



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, Hon CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 12th day of Dec 2016

by Hon Craig Foss

Associate Minister of Transport

A handwritten signature in black ink, appearing to read 'CRAIG FOSS', is written over the printed name of the Associate Minister of Transport.

Civil Aviation Rules

Part 21, Amendment 9

Certification of Products and Parts

Docket 16/CAR/1

Contents

Rule objective.....	3
Extent of consultation.....	3
Summary of submissions.....	3
Examination of submissions.....	3
Insertion of Amendments	3
Effective date of rule.....	4
Availability of rules.....	4
Part 21 Certification of Products and Parts.....	5
21.73 Approval of design changes.....	5
21.113 Supplemental type certificate	5

Rule objective

The objective of amendment 9 to Part 21 is to clarify certain matters as to who may apply for, and in what circumstances, a supplemental type certificate may be obtained.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 61 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

Summary of submissions

Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non-controversial new amendment is being made to rule 91.605 and two new definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 21.

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

This Part was amended by:

- rule 21.73 is amended to clarify that a non- type certificate holder who intends to make a major design change (major modification) to a product may apply to the Director for a supplemental type certificate;

- rule 21.113 is amended to clarify that a supplemental type certificate may be obtained in the above circumstances and for any valid commercial purpose (in line with existing CAA guidance).

Effective date of rule

Amendment 9 to Part 21 comes into force on 10 March 2017

Availability of rules

Civil Aviation Rules are available from–

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

Freephone: 0800 GET RULES (0800 438 785)

Part 21 Certification of Products and Parts

Replace rule 21.73 with the following rule:

21.73 Approval of design changes

- (a) A design change may be approved by—
- (1) including it in an Airworthiness Directive; or
 - (2) the approval of a modification; or
 - (3) the approval of a change to the type certificate or type acceptance certificate under Subpart D; or
 - (4) the issue of a supplemental type certificate under Subpart E.
- (b) Design changes are acceptable to the Director if they are—
- (1) described by technical data listed in Appendix D; or
 - (2) accepted by the issue of an airworthiness certificate.
- (c) A person who is not the type certificate holder for a product and who intends to make a major modification to that product may apply to the Director for approval of the design change by the issue of a supplemental type certificate under Subpart E.

Replace rule 21.113 with the following rule:

21.113 Supplemental type certificate

A supplemental type certificate issued in accordance with this Subpart may allow changes of the following type or in the following circumstances:

- (1) to the type certificate category or type acceptance certificate category; or
- (2) to the type design; or
- (3) to the flight manual; or

- (4) to the operating limitations; or
- (5) to any special conditions prescribed on the type certificate or type acceptance certificate; or
- (6) where a person who is not the type certificate holder for a product intends to make a major modification to the product; or
- (7) where a person wishes to obtain a supplemental type certificate for any valid commercial purpose (for example, the applicant is party to a sale to a second party or requires such a certificate for acceptance by a foreign regulatory authority).