



**PURSUANT** to Sections 29 and 30 of the Civil Aviation Act 1990

**I, HARRY JAMES DUYNHOVEN**, Minister for Transport Safety,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This **20<sup>th</sup>** day of **November** 2007

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'H. J. Duynhoven', written over the printed name.

Minister for Transport Safety

**Civil Aviation Rules**

**Part 61, Amendment 8**

**Pilot Licences and ratings**

*Pilot Experience Levels*

*Docket 6/CAR/3*

## Contents

<b><i>Rule objective</i></b> .....	<b>3</b>
<b><i>Extent of consultation</i></b> .....	<b>3</b>
<b><i>Summary of submissions</i></b> .....	<b>4</b>
<b><i>Examination of submissions</i></b> .....	<b>4</b>
<b><i>Insertion of Amendments</i></b> .....	<b>4</b>
<b><i>Effective date of rule</i></b> .....	<b>4</b>
<b><i>Availability of rules</i></b> .....	<b>5</b>
<b><i>Part 61 Amendments</i></b> .....	<b>6</b>
<b><i>Subpart A — General</i></b> .....	<b>6</b>
61.29 Pilot logbooks – general requirements .....	6
61.31 Pilot logbooks – crediting flight time .....	9
<b><i>Consultation Details</i></b> .....	<b>12</b>
Comments arising from NPRM .....	12
Comments on NPRM 07-04 .....	12

## Rule objective

The objective of amendment 8 to Part 61 is to add pilot-in-command under supervision (PIC/US) as a function of a pilot to meet the requirements of amendments to rule 135.505. The rule also clarifies how PIC/US flight time is to be logged.

Amendment 8 to Part 61 is associated with the following amendments to other Parts:

- Amendment 17 to Part 135
- Amendment 10 to Part 119

## Extent of consultation

In 2006 the CAA published a Project Scope Statement on its website informing industry of the proposal to amend pilot experience levels required by Part 135 and inviting interested persons to contact the CAA.

A Project Working Group (PWG) consisting of CAA and industry representatives was formed to assist with technical aspects of the proposed rule amendments. The PWG was made up of representatives from general aviation (fixed wing and rotary operators), Aviation Industry Association, Aviation Community Advisory Group (ACAG), and technical experts from CAA.

The PWG met twice, as well as communicating via email and phone before concluding its work in mid 2006. The CAA continued to refine the draft rule proposals during 2006 and released the draft rules to a representative industry group for comment before they were published for public consultation.

A Notice of Proposed Rulemaking, NPRM 07-04, containing the proposed rule amendments to Parts 61, 119, and 135 was issued for public consultation under Docket 6/CAR/3 on 19 October 2006.

The publication of this NPRM was notified in the Gazette on 19 October 2006 and advertised in the daily newspapers in the five main provincial centres on 21 October 2006. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative

organisations who were considered likely to have an interest in the proposal.

A period of 41 days was allowed for comment on the proposed rule and this was extended upon industry request for a further 7 days.

## **Summary of submissions**

Nine written submissions were received on the NPRM including one submission questioning the restriction on crediting supervision of consolidation flight time or consolidation flight time towards the pilot-in-command requirements of an ATPL.

This submission has been considered by the assigned CAA technical staff. However, after careful consideration no amendments to the proposed rules have been made.

A summary of the submissions was published on the CAA's website on the 31 January 2007 and are referenced at the end of this document with complete details attached to amendment 17 to Part 135.

The rule was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

## **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 the revocation of existing rules and replacing with new rules.

## **Effective date of rule**

Amendment 8 to Part 61 comes into force on 20 December 2007.

## **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 61 Amendments

### Subpart A — General

*Rule 61.29 is revoked and replaced by the following new rule:*

#### **61.29 Pilot logbooks – general requirements**

(a) A student pilot and the holder of a pilot licence issued in accordance with this Part must maintain an accurate and up-to-date logbook containing—

- (1) the pilot's name, details of aircraft type ratings, and certifications, authorisations and ratings held; and
- (2) a record (including the details specified in paragraph (b)) for—
  - (i) every flight during which the pilot acted as a flight crew member of an aircraft; and
  - (ii) every simulated flight performed for the purpose of crediting time or completing currency requirements for a pilot licence or rating specified in this Part; and
- (3) a record of each flight test, flight review, competency demonstration and flight crew competency check, including—
  - (i) the purpose of the flight; and
  - (ii) the date of the flight; and
  - (iii) the expiry date of the flight test, flight review, competency demonstration or check; and
  - (iv) the name, client number, and signature of the person conducting the flight test, flight review, competency demonstration, or check.

(b) The following flight and instrument flight details must be recorded in the pilot's logbook:

- (1) the date of the flight:
- (2) for flight in an aircraft,—
  - (i) the aircraft category, type, and registration mark of the aircraft; and
  - (ii) the flight time; and
  - (iii) the simulated and actual instrument flight time; and
  - (iv) any type of training, including dual instruction and command practice; and
  - (v) if appropriate, the name of the flight instructor or safety pilot:
- (3) for flight in a synthetic flight trainer,—
  - (i) the details of the synthetic flight trainer; and
  - (ii) the instrument ground time; and
  - (iii) any other ground time:
- (4) the function of the pilot as any of the following:
  - (i) pilot-in-command (PIC):
  - (ii) pilot-in-command under supervision (PIC/US) but only to meet the requirements of rule 135.505:
  - (iii) co-pilot:
  - (iv) student:
- (5) the purpose of the flight, including the place of departure, any intermediate landing, and the place of arrival:
- (6) whether the flight was conducted during the day or night:

- (7) for a flight under IFR, the number and type of instrument approach procedures flown:
  - (8) for a training flight, details of the training exercise:
  - (9) for a flight in a glider, the method of launch for the flight:
  - (10) for a flight in a balloon, the method or type of inflation used for the flight.
- (c) The logbook required in paragraph (a) must—
- (1) be an approved bound book with the details entered in indelible ink; and
  - (2) list each flight record—
    - (i) as a separate entry; or
    - (ii) on a computer generated flight record inserted permanently into the logbook; or
    - (iii) for a series of flights on the same day, as a separate entry summarising the total flight time for the series of flights if the purpose of the flights, including the place of departure, any intermediate landing, and the place of arrival are the same; and
  - (3) be certified at the bottom of each page by the pilot to the effect that every entry is correct; and
  - (4) be retained permanently by the pilot licence holder, unless the pilot licence is revoked in accordance with the Act, in which case the log book must be retained for a period of at least 12 months from the date of revocation.
- (d) If a computer-generated report is inserted into a logbook under paragraph (c)(2)(ii), the pilot must make a written logbook entry summarising the total flight time of the flights listed in the report in respect of each function under paragraph (b).

(e) An incorrect entry in a logbook may be altered only by putting a line through the entry and by adding the correct information either beside the entry or on a new line.

(f) Before a pilot submits his or her logbook to the Director for any reason, the pilot must—

- (1) on each page, total each column of entries; and
- (2) in the spaces provided, enter his or her total flight experience; and
- (3) below the last entry, sign to certify the correctness of the entries.

(g) Every entry in a pilot's logbook must be made within 7 days after the completion of the flight to be recorded except in the case of flight on an international air transport operation, the entry must be made within 14 days of the flight. If a pilot is engaged in an operation away from the base where the logbook is normally kept, the entry in the logbook must be made within 48 hours after return to base.

***Rule 61.31 is revoked and replaced by the following new rule:***

### **61.31 Pilot logbooks – crediting flight time**

(a) The holder of a current pilot licence, when acting as co-pilot in an aircraft required to be operated with a co-pilot, is entitled to be credited with not more than 50% of the co-pilot flight time towards the total flight time experience required for an airline transport pilot licence.

(b) The holder of a commercial pilot licence or senior commercial pilot licence, when acting as co-pilot on an air transport operation in an aircraft required to be operated with a co-pilot, is entitled to be credited with command practice flight time experience for the flight time during which the co-pilot performs the duties and functions of a pilot-in-command under the supervision of a pilot-in-command designated for the purpose by the operator, but only if—

- (1) the co-pilot is responsible for checking the accuracy of the proposed flight plan and the load manifest for the flight, including the computation of fuel; and
  - (2) the co-pilot ensures that each crew member has carried out all the applicable checks during the following phases of the flight, and in accordance with the check system established by the operator in the operations manual or other relevant documents:
    - (i) before take-off;
    - (ii) on take-off;
    - (iii) in flight;
    - (iv) on landing;
    - (v) in any emergency; and
  - (3) during the flight the co-pilot carries out all the duties and functions of a pilot-in-command so far as is practical from the co-pilot flight station, except that for a flight of more than 6 hours the co-pilot does not need to carry out all the functions for the full duration of the flight; and
  - (4) in the case of operations conducted by automatic means, the co-pilot makes all decisions relating to the use of the flight and ground systems involved; and
  - (5) the co-pilot ensures that all problems arising from meteorological conditions, communications and air traffic control procedures are resolved; and
  - (6) the pilot-in-command designated to supervise the co-pilot has certified an appropriate entry in the co-pilot's logbook, or a permanent record of the flight has been made by the operator.
- (c) A pilot who manipulates the flight controls of an aircraft under actual or simulated instrument flight conditions solely by reference to instruments and without external reference points is entitled to be

credited with the instrument flight time acquired in this way towards the total instrument flight time experience required for—

- (1) a higher grade of pilot licence; or
  - (2) an instrument rating; or
  - (3) the recent experience requirement of an instrument rating already held.
- (d) A pilot-in-command, when supervising a co-pilot manipulating the flight controls of a multi-pilot aircraft under actual instrument meteorological conditions, is entitled to be credited with the instrument flight time.
- (e) A flight instructor, when supervising a pilot manipulating the flight controls of an aircraft under actual instrument meteorological conditions, is entitled to be credited with the instrument flight time.
- (f) A flight examiner is entitled to be credited with pilot-in-command flight time while carrying out a flight test.
- (g) A Category A or B flight instructor is entitled to be credited with pilot-in-command flight time while carrying out a commercial pilot licence cross country flight test.
- (h) A pilot may not credit instrument, cross country or night flight time, or any combination simultaneously for the purposes of meeting the experience requirement for a higher licence type or rating.
- (i) A pilot may not credit flight time recorded as pilot-in-command under supervision (PIC/US) towards the flight time experience requirements for an airline transport pilot licence.
- (j) A pilot who is designated as pilot-in-command for the purpose of rule 135.505(b)(3) to supervise a pilot undergoing consolidation of operating experience may not credit the pilot-in-command flight time towards the flight time experience requirements for an airline transport pilot licence if the supervision is carried out in a single-pilot aircraft under rule 135.505(c)(2).

## Consultation Details

*(This statement does not form part of the rules contained in Part 61. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 07-04 Part 135 Pilot Experience Levels, containing the proposed rules was issued for public consultation under Docket 6/CAR/3 on 19 October 2006.

The purpose of NPRM 07-04 was to put forward for consultation amendments to Part 135, Air Operations – Helicopters and Small Aeroplanes, along with associated changes to Parts 61 and 119 relating to pilot experience levels for operations under Part 135.

The proposed rule amendments to Part 135 were to raise the minimum flight time experience for pilots conducting air operations under Instrument Flight Rules (IFR) and clarify the requirements for consolidation flight time on different make and models of aircraft. The proposed amendments provide a graduated scale for Part 135 pilot experience requirements according to the complexity of the operation.

The proposed rule amendments to Part 61 were to add pilot-in-command under supervision (PIC/US) as a function of a pilot to meet the requirements of amendments to rule 135.505. The proposed rules also clarify how PIC/US flight time is to be logged.

The proposed rule amendments to Part 119 were to increase the minimum qualifications and experience requirements for the senior person responsible for air operations under Part 135 proportionally to the proposed increases for pilots operating under Part 135.

### Comments arising from NPRM

Nine responses to the NPRM were received, mostly in relation to the Part 135 and Part 119 changes.

### Comments on NPRM 07-04

NPRM 07-04 was issued for public comment on 19 October 2006, with submissions closing on 1 December 2006. At the request of several submitters this date was extended by 7 days to 8 December 2006. Submissions were received from a number of General Aviation operators and Aviation Industry Association.

The detailed summary of consultation details relating to NPRM 07-04 is contained in the consultation details of amendment 17 to Part 135. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road, Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone +64 4 560 9603 and ask for docket 6/CAR/3.