



**PURSUANT** to sections 28, 29 and 30 of the Civil Aviation Act 1990, and after having had regard to the criteria specified in section 33(2) of that Act

**I, CRAIG FOSS**, Associate Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This

8<sup>th</sup>

day of

April

2015

by **Hon CRAIG FOSS**

A handwritten signature in black ink, appearing to read 'Craig Foss', written over a large, faint, stylized watermark or background mark.

Associate Minister of Transport

**Civil Aviation Rules**

**Part 102,**

**Unmanned Aircraft Operator Certification**

*Docket 15/CAR/1*

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**Rule objective**

The objective of Part 102 is to introduce a new rule to address the immediate safety risks associated with the use of Unmanned Aircraft Systems, and take steps to achieve compliance with international standards and recommended practices with regard to unmanned aircraft.

**Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 14-01, containing the proposed Part 102 was issued for public consultation under Docket 15/CAR/1 on 4 December 2014.

The publication of this NPRM was notified in the Gazette on 4 December 2014 and advertised in the daily newspapers in Auckland, Hamilton, Wellington, Christchurch and Dunedin on 5 December 2014. The NPRM was published on the CAA web site and a notice of publication was sent to 2364 identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 57 days was allowed for comment on the proposed rule.

**Summary of submissions**

86 written submissions were received on the NPRM.

A full CAA response to the themes that emerged during the submissions process and a table documenting all of the changes made to the final rule during the NPRM and consultation period is available on the CAA's website.

**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.

**Effective date of rule**

Part 102 comes into force on 1 August 2015.

### **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 102            Unmanned Aircraft Operator - Certification**

### **102.1     Purpose**

The purpose of this Part is to enable the Director to determine whether to grant an unmanned aircraft operator certificate to a person after giving consideration to whether that person—

- (1) has conducted an adequate assessment of the risk to safety of conducting the proposed unmanned aircraft operation; and
- (2) has developed procedures to adequately manage the risks and to ensure that the operation is conducted safely.

### **102.3     Application**

This Part applies to the following:

- (1) a person who operates an unmanned aircraft other than in accordance with Part 101;
- (2) a person who operates an unmanned aircraft in accordance with Part 101 and who wishes to apply for an unmanned aircraft operator certificate.

### **102.5     Definitions**

**Exposition**, unless the context otherwise requires, means the exposition required by 102.11.

### **102.7 Requirement for certificate**

A person must not operate an unmanned aircraft other than in accordance with Part 101 except under the authority of, and in accordance with the terms of, a valid unmanned aircraft operator certificate granted by the Director under the Act and in accordance with this Part.

### **102.9 Application for certificate to operate an unmanned aircraft**

- (a) Before operating an unmanned aircraft other than in accordance with Part 101 a person must apply for an unmanned aircraft operator certificate.

- (b) A person who operates an unmanned aircraft in accordance with Part 101 may apply for an unmanned aircraft operator certificate.
- (c) A person in (a) or (b) must apply by—
  - (1) submitting an application to the Director in accordance with section 8 of the Act; and
  - (2) paying the appropriate fee specified in regulations made under the Act.
- (d) An application must include—
  - (1) the name and address for service in New Zealand of the applicant; and
  - (2) the details required by rule 102.15 for the operations specification; and
  - (3) the applicant’s exposition required by rule 102.11; and
  - (4) any other information relating to the application as may be required by the Director.

### **102.11 Unmanned aircraft operator exposition**

- (a) An applicant for an unmanned aircraft operator certificate must provide the Director with an exposition that is acceptable to the Director.
- (b) The exposition must address the following matters, having regard to the nature, degree and risk of the intended operation—
  - (1) the identification of a person who will have primary responsibility for the operation; and
  - (2) the identification of any person who is to have or is likely to have control over the exercise of the privileges under the certificate; and
  - (3) details of the physical locations to be used in the operation; and

- (4) a hazard register that—
  - (i) identifies the known and likely hazards to people, property and other aircraft of the proposed operation; and
  - (ii) for each of the hazards identified, includes an assessment of the associated risks; and
  - (iii) includes a description of the measures that can be implemented to mitigate or manage the risk; and
- (5) procedures for reporting information to the Civil Aviation Authority; and
- (6) operating requirements for personnel licensing, qualifications, training and competency including pilot and support crew qualifications, training or medical requirements; and
- (7) details of the number and specifications of the aircraft to be used, including any identification system used on the aircraft (for example colour schemes, unique identification numbers, markings); and
- (8) details of the control system to be used to pilot the aircraft; and
- (9) procedures for the maintenance of aircraft and measures to ensure continued airworthiness; and
- (10) inflight procedures, including minimum distances from persons or property; and
- (11) procedures for handling cargo or dropping items, if such operations are intended; and
- (12) initial airworthiness standards that must be met; and
- (13) procedures for controlling, amending and distributing the exposition; and

- (14) any other approvals that are required to conduct the proposed operation.
- (c) An exposition may adopt, by reference, a requirement in a Civil Aviation Rule for the purpose of mitigating or managing a risk identified in the hazard register required by rule 102.11(b)(4).
- (d) The Director may require only those matters in paragraph (b) that the Director considers are appropriate in the particular circumstances to be contained in the exposition.
- (e) The exposition must remain acceptable to the Director.

### **102.13 Grant of certificate**

- (a) The Director may, in accordance with section 9 of the Act, grant a certificate to a person who has applied under rule 102.9.
- (b) When granting a certificate under paragraph (a), the Director may—
  - (1) impose requirements for unmanned aircraft systems and may specify procedures to be followed by the operator of any unmanned aircraft that are operated under the authority of the certificate; and
  - (2) in accordance with section 7(3) of the Act, specify any additional conditions that the Director considers necessary in the interests of aviation safety; and
  - (3) after considering the type of aircraft to be used, determine that any aircraft to be operated under the certificate must be registered and display identification markings in accordance with Part 47 if the Director considers that it is necessary in the interests of aviation safety.

### **102.15 Operations specification**

- (a) If the Director grants an unmanned aircraft operator certificate under rule 102.13, the certificate must be issued with an operations specification containing the details described in paragraph (b).
- (b) The operations specification must include:



- (1) details of the physical location of the certificate holder's principal base of operations; and
- (2) the certificate holder's address for service in New Zealand; and
- (3) a list of any business names under which the certificate holder is approved to operate; and
- (4) the privileges and operations that the operator is permitted to perform, including:
  - (i) the number, type and description, including, if applicable, the serial number and registration, of every aircraft that is authorised for use; and
  - (ii) identification of the geographical areas of operations approved by the Director; and
  - (iii) any exemption granted from any requirement of this or any other Part; and
- (5) any additional condition that the Director determines is necessary in the interests of aviation safety.

### **102.17 Privileges of certificate holder**

(a) The holder of an unmanned aircraft operator certificate is authorised to perform the operations specified in the accompanying operations specification.

(b) Unless the exposition required by rule 102.11 specifies otherwise the holder of an unmanned aircraft operator certificate is not required to comply with Civil Aviation Rules Parts 12, 19, 21, 26, 39, 43, 47, 61, 63, 66, 67, 91, 92, 93, 95, 115, 119, 129, 133, and 137.

### **102.19 Duration of certificate**

(a) When granting or renewing a certificate under this Part the Director must specify a date on which the certificate will expire.

(b) The Director may not specify a date under paragraph (a) that is later than 5 years after the date on which the certificate was granted.

**102.21 Conditions of operation of unmanned aircraft**

(a) A holder of an unmanned aircraft operator certificate must comply with—

- (1) Part 101, to the extent the requirements of Part 101 are not inconsistent with the operations specified in the operations specification;
- (2) the conditions imposed by the Director on the unmanned aircraft operations specification; and
- (3) the exposition required by rule 102.11.

(b) The certificate holder is responsible for ensuring that any other operator or other personnel involved in an operation conducted under the authority of that certificate are notified of and comply with the requirements of paragraph (a).

**102.23 Changes to exposition**

(a) Each holder of an unmanned aircraft operator certificate must—

- (1) ensure that the exposition is amended—
  - (i) so that it remains a current description of the certificate holder's operation; and
  - (ii) to ensure continued compliance with any Civil Aviation Rules that have been adopted under rule 102.11(c); and
- (2) provide the Director with a copy of each amendment to the exposition as soon as practicable after the amendment is incorporated into the exposition; and
- (3) make such amendments to the exposition as the Director considers necessary in the interests of aviation safety.

(b) If a holder of an unmanned aircraft operator certificate proposes to change any of the following, prior acceptance by the Director is required:

- (1) the identification of any person who is to have or is likely to have control over the exercise of the privileges under the certificate:
- (2) the identification of locations from which the certificate holder conducts unmanned aircraft operations.

### **102.25 Renewal of certificate**

A holder of a current unmanned aircraft operator certificate who wishes to continue to exercise the privileges of the certificate beyond its expiry date must apply for the renewal of the certificate in accordance with section 8 of the Act.

### **102.27 Transitional provisions**

- (a) Despite rule 102.7 an authorisation to operate a pilotless aircraft issued under Part 19, rule 19.105 that was valid immediately before 1 August 2011 may continue to be used until 1 February 2016 unless it expires or is suspended or revoked.
- (b) An authorisation in paragraph (a) is deemed to be a certificate granted under this Part while it remains valid and any condition on that authorisation is deemed to have been imposed under rule 102.13(c).