



**PURSUANT** to Section 28 of the Civil Aviation Act 1990

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

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *10<sup>th</sup>* day of *April* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry Duynhoven', written over a horizontal line.

Minister for Transport Safety

**Civil Aviation Rules**

**Part 91, Amendment 13**

**General Operating and Flight Rules**

*Docket 4/CAR/9*

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## **Rule objective**

The objective of Amendment 13 to Part 91 is to amend the rules regarding compliance with aerodrome traffic circuit directions for pilots operating an aeroplane in the vicinity of an aerodrome. These amendments to Part 91 are consequential to Amendment 3 to Part 93 which removes the prescribing of right-hand aerodrome traffic circuits from Part 93 and makes the determination of a right-hand traffic circuit for a runway a Director's function with a requirement for the details of each runway for which a right-hand aerodrome traffic circuit is required to be published in the New Zealand Aeronautical Information Publication (AIPNZ).

## **Extent of consultation**

### **Right-hand aerodrome traffic circuits**

Since Part 93 came into effect in April 1997 a number of petitions for exemption from the standard left-hand aerodrome traffic circuit prescribed by Part 91 have been received. These petitions included comments that it was inappropriate to have what are essentially day-to-day operational requirements prescribed in a rule. The CAA undertook to address this issue in future rule making affecting Part 93 and some informal industry discussion took place during 1999/2000 in association with the development of a draft Notice of proposed Rule Making (NPRM) to revise the whole of Part 93. This project did not proceed beyond the draft NPRM stage because of other higher priority projects.

In June 2003, NPRM 03-05 was issued for public consultation. This NPRM updated the list of aerodromes with right-hand aerodrome traffic circuits in Appendix C to Part 93. The NPRM also included an acknowledgement that the current rule making procedures for approving or withdrawing right-hand aerodrome traffic circuits were inappropriate, and that this issue would be addressed in a future rule making proposal.

### **Paraparaumu aerodrome special aerodrome traffic rules**

Informal discussions were held with the Paraparaumu aerodrome operator during 1999/2000 regarding the right-hand circuit issue, and the "use of runway" rule now that the aerodrome flight information service (AFIS) had been withdrawn from the aerodrome. Further informal discussions with the aerodrome operator were held during 2004 in respect to these issues plus the additional issues of helicopter operations and touch and go manoeuvres. Following these discussions with the

aerodrome operator, an informal draft NPRM covering the Paraparaumu aerodrome issues was circulated to the local users in June 2004 through the aerodrome operator for discussion. There were no significant issues raised by either the aerodrome operator or individual local users to the informal draft NPRM.

A Notice of Proposed Rulemaking, NPRM 05-02, containing the proposed changes to Part 93 was issued for public consultation under Docket 4/CAR/9 on 14 March 2005.

The publication of this NPRM was notified in the *Gazette* on 17 March 2005 and advertised in the daily newspapers in the 5 main provincial centres on 19 March 2005, and in local Paraparaumu area newspapers on 21 and 23 March 2005. The NPRM was published on the CAA website and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 36 days was allowed for comment on the proposed rule.

### **New Zealand Transport Strategy**

Development of the NPRM and the proposed rule changes takes into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Amendment 13 to Part 91 has been assessed as follows against the NZTS:

**Assisting Economic Development**— The rule amendments are unlikely to affect economic development:

**Assisting safety and personal security**— The rule amendments are unlikely to affect safety and personal security issues:

**Improving access and mobility**—The rule amendments are unlikely to affect access and mobility issues:

**Protecting and promoting public health**— The rule amendments are unlikely to affect public health:

**Ensuring environmental sustainability**—The rule amendments are unlikely to affect environmental sustainability.

### **Summary of submissions**

One written submission was received in relation to Part 91. **The Wellington Gliding Club** commented on what they considered to be a loose use of the terms *aeroplane* and *aircraft* in the *NPRM* and suggested that this loose use of the terms makes interpretation of the rule proposals more complex than necessary. They also commented that the requirements in rule 91.223 for a pilot to perform a left-hand or a right-hand aerodrome traffic circuit only refers to pilots-in-command of aeroplanes and helicopters and that other aircraft such as gliders and microlights are not included but they should be.

The CAA accepts that there is a gap in the requirements of rule 91.223 in respect to gliders and microlights. This will be addressed in an Omnibus Rule Project currently under development.

The unamended 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 revocation of the existing rule and substitution of the new rule.

### **Effective date of rule**

Amendment 13 to Part 91 comes into force on 11 May 2006.

### **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 91.223 is revoked and the following new rule is substituted:*

### **91.223 Operating on and in the vicinity of an aerodrome**

(a) Except as provided in paragraph (b), a pilot of an aeroplane operating on or in the vicinity of an aerodrome must—

- (1) observe other aerodrome traffic for the purpose of avoiding a collision; and
- (2) unless otherwise authorised or instructed by ATC, conform with or avoid the aerodrome traffic circuit formed by other aircraft; and
- (3) perform a left-hand aerodrome traffic circuit when approaching for a landing at and after take-off from an aerodrome that is published in the AIPNZ unless—
  - (i) the pilot is otherwise authorised or instructed by ATC; or
  - (ii) the IFR procedure published in the AIPNZ for the runway being used specifies a right-hand turn and the approach for landing or the take-off is being performed in accordance with the instrument procedure; and
- (4) perform a right-hand aerodrome traffic circuit when approaching for a landing at and after take-off from an aerodrome that is published in the AIPNZ, if the details published in the AIPNZ for the aerodrome specify a right-hand aerodrome traffic circuit for the runway being used unless—
  - (i) the pilot is otherwise authorised or instructed by ATC; or
  - (ii) the IFR procedure published in the AIPNZ for the runway being used specifies a left-hand turn and the

approach for landing or the take-off is being performed in accordance with the instrument procedure; and

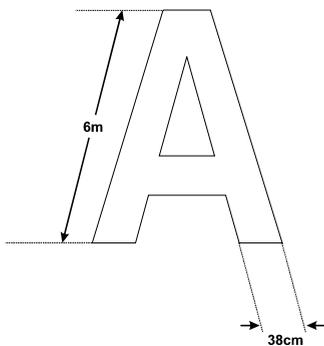
- (5) unless otherwise authorised or instructed by ATC, comply with any special aerodrome traffic rules prescribed in Part 93 for the aerodrome.

(b) Paragraphs (a)(3), (a)(4), and (a)(5) do not apply to the pilot-in-command of an aircraft operating at an aviation event in accordance with rule 91.703.

(c) Notwithstanding paragraphs (a)(3) and (a)(4), a pilot-in-command of an aircraft performing an agricultural aircraft operation from an aerodrome that is published in the AIPNZ may make turns in any direction when approaching for a landing or after take-off if—

- (1) the aerodrome does not have an aerodrome control service in attendance; and
- (2) an aerodrome ground signal depicted in Figure 1 is displayed alongside the runway in use; and
- (3) there is no conflict with other aerodrome traffic.

(d) Subject to paragraphs (b) and (c), a pilot-in-command of a helicopter operating on or in the vicinity of an aerodrome must comply with paragraph (a) or avoid the aerodrome traffic circuit being used by an aeroplane operating on or in the vicinity of the aerodrome.



**Figure 1.** Agricultural operations aerodrome ground signal

## 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 13 to Part 91 are contained in the consultation details of Amendment 3 to Part 93. The comments and all background material used in developing the rules are held on the docket 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 4/CAR/9.