



**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 *19<sup>th</sup>* day of *June* 2003

by **HARRY JAMES DUYNHOVEN**

Associate Minister of Transport

**Civil Aviation Rules**

**Part 91, Amendment 8**

**General Operating and Flight Rules**

*Docket 99/CAR/1342*

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### **Consultation details**

**Amendment objective**

The objective of Amendment 8 to Part 91 is to prescribe limitations on the operation of aircraft in New Zealand regarding aircraft noise and engine emissions.

**Extent of consultation**

This Amendment 8 to Part 91, together with Amendment 6 to Part 21 is the result of informal consultation completed in 1998 that included an informal draft rule proposal and covering letter. The informal draft was presented to 30 industry members for comment. Five written responses were received and incorporated into the Notice of Proposed Rulemaking (NPRM).

NPRM 99-2, containing the proposed rule amendment was issued for public consultation under Docket 99/CAR/1342 on 28 May 1999.

The publication of this NPRM was notified in the Gazette on 3 June 1999 and advertised in the daily newspapers in the five main provincial centres on 29 May 1999. The NPRM was also 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 28 days was provided for comment on the proposed rule.

Three comments were received in response to the NPRM publication.

Following the formal consultation process carried out in 1999 an additional requirement for foreign registered aircraft to carry written evidence of compliance was added. This requirement is contained in rule 91.111.

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 also included an 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 Amendment 6 to Part 21.

### **Summary of comments**

Of the three NPRM responses received, one response queried whether the rule will apply to individual aircraft or aircraft types, the use of flight manuals to include evidence of compliance, and the use of aircraft serial numbers when issuing noise and emission certificates.

The second response queried why FAR Parts 34 and 36 had not been incorporated *in toto*.

The third response received related to the consultative process carried out in developing the NPRM.

The rule as amended was then referred to Parliament's Regulations Review Committee who 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 the amendment 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.

One comment was received from industry following the circulation of the draft final rule. That comment related to the speed limitation that prevents the creation of a sonic boom over territorial New Zealand.

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 amendments to the rules in this Part are reflected by: —

1. the revocation of existing rules and insertion of the amended rules; and
2. the insertion of the new rules.

### **Effective date of rule**

Amendment 8 to Part 91 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 91 Amendments

*Rule 91.111 is revoked and the following new rule is inserted:*

### **91.111 Documents to be carried**

No person may operate an aircraft unless the following documents are carried in the aircraft:

- (1) except where 91.101(c) applies, the current airworthiness certificate or a certified copy of the current airworthiness certificate;
- (2) the aircraft flight manual;
- (3) for New Zealand registered aircraft, the technical log required under 91.629, unless the aircraft is operating under an air operator certificate from a fixed base and an alternative means acceptable to the Director is used to inform the pilot of the maintenance status of the aircraft;
- (4) the certificate of registration, or a certified copy of the certificate of registration, for—
  - (i) New Zealand registered aircraft operating outside New Zealand; and
  - (ii) foreign registered aircraft when operating within New Zealand; and
- (5) for foreign registered aircraft operating within New Zealand, written evidence that the aircraft complies with the requirements of 91.803(a)(2) and 91.807(2).

*Rule 91.801 is revoked and the following new rule is inserted:*

### **91.801 Purpose**

This Subpart prescribes limitations on the operation of civil aircraft in New Zealand in respect to aircraft noise and engine emission.

*Rule 91.803 is revoked and the following new rule is inserted:*

**91.803 Aircraft noise level compliance**

(a) No person may operate an aircraft to or from an aerodrome within New Zealand after 28 July 2003, unless —

- (1) for New Zealand registered aircraft, the Director is satisfied that the aircraft complies with the applicable aircraft noise standards specified in Appendix C to Part 21; and
- (2) for foreign registered aircraft, that aircraft is certificated or validated by the State of Registry to comply with standards that are equivalent to the applicable aircraft noise standards specified in ICAO Annex 16, Volume I.

(b) Notwithstanding paragraph (a), a person may not operate a subsonic turbojet or turbofan powered aeroplane to or from an aerodrome within New Zealand unless that aeroplane is certificated to comply with noise standards that are at least equal to the aircraft noise standards specified in ICAO Annex 16, Volume I, Chapter 3.

***Rule 91.805 is revoked and the following new rule is inserted:***

**91.805 Aircraft sonic boom**

(a) No person may operate an aircraft at a Mach number greater than 0.92 unless approved by the Director and in compliance with any conditions and limitations specified in the approval.

(b) No person may operate an aircraft that has a maximum operating speed in excess of a Mach number of 0.92 within the territorial limits of New Zealand unless the information that is available to the pilot-in-command includes flight limitations to ensure that flights entering or leaving New Zealand do not cause a sonic boom to reach the surface within New Zealand.

(c) A pilot-in-command of an aircraft that has a maximum operating speed in excess of a Mach number of 0.92 must comply with the flight limitations required under paragraph (b).

***The following new rule is inserted after Rule 91.805:***

**91.807 Engine emission compliance**

No person may operate a turbojet or turbofan powered aircraft to or from an aerodrome within New Zealand after 28 July 2003, unless —

- (1) for New Zealand registered aircraft, the Director is satisfied that the aircraft complies with the applicable aircraft engine emission standards specified in Appendix C to Part 21; and
- (2) for foreign registered aircraft, that aircraft is certificated or validated by the State of Registry to comply with standards that are equivalent to the applicable aircraft engine emission standards specified in ICAO Annex 16, Volume II.

## **Consultation details**

(This statement does not form part of the rules contained in Part 91. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to Amendment 8 to Part 91 are contained in the consultation details of Amendment 6 to Part 21.