



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990

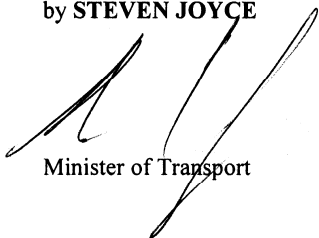
I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *17th* day of *February* 2010

by **STEVEN JOYCE**

A handwritten signature in black ink, appearing to be 'S. Joyce', is written over the printed name 'STEVEN JOYCE'. The signature is fluid and cursive, with a long, sweeping tail that extends downwards and to the right.

Minister of Transport

Civil Aviation Rules

Part 77, Amendment 3

Objects and Activities Affecting Navigable Airspace

Docket 9/CAR/1

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Rule objective

The objective of amendment 3 to Part 77 is to make minor editorial and minor technical changes to facilitate clearer interpretation of the rule, including the deletion of obsolete definitions.

Amendment 3 to Part 77 is constituent to NPRM 09-03 which contains amendments to the following Parts:

Part 1	Part 95	Part 140
Part 12	Part 105	Part 145
Part 19	Part 106	Part 148
Part 26	Part 119	Part 172
Part 43	Part 121	Part 173
Part 65	Part 125	Part 175
Part 77	Part 129	
Part 91	Part 135	
Part 93	Part 139	

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 09-03, containing the proposed changes to Part 77 and changes to other rules was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

The publication of this NPRM was notified in the Gazette on 31 July 2009 and advertised in the daily newspapers in the five main provincial centres on 31 July 2009. The NPRM was published on the CAA web site on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

Summary of submissions

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 77, and consequently no changes were made to the proposed amendments.

The rule was then referred to the Minister of Transport for signing.

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 2 existing rules and the insertion of a new rule.

Effective date of rule

Amendment 3 to Part 77 comes into force on 25 March 2010.

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 77 Amendments

77.3 Definitions

The definition of Aerodrome is revoked:

The definition of High power transmitter is revoked:

The definition of Visual Flight Guide is revoked:

Rule 77.25 is revoked and replaced by the following rule:

77.25 Determination effective dates and periods

- (a) A determination regarding a proposed—
- (1) construction, alteration, or use of a structure notified under rule 77.13(a) becomes final 28 days after the date the determination is made under rule 77.21(a), unless a petition for review is received by the Director in accordance with rule 77.27(b); and
 - (2) use of lights, lasers, weapons, or pyrotechnics notified under rule 77.13(a) becomes final 65 days before the date of commencement of use indicated to the Director on form CAA 24077/01, unless a petition for review is received by the Director in accordance with rule 77.27(b); and
 - (3) use of lights, lasers, weapons, or pyrotechnics notified under rule 77.13(c) becomes final 4 days before the date of commencement of use indicated to the Director on form CAA 24077/01, unless a petition for review is received by the Director in accordance with rule 77.27(b).
- (b) Unless reviewed or extended under rule 77.29, a final determination of no hazard in navigable airspace made under this Part—
- (1) in respect of construction, alteration, or use of a structure, expires 18 months after the determination becomes final, or on the date the proposed construction, alteration, or use is abandoned, whichever is earlier; and

- (2) in respect of use of lights, lasers, weapons, or pyrotechnics, expires upon completion of use as indicated to the Director on form CAA 24077/01, or on the date the proposed use is abandoned, whichever is earlier.
- (c) A determination of hazard that has become final—
- (1) under rule 77.25(a)(1) or rule 77.27(f)(2), regarding construction, alteration, or use of a structure, does not expire but may be revoked, in writing, by the Director; and
 - (2) under rule 77.25(a)(2) or rule 77.27(f)(2), regarding use of lights, lasers, weapons, or pyrotechnics, expires upon completion of use as indicated on form CAA 24077/01 or the day after the date of use granted by way of extension by the Director.

Consultation Details

(This statement does not form part of the rules contained in Part 77. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 09-03 Omnibus 2009, containing the proposed rule amendments for Part 77, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). However, no submissions were received relating to Part 77.

The purpose of NPRM 09-03 was to make minor editorial and minor technical amendments to various Parts of the Civil Aviation Rules (CAR). The proposed amendments included the correction of spelling and grammatical errors, the updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations, and the revocation of specific transitional arrangements.