



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. Shipley
Minister of Transport

**Civil Aviation Rules
Part 21 Amendment 4**

Docket Nr. 1111

**Civil Aviation Rules
Part 21 Amendment 4**

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 21 Amendment 4 is to bring into force changes that result from the coming into force of Part 26.

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 including Part 21 Amendment 4 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.

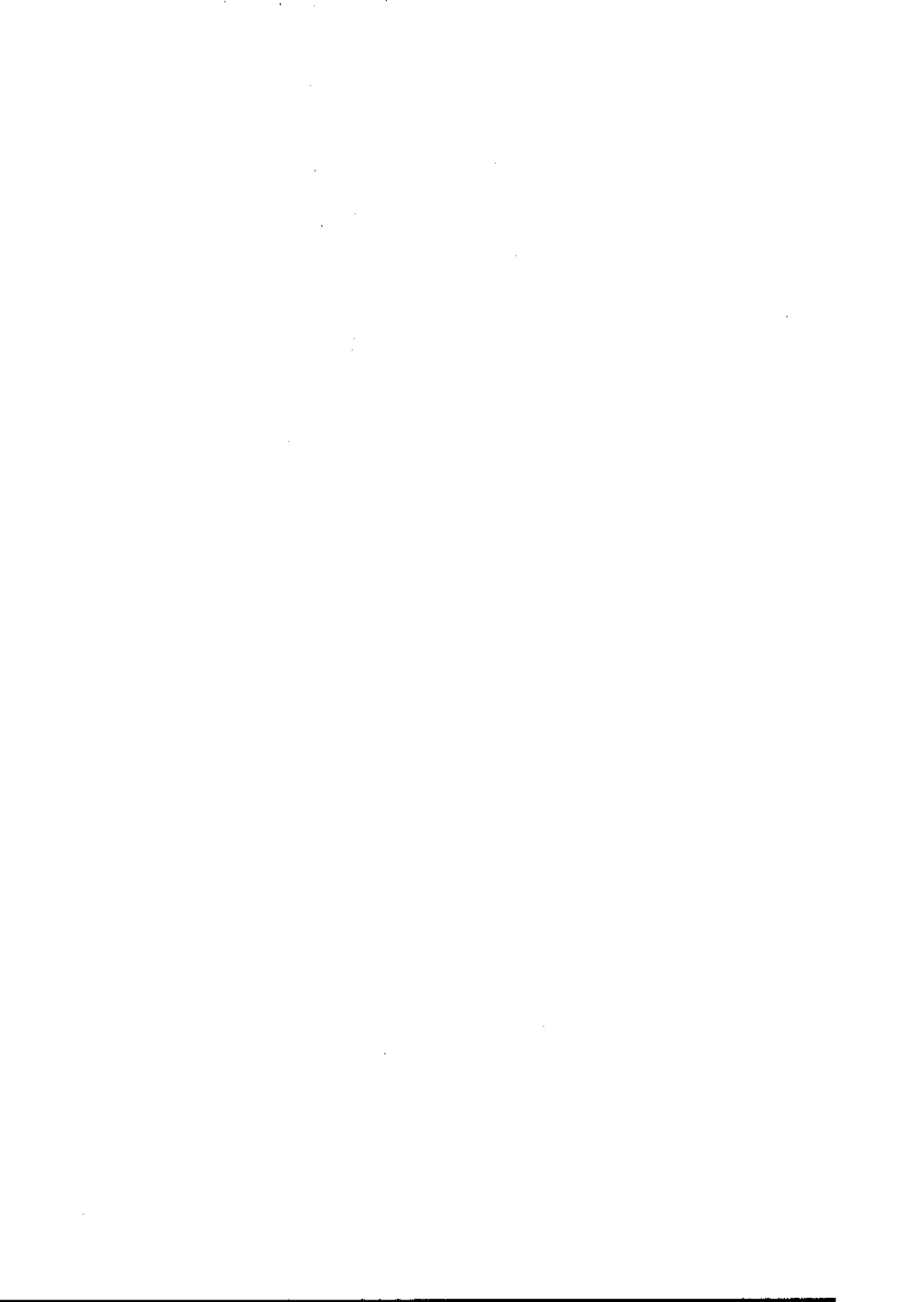
The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 17 July 1996. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas aviation authorities and organisations, who were considered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

A period of 30 days was allowed for comment on the proposed rules. 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 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 details of the consultation process are contained in Part 26, under which this amendment was introduced.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 21 Amendment 4 comes into force on 1 April 1997.



Part 21 — Amendments

Part 21 is amended by revoking Appendix C and inserting the following:

“Appendix C — Airworthiness Design Standards

(a) Subject to paragraph (c), the standard category airworthiness design standards are—

- (1) any of the following Federal Aviation Regulations issued by the Federal Aviation Administration of the United States of America:
 - (i) Part 23 — Airworthiness Standards: Normal, Utility, Acrobatic, and Commuter Category Aeroplanes (dated 10 May 1993), except 23.785(a) and 23.807(b)(5):
 - (ii) Part 25 — Airworthiness Standards: Transport Category Aeroplanes (dated 29 March 1993):
 - (iii) Part 27 — Airworthiness Standards: Normal Category Rotorcraft (dated 16 September 1991):
 - (iv) Part 29 — Airworthiness Standards: Transport Category Rotorcraft (dated 16 September 1991):
 - (v) Part 31 — Airworthiness Standards: Manned Free Balloons (dated 18 August 1990):
 - (vi) Part 33 — Airworthiness Standards: Aircraft Engines (dated 16 August 1993):
 - (vii) Part 35 — Airworthiness Standards: Propellers (dated 18 August 1990); or
- (2) a set of airworthiness design standards that the Director determines—
 - (i) comply with Annex 8 to the Convention; and
 - (ii) provide equivalent levels of safety to those airworthiness design standards prescribed in subparagraph (1).

(b) Subject to paragraph (c), the restricted category airworthiness design standards are—

- (1) any of the Federal Aviation Regulations prescribed in paragraph (a)(1), excluding those requirements that the Director determines inappropriate for the purpose for which the aircraft is to be used; or

- (2) a set of airworthiness design standards that the Director determines appropriate for the purpose for which the aircraft is to be used.
- (c) Airworthiness design standards for aircraft that, on the effective date, do not require a flight manual to be provided, shall include a flight manual containing—
- (1) the operating limitations and information required to be provided by the applicable airworthiness design standard, in the form of a manual, markings or placards; and
 - (2) for aeroplanes and rotorcraft, the maximum ambient atmospheric temperatures for which engine cooling was demonstrated, in the performance information section of the flight manual.”

