



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

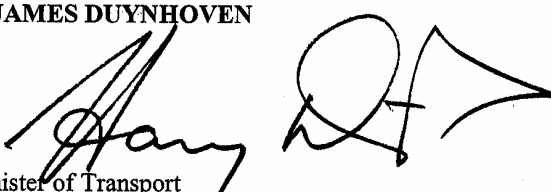
I, HARRY JAMES DUYNHOVEN, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *19th* day of *June* 2003

By **HARRY JAMES DUYNHOVEN**


Associate Minister of Transport

Civil Aviation Rules

Part 43, Amendment 4

General Maintenance Rules

Docket 99/CAR/1342

Contents

Amendment objective	3
Extent of consultation.....	3
Summary of comments.....	4
Examination of comments.....	4
Insertion of Amendments	4
Effective date of rule.....	4
Availability of rules.....	5

Part 43 Amendments

43.53 Performance of maintenance	6
--	---

Consultation details

Amendment objective

The objective of Amendment 4 to Part 43 is to insert a requirement for a person performing maintenance on an aircraft to ensure that the aircraft complies with the certification requirements for aircraft noise and engine emissions following such maintenance. This amendment is consequential to Amendment 6 to Part 21.

Extent of consultation

This Part 43 amendment is consequential to the proposed Part 21 changes that were published for comment in NPRM 99-2 dated 28 May 1999. The amendment to Part 43 was not identified until the draft final rules for Part 21 were being developed. The rule proposal contained in the NPRM had no requirement for maintenance engineers to check an aircraft for continued compliance with the aircraft noise and engine emission certification standards following maintenance.

In February 2002 ERMA was consulted to verify that the content of the rule had no issues requiring their consideration.

ERMA advised that the normal discharge of exhaust gas and small quantities of aviation fuel was excluded from the requirements of the Dangerous Goods Regulations and the Hazardous Substances and New Organisms Act.

Due to the 3 year delay between the publication of the NPRM and the completion of the draft final rule, members of the wider aviation community were sent copies of the draft final rule in September 2002 for further comment. The draft final rule circulated in September 2002 included this amendment to Part 43 that was not included in the original NPRM. Recipients of the draft final rule included the Royal New Zealand Aero Club Inc, the New Zealand Aviation Industry Association, the New Zealand Aircraft Owners Pilot Association, and the New Zealand Aviation Federation. These industry organisations were asked to comment on the changes made to the rule proposal since the publication of the NPRM. A period of 4 weeks was allocated for comment. These organisations were selected as they were likely to have members who may be new entrants into the aviation industry, and whose views may not have been available at the time of the NPRM publication.

A copy of the draft final rule was also made available on the CAA website in an effort to reach the wider aviation community and the general public. Notification that changes had been made to the original NPRM was similarly advised in the October 2002 issue of the Civil Aviation Rules Register Information Leaflet.

One comment was received in response to this notification which is summarised in the *Consultation details* covered in rule Amendment 6 to Part 21.

Summary of comments

This Amendment 4 to Part 43 was included in the rule package on Aircraft Noise and Engine Emission referred to Parliament's Regulations Review Committee. They noted the period of time that had elapsed between the publication of the NPRM and the finalisation of the draft final rule. Also noted was Amendment 4 to Part 43 that had not been included in the NPRM. In September 2002 the CAA circulated the draft final rule to those industry participants previously mentioned to address these comments.

No comments were received from industry relating to the proposed changes to Part 43 as a result of circulating the draft final rule to various organisations, placement on the CAA website and publication in the CARRIL.

The draft final rule was then presented to the Associate Minister of Transport for his signing.

Examination of comments

Comments 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 amendment to the rule in this Part is reflected by revoking the existing rule and inserting the amended rule.

Effective date of rule

Amendment 4 to Part 43 comes into force on 28 July 2003.

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 43 Amendments

Rule 43.53 is revoked and the following new rule is inserted:

43.53 Performance of maintenance

(a) A person performing maintenance on an aircraft or component must—

- (1) be familiar with the maintenance actions required for the continued airworthiness of that aircraft or component; and
- (2) use adequate housing and facilities for the necessary disassembly, proper inspection, and reassembly of the aircraft; and
- (3) use methods, techniques, and practices that—
 - (i) are prescribed in the current manufacturer's maintenance manual or Instructions for Continued Airworthiness; or
 - (ii) are acceptable to the Director; and
- (4) use materials, parts, and appliances in accordance with Part 21, Subpart K; and
- (5) use the tools, equipment, and test apparatus necessary to ensure completion of the work in accordance with paragraph (a)(3); and
- (6) use any special or test equipment recommended by the manufacturer, or equivalent equipment that ensures the equipment being tested is in operable condition; and
- (7) perform the maintenance so as to ensure that the aircraft or component meets all applicable airworthiness requirements; and
- (8) when performing maintenance specified in the Airworthiness Limitations section of a manufacturer's maintenance manual or Instructions for Continued Airworthiness, perform the maintenance in accordance with that section; and

- (9) when performing maintenance in accordance with a maintenance programme approved under Part 91 or accepted under Part 119—
 - (i) at the start of the maintenance programme, inspect the aircraft completely; and
 - (ii) after the initial inspection, conduct routine inspections and detailed inspections in accordance with the maintenance programme; and
 - (10) on completion of the maintenance, ensure that the condition of the aircraft or component is satisfactory for release to service and is at least equal to its original or properly modified condition with regard to—
 - (i) aerodynamic function; and
 - (ii) structural strength; and
 - (iii) resistance to vibration and deterioration; and
 - (iv) other qualities affecting airworthiness; and
 - (11) on completion of the maintenance, ensure that the aircraft or component is compliant with the applicable certification requirements for aircraft noise and engine emission.
- (b) Except as provided in paragraph (d), no person may perform maintenance on or release to service—
- (1) an aircraft engaged in air transport operations that has—
 - (i) a MCTOW of more than 5700 kg; or
 - (ii) a maximum certificated passenger seating configuration, excluding any required crew member seat, of 10 seats or more; or
 - (2) a component fitted or intended to be fitted to an aircraft referred to in paragraph (b)(1)—

except under the authority of, and in accordance with the provisions of, a maintenance organisation certificate issued under Part 145.

(c) Except as provided in paragraph (d), no person may perform any of the following kinds of maintenance on any aircraft or component, or release any aircraft or component to service, except under the authority of, and in accordance with the provisions of, a maintenance organisation certificate issued under Part 145 —

- (1) overhaul of a component:
- (2) maintenance on an aircraft or component where the relevant airworthiness data requires the use of a jig that is approved or certified by the manufacturer or that is approved by the Director:
- (3) maintenance on a component where the maintenance involves the disturbance of any part of the component that is supplied as a bench tested unit, except where—
 - (i) the disturbance is for the replacement or adjustment of a part normally replaceable or adjustable in service; and
 - (ii) subsequent functioning of the part disturbed can be demonstrated without the use of test apparatus that is additional to the test apparatus used for normal functioning checks:
- (4) maintenance on an aircraft engine where the maintenance involves—
 - (i) dismantling and assembly of a piston engine except where this is to obtain access to the piston or cylinder assembly; or
 - (ii) dismantling and assembly of any main casing or main rotating assembly of a turbine engine, except where this is for the replacement of a main casing or rotating assembly, and the maintenance manual for the engine provides instruction for the replacement, and the

removal from the engine is achieved solely by disconnecting the flanges of main casings; or

(iii) disturbance of reduction gear:

(5) aircraft propeller balancing other than in situ dynamic propeller balancing in accordance with the aircraft manufacturer's instructions:

(6) maintenance on a helicopter where the maintenance involves the dismantling of any transmission gearbox, except where this is for separation of casings to obtain access for the purpose of internal inspection in accordance with the helicopter manufacturer's instructions.

(d) Paragraphs (b) and (c) do not apply to an aircraft issued with a special category airworthiness certificate, or a microlight aircraft, glider, powered glider, or balloon.

Consultation details

(This statement does not form part of the rules contained in Part 43. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to Amendment 4 to Part 43 are contained in the consultation details of Amendment 6 to Part 21.