



**PURSUANT** to Sections 28, 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 *First* day of *April* 2008

by **HARRY JAMES DUYNHOVEN**

Minister for Transport Safety

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', written over the printed name and title.

**Civil Aviation Rules**

**Part 61, Amendment 9**

**Pilot Licences and Ratings**

*Recreational Pilot Licence– Docket 7/CAR/2*

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## Rule objective

The objective of amendment 9 to Part 61 is to introduce new rule requirements for a new pilot licence type, the Recreational Pilot Licence (RPL). The new rules prescribe the eligibility requirements, privileges and limitations, currency requirements, and medical requirements, through amendments to Civil Aviation Rule (CAR) Part 61.

## Extent of consultation

In 2001, after industry consultation, the CAA and groups within the aviation community agreed to develop the Recreational Pilot Licence (RPL) concept as a “licence” under Part 61.

The RPL was considered in the context of a review of Rule Part 61 which commenced in 2000. Difficulties were encountered with the review and a separate rulemaking project dealing only with the proposed RPL was undertaken in 2003/2004.

The 2003/2004 rulemaking project did not reach a conclusion, the main point of contention being the medical certification system for the proposed RPL. In 2005, a policy proposal was developed dealing with the medical issue. That proposal favoured development of a new class 4 medical standard to be administered by the CAA through the existing aviation medical certification system established under Part 2A of the Civil Aviation Act. That proposal was favoured in part because of concerns over the legal validity of a system operating outside of the provisions of Part 2A of the Act.

Consultation with the aviation community generated a strong preference for a system based on a driver licence medical standard - administered by General Practitioners (GPs).

The CAA completed its policy development for the RPL in 2006. It was then decided that the RPL should be incorporated into the Part 61 Stage II rule project which involves a complete review of Part 61. However, the Part 61 Stage II project struck unexpected delays. Given that the policy and technical development was complete for the RPL, the CAA decided to remove the RPL amendments from the Part 61 Stage II

project and continue them as a subproject to allow the earlier consultation and implementation of the rule amendments for the RPL.

A Notice of Proposed Rulemaking, NPRM 07-08, containing the proposed introduction of the RPL to Part 61 was issued for public consultation under Docket 7/CAR/2 on 28<sup>th</sup> of August 2007.

The publication of this NPRM was notified in the Gazette on 30<sup>th</sup> August 2007 and advertised in the daily newspapers in the five main provincial centres on 1<sup>st</sup> September 2007. 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 25 days was allowed for comment on the proposed rule.

## **Summary of submissions**

Eighty-four written submissions were received concerning NPRM 07-08. These submissions and comments have been considered and as a result no changes other than minor editorial changes were made.

As a result of further internal CAA review amendments were also made to the rules proposed in NRPM 07-08. Rule 61.3 will now remain reserved, and a definition of medical certificate as referred to in rules 61.35(b)(1), 61.35(d), and Subpart H of Part 61, will be included in Subpart H as rule 61.353. As a result, rule numbering was also changed in Subpart H from the proposed rules in NPRM 07-08.

The amendments made as a result of further internal CAA review were made for the purposes of clarification and drafting style and therefore no further consultation was needed.

The rule as amended 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, and the insertion of new Subpart H.

## **Effective date of rule**

Amendment 9 to Part 61 comes into force on 8 May 2008.

## **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 - Pilot Licences and Ratings

### Subpart A — General

*Rule 61.7 is revoked and replaced by the following new rule:*

#### **61.7 Pilot licences and ratings**

(a) The following pilot licence types, ratings and permits are issued by the Director under section 9 of the Act in accordance with the applicable requirements of this Part:

- |   |  |
|---|--|
| (1) recreational pilot licence                          | - Aeroplane  |
| (2) private pilot licence                               | - Aeroplane:<br>- Glider:<br>- Helicopter:               |
| (3) commercial pilot licence                            | - Aeroplane:<br>- Balloon:<br>- Glider:<br>- Helicopter: |
| (4) airline transport pilot licence                     | - Aeroplane:<br>- Helicopter:                            |
| (5) instrument rating                                   | - Aeroplane:<br>- Helicopter:                            |
| (6) flight instructor rating category A, B, C, D, and E | - Aeroplane:<br>- Helicopter:                            |
| (7) flight examiner rating                              | - Airline:   |

- General aviation:

(8) validation permit.

(b) The following ratings are issued under this Part in accordance with the applicable requirements of this Part:

(1) aircraft type rating:

(2) aerobatic flight rating:

(3) glider tow rating:

(4) parachute drop rating:

(5) agricultural rating Grade 1 and 2 - Aeroplane:

- Helicopter:

(6) pilot chemical rating.

***Rule 61.35 is revoked and replaced by the following new rule:***

**61.35 Medical requirement**

(a) Except as required in paragraph (b), a person who holds a pilot licence issued in accordance with this Part must not exercise the privileges of the licence, unless—

(1) the person—

(i) in the case of a private pilot licence, holds at least a current class 2 medical certificate issued under the Act; and

(ii) in the case of a commercial or senior commercial pilot licence and an airline transport pilot licence, holds a current class 1 medical certificate issued under the Act; and

(iii) is complying with all the conditions, restrictions and endorsements on the medical certificate; or

- (2) if the person has been issued a private pilot licence by the Director in accordance with rule 61.153(b) on the basis of a foreign pilot licence, the person—
- (i) holds a medical certificate applying to the foreign pilot licence that the Director relied on to issue the private pilot licence and the medical certificate applying to that foreign pilot licence has not expired; and
  - (ii) is complying with all the conditions, restrictions, and endorsements on the medical certificate.
- (b) A person who holds a recreational pilot licence issued in accordance with this Part must not exercise the privileges of the licence unless—
- (1) the person holds a medical certificate, issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement; and
    - (i) was issued within the previous 5 years; or
    - (ii) if the person is 40 years of age or older, was issued within the previous 24 months; and
  - (2) the person complies with every condition, restriction and endorsement on the medical certificate.
- (c) A person who holds a validation permit for a foreign pilot licence must not exercise the privileges of that permit unless the person—
- (1) holds a current medical certificate that is associated with the foreign pilot licence for which the validation permit is issued; and
  - (2) is complying with all the conditions, restrictions and endorsements on the medical certificate.

(d) A person who is required under paragraph (b), or under rule 61.355(a)(2), to hold a medical certificate issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999 must provide the Director with a copy of the medical certificate within 7 days of the date of issue.

***Rule 61.37 is revoked and replaced by the following new rule:***

### **61.37 Recent flight experience**

(a) **Airline transport pilot:** A person who holds an airline transport pilot licence must not act as pilot-in-command of an aircraft on an air operation that requires the pilot-in-command to hold an airline transport pilot licence unless, within the immediately preceding 90 days,—

- (1) the person has carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings; or
- (2) the person has satisfactorily demonstrated to an appropriately authorised flight examiner continued competency in an aircraft of the same type; or
- (3) the person has demonstrated to an appropriately qualified flight instructor competence in take-off and landing manoeuvres during the day in an aircraft of the same type; but
- (4) one of the landings required by subparagraph (1) or (3) may be a monitored landing using the automatic landing facility of the autopilot.

**(b) Senior commercial pilot, commercial pilot, private pilot, recreational pilot – day flight:** A person who holds a senior commercial pilot licence or a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation during the day, and a person who holds a senior commercial pilot licence or a commercial pilot licence or a private pilot licence or a recreational pilot licence (aeroplane) must not act as pilot-in-command of an aircraft carrying a passenger during the day, unless (subject to paragraph (g)), within the immediately preceding 90 days,—

- (1) the person has carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings during the day; or
- (2) the person has satisfactorily demonstrated to an appropriately qualified Category A or B flight instructor competence in take-off and landing manoeuvres during the day in an aircraft of the same type; or
- (3) the person has satisfactorily demonstrated competence for the issue of the appropriate pilot licence in accordance with this Part, in an aircraft of the same type.

**(c) Senior commercial pilot, commercial pilot, private pilot – night flight:** A person who holds a senior commercial pilot licence or a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation at night, and a person who holds a senior commercial pilot licence or a commercial pilot licence or a private pilot licence must not act as pilot-in-command of an aircraft carrying a passenger at night, unless (subject to paragraph (g)), within the immediately preceding 90 days,—

- (1) the person has carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings during the night; or
- (2) the person has satisfactorily demonstrated to an appropriately qualified Category A or B flight instructor competence in take-off and landing manoeuvres during the night in an aircraft of the same type.

- (d) To comply with paragraphs (a)(1), (b)(1), or (c)(1), a helicopter pilot must fly transition circuits between the required take-offs and landings.
- (e) To comply with paragraph (b)(1), a balloon pilot must ascend to at least 500 feet between the required lift offs and landings.
- (f) To comply with paragraph (b)(1), a glider pilot must perform 3 launches of the appropriate type.
- (g) For the purposes of accumulating the 3 take-offs and 3 landings required in paragraphs (b)(1) and (c)(1), the holder of a current Category A flight instructor rating may count take-offs and landings whether during the day or night.
- (h) A flight instructor must meet the recent flight experience requirements during the day or night, as appropriate, before giving flight instruction.
- (i) If the holder of a pilot licence issued in accordance with this Part has not met the requirements of rule 61.39 for a period of 5 years or more, the privileges of that pilot licence may not be exercised again unless,—
- (1) the holder of the pilot licence passes an approved air law examination and meets the appropriate currency requirements of the licence (except if the holder has a current pilot licence for a different category of aircraft and meets the requirements of rule 61.39(a) for that category); or
  - (2) in the case of an airline transport pilot licence, the holder of the pilot licence completes the appropriate operational competency checks required in Part 119, and Part 121 or 125.

***Rule 61.41 is revoked and replaced by the following new rule:***

**61.41 Use of lower pilot licence or rating**

- (a) The holder of an airline transport pilot licence, a commercial pilot licence, or a senior commercial pilot licence issued in accordance with this Part who does not hold a current class 1 medical certificate issued under the Act but who holds a current class 2 medical certificate issued

under the Act may exercise the privileges of a private pilot licence if the pilot meets the currency requirements for the private pilot licence type.

(b) The holder of a pilot licence issued in accordance with this Part who does not meet the currency requirements of rule 61.207 or rule 61.257 for the pilot licence type, but who meets the currency requirements for a lower pilot licence, may exercise the privileges of the lower pilot licence.

*Subpart H, currently reserved, is revoked and replaced by the following new subpart:*

## **Subpart H Recreational Pilot Licence**

### **61.351 Purpose**

This Subpart prescribes the requirements for the issue of a recreational pilot licence (aeroplane) and the privileges, limitations, and currency requirements of the pilot licence.

### **61.353 Definitions**

**Medical Certificate**, in this Subpart and as referred to in rules 61.35(b) and (d) is not recognised as a medical certificate by the Director under the rules for the purpose of Part 2A of the Act.

### **61.355 Eligibility requirements**

(a) Except as provided for in paragraph (b), to be eligible for the issue of a recreational pilot licence (aeroplane) a person must—

- (1) be at least 17 years; and
- (2) hold a medical certificate, issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement; and
  - (i) was issued within the previous 5 years; or
  - (ii) if the person is 40 years of age or older, was issued within the previous 24 months; and

- (3) have a minimum of 50 hours flight time training and experience as a pilot in aeroplanes comprising solo flight time, dual flight time, instrument time, and cross-country flight time, acceptable to the Director; and
  - (4) have a valid written examination credit, or approved equivalent, that covers the following 6 private pilot licence subjects areas:
    - (i) PPL Flight Radiotelephony:
    - (ii) PPL Air Law:
    - (iii) PPL Air Navigation and Flight Planning:
    - (iv) PPL Meteorology:
    - (v) PPL Human Factors:
    - (vi) PPL Aircraft Technical Knowledge (Aeroplane); and
  - (5) have completed terrain awareness training that is acceptable to the Director; and
  - (6) have passed a flight test for the issue for a private pilot licence in accordance with rule 61.153(a)(7).
- (b) A person who holds a valid private pilot licence (aeroplane), commercial pilot licence (aeroplane), senior commercial pilot licence (aeroplane), or an airline transport pilot licence (aeroplane), issued under this Part is eligible for the issue of a recreational pilot licence (aeroplane) if the person—
- (1) holds a medical certificate as required by paragraph (a)(2); and
  - (2) if the person has not met the requirements of rule 61.39 for a period of 5 years or more, has passed the written examination for PPL air law as required by paragraph (a)(4)(ii).

**61.357 Privileges and limitations**

(a) Subject to paragraph (b), the holder of a current recreational pilot licence (aeroplane) may—

- (1) act as pilot-in-command of a single engine non-pressurised aeroplane with a MCTOW of 2000kg or less, for which the pilot holds an aircraft type rating; and
- (2) carry a passenger in the aeroplane, provided the passenger has been informed that the pilot does not hold a medical certificate issued under the Act.

(b) The holder of a recreational pilot licence (aeroplane) must not act as pilot-in-command or as co-pilot of an aircraft—

- (1) operating outside New Zealand; or
- (2) for remuneration; or
- (3) if the aircraft is being operated for hire or reward or for conducting an air operation; or
- (4) carrying more than one passenger; or
- (5) if the aircraft is—
  - (i) being operated at night; or
  - (ii) being operated under instrument flight rules; or
  - (iii) being operated into or out of a controlled aerodrome unless the licence holder has provided the Director with evidence of a successful colour vision screening test that is acceptable to the Director; or
  - (iv) being operated over a congested area of a city or town, except for the purpose of take-off and landing; or
  - (v) conducting a glider tow operation; or
  - (vi) conducting a parachute drop operation; or

- (vii) conducting an agricultural aircraft operation; or
- (viii) performing an aerobatic flight; or
- (ix) conducting a banner tow operation; or
- (x) conducting a drogue tow operation.

### **61.359 Changes in medical condition of RPL holder**

If a holder of a recreational pilot licence (aeroplane) is aware of, or has reasonable grounds to suspect, any change in his or her medical condition or the existence of any previously undetected medical condition that may interfere with the safe exercise of the privileges of the licence, the licence holder must not exercise the privileges of the licence unless a medical practitioner confirms the licence holder is fit to hold a medical certificate referred to in rule 61.355(a)(2).

### **61.361 Currency requirements**

A holder of a recreational pilot licence (aeroplane) must comply with the requirements of rules 61.35 (Medical requirements), 61.37 (Recent flight experience) and 61.39 (Biennial flight review) before exercising the privileges of the holder's recreational pilot licence.

## 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 07-08 Recreational Pilot Licence, containing the proposed rules was issued for public consultation under Docket 7/CAR/2 on the 28<sup>th</sup> of August 2007.

The purpose of NPRM 07-08 was to:

- Introduce new rule requirements for a new pilot licence type, the Recreational Pilot Licence (RPL). The new rules prescribe the eligibility requirements, privileges and limitations, currency requirements, and medical requirements, through amendments to Civil Aviation Rule (CAR) Part 61.

A copy of the NPRM was sent to:

- Members of the Project Working Group (PWG)
- Aviation Community Advisory Group (ACAG) members
- Ministry of Transport
- The relevant CAA technical specialists
- The NPRM was also published on the CAA website

### Comments arising from NPRM

A total of 84 submissions were received. Of these, 7 submissions were from organisations, and 77 from individuals. The CAA has worked through these submissions and as a result has amended the rules where appropriate.

The structure of some rules has been amended and editorial changes have been made to provide clarity and, in some cases, to maintain consistency in the terminology used.

### Summary of Submissions

The vast majority of submissions supported the rule proposals without change. However, there were some issues raised. These have been grouped into general subjects and discussed in full below.

### **RPL for Helicopter and Balloon Pilots**

Five submissions were received regarding the decision to limit the RPL to aeroplanes only. The submitters questioned this decision and asked that the CAA expand the RPL to include helicopters and balloons.

#### ***CAA Response***

*In light of these submissions, the CAA has reviewed the proposal and believes there may be scope for a RPL (helicopter or balloon) in the future, but due to the significant differences between aeroplanes, helicopters, and balloons, considerable work would need to be done to establish the privileges and limitations of such licenses. This extra work would severely delay the delivery of the existing proposal which has received overwhelming support from industry. The CAA have therefore decided to exclude the introduction of a RPL (helicopter or balloon) until resources and time can be devoted to the safety analysis of such licenses and also allow the CAA time to review the introduction of the RPL (airplane).*

*The CAA has formally raised the introduction of a RPL (helicopter or balloon) as a rule development issue for consideration.*

### **Review of Glider Towing Restriction for RPL Holders**

Eight submissions were received regarding the restriction not allowing RPL holders to tow gliders. The submitters argued that glider tow pilots are well trained to handle emergencies and that there is minimum safety risk as glider tow aircraft usually have just the pilot on board. Several submitters suggested that pilots applying for a RPL who hold a Private Pilot Licence (PPL) and glider tow rating be allowed to continue this activity using a RPL. Applicants for a RPL who have not previously held a PPL and glider tow rating would not be eligible to exercise the privileges of a glider tow rating while using a RPL.

#### ***CAA Response***

*In light of these submissions, the CAA has reviewed the proposal and has decided to keep the restriction for glider towing as part of the RPL proposal. The CAA believes there should be a clear distinction between recreational flying and those operations that are commercial in nature or where the pilot has the ability to be compensated for their services. The rules already allow a dispensation for glider tow operations by allowing PPL holder to conduct such flights. There is also an increased*

*safety risk while towing gliders during the takeoff stage of flight. The CAA believes these risks are reduced by maintaining the class 2 medical as the minimum medical standard for pilots conducting these flights.*

### **Review of Aerobic Restriction for RPL Holders**

Eight submissions were received regarding the restriction not allowing RPL holders to conduct aerobic flight. The submitters argued that RPL holders should be allowed to conduct aerobic manoeuvres restricted to 3000ft above the surface. Some submitters also suggested that aerobics be restricted to solo operations for RPL holders. Submitters pointed out that RPL aerobic pilots would still be bound by Rules 91.701(a) and (b) restricting where aerobic flight can occur and at what altitudes.

### **CAA Response**

*In light of these submissions, the CAA has reviewed the proposal and believes there may be scope for limited aerobic flight that is bound by the operating rules of Part 91 for RPL holders. However, the CAA would need to do a full safety analysis of the risk factors associated with allowing RPL holders with alternative medical certificates to conduct aerobic maneuvers. This extra work would severely delay the delivery of the existing proposal which has received overwhelming support from industry. The CAA have therefore decided to keep the restriction on aerobic maneuvers until resources and time can be devoted to the safety analysis of such flights and also allow the CAA time to review the introduction of the RPL (aeroplane).*

*The CAA has formally raised the introduction of aerobic privileges as a rule development issue for consideration.*

### **Review of Passenger Restriction for RPL Holders**

Seven submissions were received regarding the restriction not allowing RPL holders to carry more than one passenger. The submitters used the UK as an example where pilots with limited medicals are allowed to carry up to 3 passengers. Some submitters argued that the Land Transport New Zealand medical certificate allowed the holder to drive 40 seat passenger vehicles yet the CAA were restricting them to only one passenger using the same medical.

**CAA Response**

*In light of these submissions, the CAA has reviewed the proposal and believes the restriction for no more than one passenger should remain. The risk to safety of carrying more passengers would be greatly increased in the event of an accident caused by pilot medical complications. The CAA now measures their safety targets using social cost. The numbers of occupants in an aircraft involved in an accident or occurrence greatly increase the risk profile or social cost. In order to evaluate raising the restriction on the number of passengers RPL holders can carry, a full cost benefit analysis would have to be completed prior to making a decision. The CAA believes that the time and cost of such an analysis would be prohibitive to the development of this project at this late stage. The RPL has a lower medical standard than other aviation licences and therefore the privileges should reflect this.*

**Review of Restriction on Pressurised Aircraft**

Three submissions were received regarding the restriction not allowing RPL holders to fly pressurised aircraft. The submitters argued that the complexity of pressurised aircraft is in many cases only marginally higher than non pressurised aircraft and many pilots would simply fly their pressurised aircraft unpressurised. The submitters believe there is no increased safety risk by allowing RPL holders to flying pressurised aircraft. One submitter also point out that RPL pilots could fly using portable oxygen but would be restricted from flying at those same altitudes in a pressurised aircraft. The submitter believes there are more risks involved with using portable oxygen than those associated with pressurised aircraft.

**CAA Response**

*In light of these submissions, the CAA has reviewed the proposal and has decided to keep the restriction concerning flight in pressurized aircraft. During the development of this proposal it was decided to limit the RPL to non-high-performance aircraft. The CAA considers pressurized aircraft as high-performance aircraft.*

**Concerns about new Medical Standards**

Two submissions were received regarding the suitability of a Land Transport New Zealand medical certificate for the RPL. Both

submissions believe that any new medical standard should be tailored more to consider aviation medical concerns and that the CAA should develop a questionnaire to help assist medical practitioners when examining an applicant for a Land Transport New Zealand medical certificate that will be used for aviation purposes. One submitter believes the CAA are “washing their hands of the medical aspects” of the RPL by only requiring evidence of a Land Transport New Zealand medical certificate, rather than being involved in the assessment.

### **CAA Response**

*In light of these submissions, the CAA has reviewed the proposal and stands by its decision to use the Land Transport New Zealand medical certificate as a standalone certificate without extra requirements placed on it by the CAA. Most applicants applying for the Land Transport New Zealand medical certificate will utilize their regular GP who should be familiar with their medical history and applicants should be free to discuss the use of the medical with their GP. However, the CAA does not believe applicants should be forced to declare that the medical certificate will be used for aviation purposes as the GP should assess the applicant against the established standards without bias. The CAA has determined that the Land Transport New Zealand medical certificate is the acceptable standard of medical for the proposed RPL.*

### **Review of Restriction on Flight over Congested areas**

One submission was received regarding the restriction not allowing RPL holders to fly over congested areas (except for the purpose of take-off and landing). The submitter suggested that RPL pilots should be allowed to fly over congested areas if they are accompanied by another suitably qualified pilot who is able to take control of the aircraft in the event of sudden incapacitation. The submitter argued that similar arrangements are already approved for commercial pilots operating two pilot aircraft.

### **CAA Response**

*In light of these submissions, the CAA has reviewed the proposal and will keep the restriction concerning flight over a congested area. RPL holders will be free to fly with pilots whose licence allows them to fly over congested areas (as long as that pilot is designated Pilot-in-command (PIC)), or to act as PIC over congested areas when accompanied by an appropriately qualified instructor during dual flight.*

*The restriction over congested areas for RPL holders was included within the proposal to reflect the increased risk associated with the alternative medical standard.*

### **Possible Altitude Restriction for RPL Holders**

One submission was received suggesting RPL holders have a restriction on what altitude they can operate to. No explanation for this suggestion was given.

### **CAA Response**

*In light of this submission, the CAA has reviewed the proposal and will not impose an altitude restriction for RPL holders as this would prove difficult to enforce.*

### **Clarification on the Restriction of Aerobatic Flight**

One submitter noted that in section 3.2 of NPRM 07-08 the CAA refers to RPL holders not being eligible for aerobatic ratings, while the proposed rule (61.355(b)(viii)) refers to restrictions on performing an aerobatic flight. The submitter pointed out that pilots can still perform aerobatics above 3000ft above ground level without an aerobatic rating when authorised by an appropriately qualified instructor. The submitter believes there should be a total restriction on aerobatic flight for RPL holders but would like clarification from the CAA concerning this matter.

### **CAA Response**

*The restriction for RPL holders for aerobatic flight includes all aerobatic maneuvers. The CAA acknowledges that section 3.2 of NPRM 07-08 should read “aerobatic flight” and not be limited to just “aerobatic ratings”. For further information concerning the restriction on aerobatic flight for RPL holders please refer to response to submissions concerning restriction on aerobatic flight.*

### **Changes to Proposed Rule as a Result of Submissions**

Nil other than minor editorial changes to the rule proposal.