30 of the Civil Aviation Act 1990

I, Hon Julie Anne Genter, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *16* day of *April* 2018

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

by Hon Julie Anne Genter

Associate Minister of Transport

Civil Aviation Rules

Part 129, Amendment 8

Foreign Air Transport Operator–Certification

Docket 16/CAR/8

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Rule objective

The objective of amendment 8 to Part 129 is to adopt part of ICAO Amendment 40 to Annex 6 Part I relating to the location of aircraft in distress and the carriage of ELTs. This portion of the amendment gives operators a choice of systems and a potential reduction in the number of ELTs to be carried on these international flights.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 18-01, containing the proposed amendment was issued for public consultation under Docket 16/CAR/8 on 4 September 2017.

The NPRM was published on the CAA website on 4 September 2017, notified to the industry by automatic email alerts, and notified in the Gazette on 7 September 2017. A copy of the NPRM was sent to:

- The Ministry of Transport
- Internal CAA stakeholders
- Members of the CAA Aircraft Emergency Location System (AELS) Rules Drafting Group.

A period of 28 days was allowed for comment on the proposed rule.

Summary of submissions

Nine written submissions and no oral comments were received on the NPRM. A summary of submissions for this NPRM is available on the CAA website. There was one submission relating to the proposed amendment to this Part. The submission has been considered, and as a result, the term “meets the requirements of TSO-C126” is changed to read, “be TSO-C126 certified”.

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:

- revoking and replacing rule 129.109 to:
 - (i) insert a new sub-paragraph to give the option of reducing the number of ELTs to be carried if equipped with a capability to autonomously transmit aircraft position information when in distress; and
 - (ii) amend “meet the requirements of FAA TSO C-126” to read “be FAA TSO C-126 certified”; and
 - (iii) insert a new sub-paragraph to add an option that an ELT meeting ICAO standards may be installed or carried, and that an ELT can transmit on other frequencies that may be required by ICAO.

Effective date of rule

Amendment 8 to Part 129 comes into force on 18 May 2018.

Availability of rules

Civil Aviation Rules are available from–

CAA website: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 129 Foreign Air Transport Operator – Certification

Rule 129.109 is revoked and replaced with the following rule:

129.109 Emergency Locator Transmitter

(a) To avoid doubt, a holder of a foreign air operator certificate conducting a foreign air transport operation with an aeroplane is not required to comply with rule 91.529(a).

(b) Despite rule 91.529(g), a holder of a foreign air operator certificate must not conduct a foreign air transport operation using an aeroplane unless the aeroplane is equipped in accordance with the following:

- (1) if the aeroplane is authorised to carry more than 19 passengers and the individual airworthiness certificate for the aeroplane was first issued before 1 July 2008, the aeroplane must be equipped with at least 1 automatic ELT or 2 ELTs of any type:
- (2) if the aeroplane is authorised to carry more than 19 passengers and the individual airworthiness certificate for the aeroplane is first issued after 1 July 2008, the aeroplane must be equipped with either:
 - (i) at least 2 ELTs, one of which must be automatic; or
 - (ii) at least 1 ELT and a capability to autonomously transmit information from which a position can be determined by the operator at least once every minute, when in distress:
- (3) if the aeroplane is authorised to carry 19 passengers or less and the individual airworthiness certificate for the aeroplane was first issued before 1 July 2008, the aeroplane must be equipped with at least 1 ELT of any type:
- (4) if the aeroplane is authorised to carry 19 passengers or less and the individual airworthiness certificate for the aeroplane is first issued after 1 July 2008, the aeroplane must be equipped with at least 1 automatic ELT:

- (5) every ELT installed or carried in the aeroplane must—
- (i) be FAA TSO C-126 certified; or
 - (ii) meet the international standards of ICAO relating to aviation safety; and
 - (iii) transmit on both frequencies of 406 MHz and 121.5 MHz or other frequency as required by the international standards of ICAO.