



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

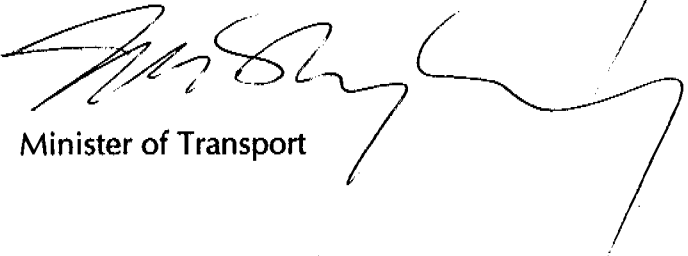
I, JENNIFER MARY SHIPLEY, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *20th* day of *February* 1997

by **JENNIFER MARY SHIPLEY**


Minister of Transport

Civil Aviation Rules

Part 103, Amendment No 4

Microlight Aircraft – Certification and Operating Rules

Docket Nr. 1144

Civil Aviation Rules
Part 103, Amendment No 4

**Microlight Aircraft – Certification and
Operating Rules**

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Part 103, Amendment No 4 is to bring Part 103 into line with the proposed new structure for regulation of sport and recreation activities in New Zealand. This amendment also makes a number of changes to existing operating rules in response to a petition from the Microlight Association of New Zealand and concerns regarding the operation of microlight aircraft in controlled airspace.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A draft of Part 103, Amendment No 4 was developed by the rules rewrite team and a Notice of Proposed Rulemaking 95-10 was published under Docket 1144 on 20 December 1995.

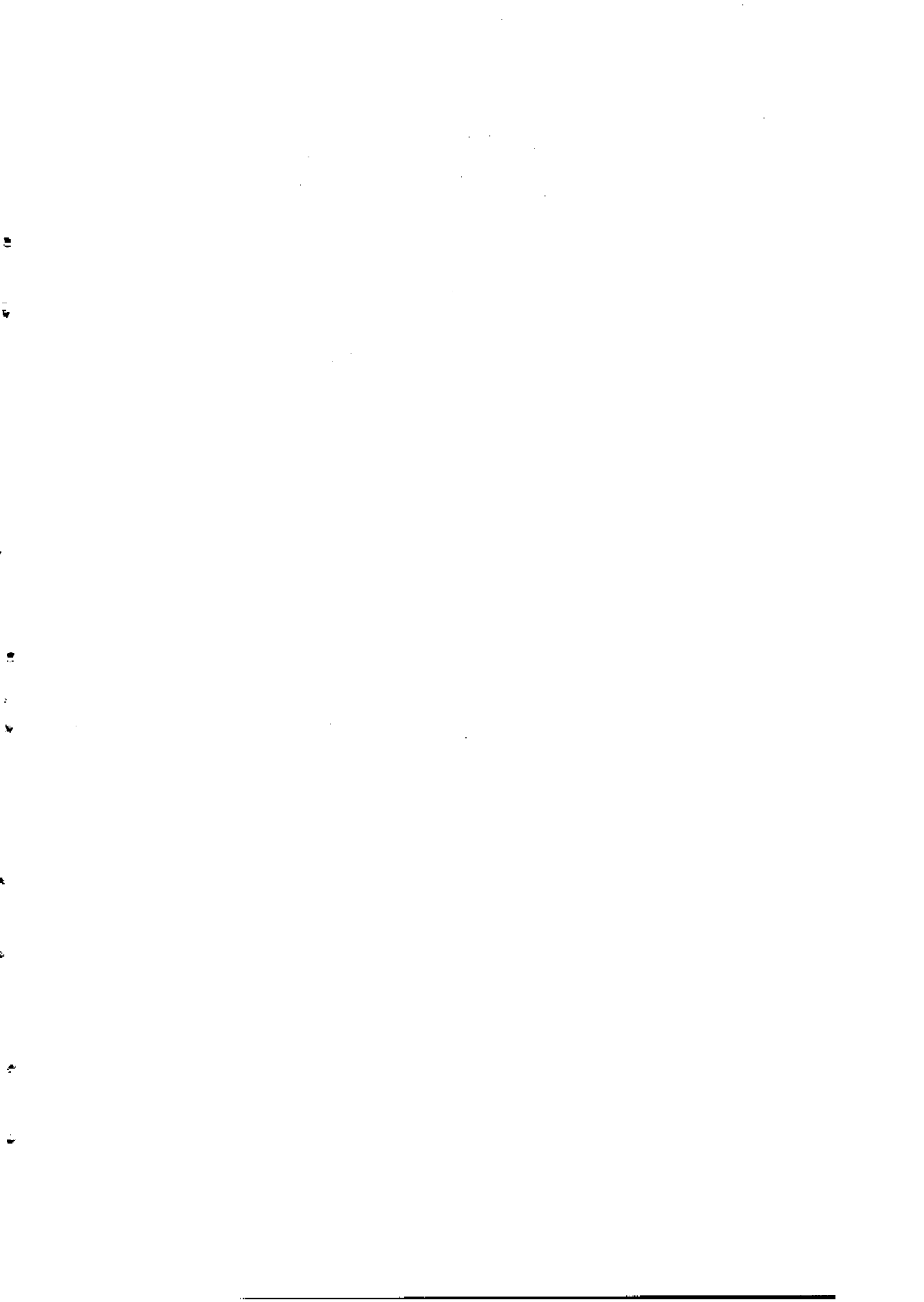
The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 21 December 1995. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 30 days was allowed for comment on the proposed rule. Eleven written submissions were received.

The submissions and verbal comments were considered and where appropriate the proposed rules amended to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 103, Amendment No 4 comes into force on 1 April 1997.



Part 103, Amendment No 4

Part 103 is amended by revoking Subpart A and substituting the following new Subpart A:

“Subpart A — General

103.1 *Applicability*

This Part prescribes—

- (1) rules, additional to Part 91, for the operation of microlight aircraft; and
- (2) exceptions from Part 91, for the operation of microlight aircraft; and
- (3) the airworthiness and maintenance requirements for microlight aircraft; and
- (4) rules governing the operation of microlight organisations certificated under this Part.

103.3 *Definitions*

In this Part—

Certificate, in relation to a microlight, or a personnel qualification required by this Part, means a certificate issued by the holder of a delegation from the Director for that purpose.

103.5 *Pilot requirements*

- (a) Each person acting as the pilot of a microlight aircraft shall—
 - (1) hold an appropriate current microlight pilot certificate with an appropriate type rating; or
 - (2) hold a current pilot licence issued under Part 61 with an appropriate type rating; or
 - (3) operate under the direct supervision of the holder of a microlight pilot instructor certificate meeting the requirements of 103.7.
- (b) Each pilot shall comply with the privileges and limitations of the licence or certificate, and any applicable ratings.

103.7 Flight instruction

No person shall exercise the privileges of a microlight flight instructor unless that person holds a type rating for the microlight aircraft being used, and holds the qualification being taught, and—

- (1) that person—
 - (i) holds a microlight pilot instructor certificate; and
 - (ii) complies with the procedures established in the exposition of the microlight organisation controlling the operation; or
- (2) that person—
 - (i) holds an instructor rating issued under Part 61; and
 - (ii) has demonstrated competence in the piloting of a microlight aircraft to a microlight pilot instructor specified in paragraph (1).

103.9 Flight radiotelephone operator requirements

A person operating a microlight aircraft shall not use an aeronautical radiotelephone transceiver unless that person holds a flight radio telephone operator rating issued under the CAR.

Subpart B — Microlight Organisations — General

The following rules are revoked:

- 103.5 Requirement for Certificate and Delegations:
- 103.7 Application for Certificate:
- 103.9 Issue of Certificate:
- 103.15 Renewal of Certificate:
- 103.17 Exemptions from Subparts B, C or D.

Subpart E — Microlight Aircraft — General

Subpart E is revoked.

Subpart F — Microlight Aircraft — Additional Operating Criteria

Subpart F is revoked.

Subpart G — Microlight Aircraft — Airworthiness and Maintenance

Subpart G is revoked.

Subpart H — Microlight Aircraft Operated by Persons other than Members of a Certificated Microlight Organisation

Subpart H is revoked.

Insert the following new Subparts E, F, and G, and Appendix A:

“Subpart E — Operating Rules

103.101 Registration

(a) Each applicant for the grant of a certificate of registration under Part 47 for a microlight aircraft shall provide the Director with evidence that the aircraft meets—

- (1) basic low performance and momentum parameters that are acceptable to the Director for a microlight aircraft; or
- (2) a type design standard listed in 103.207(a)(1)(ii).

(b) Each operator of a microlight aircraft accepted for registration shall ensure that the aircraft continues to conform to the requirements of paragraph (a).

103.103 Aircraft flight manual

The requirements of 91.109 shall not apply to a person operating a microlight aircraft.

103.105 Documents to be carried

(a) The requirements of 91.111 shall not apply to a person operating a microlight aircraft.

(b) No person shall operate a Class 2 microlight aircraft or a Class 1 microlight helicopter unless the flight permit required by 103.203(b) is carried in the aircraft.

103.107 Placards

(a) Each operator of a Class 2 microlight aircraft shall ensure that a legible placard is installed in clear view of the pilot stating—

- (1) the certificated or design gross weight, whichever is the lesser; and
- (2) the maximum and minimum payload for the aircraft.

(b) Each operator of a Class 2 microlight aircraft shall ensure that a legible placard is installed in clear view of the seated passenger—

- (1) with a title advising that the placard is a passenger warning; and

- (2) stating that the aircraft does not require an airworthiness certificate.

Subpart F — Flight Rules

103.151 Fuel requirements

The requirements of 91.305 shall not apply to the pilot of a microlight aircraft.

103.153 Minimum heights

Notwithstanding 91.311, a pilot of a microlight aircraft may operate a microlight aircraft below 500 feet AGL for the purpose of—

- (1) microlight gyroplane circuit training, provided such operations are not carried out below 200 feet AGL; and
- (2) practice for, and participation in, microlight aircraft competition flying, provided such operations are—
 - (i) conducted with the knowledge and approval of a microlight organisation; and
 - (ii) carried out in accordance with any conditions imposed by a microlight organisation; and
 - (iii) not carried out below 200 feet AGL.

103.155 Flight criteria

- (a) A pilot shall only operate a microlight aircraft—
 - (1) by day; and
 - (2) in VFR meteorological minima equal to or better than those prescribed in 91.301.
- (b) A pilot of a microlight aircraft shall not operate—
 - (1) over any congested area of a city, town, or settlement; or
 - (2) in controlled airspace or within 3 nautical miles (5.5 km) of an aerodrome certificated under Part 139 unless—
 - (i) the pilot has gained a pass in the air law examination required by 61.153(a)(6)(i) or an equivalent examination; or
 - (ii) the pilot is under the direct supervision of the holder of a microlight pilot instructor certificate who meets the requirement of paragraph (b)(2)(i).

(c) A pilot shall not operate in accordance with paragraph (b)(2)(ii), and the supervising instructor shall not permit such an operation, unless—

- (1) the instructor fully briefs the pilot on compliance with the CAR for the applicable airspace in which the aircraft will be operated; and
- (2) a pre flight briefing for the operation is obtained from ATS.

103.157 Towing hang gliders

(a) Each pilot of a microlight aircraft towing a hang glider in flight shall hold at least an advanced microlight pilot certificate or a licence issued under Part 61, and a microlight tow rating issued by a microlight organisation in the form of a statement of competence in their pilot logbook.

(b) The holder of an advanced microlight pilot certificate or a licence issued under Part 61 is eligible for the issue of a microlight tow rating if the pilot—

- (1) has at least 100 hours flight time experience including—
 - (i) at least 80 hours as pilot-in-command of a microlight; and
 - (ii) at least 20 hours as the pilot of the type of microlight aircraft being used; and
 - (2) has been briefed on hang glider towing emergencies and procedures by the holder of a hang glider instructor certificate issued by the holder of a delegation from the Director operating within a hang glider organisation; and
 - (3) has been briefed on microlight towing emergencies and procedures by the holder of a microlight pilot instructor certificate.
- (c) A pilot of a microlight aircraft shall not tow a hang glider in flight unless—
- (1) the towing aircraft is of a type that is capable of controlled flight at speeds below the maximum permissible aero-tow speed prescribed in the specifications of the towed hang glider; and
 - (2) the towing aircraft complies with the equipment requirements of 103.223; and
 - (3) release mechanisms on both aircraft have been checked for serviceability prior to the first flight of the day.

103.159 Carriage of passengers

A pilot shall not carry another person in a microlight aircraft unless—

- (1) the pilot has been authorised by a microlight organisation to do so; and
- (2) the aircraft is a Class 2 microlight aircraft; and
- (3) the aircraft has a statement of airworthiness entered in the applicable maintenance record in accordance with 103.213.

Subpart G — Airworthiness and Maintenance

103.201 Definitions

Class 2 microlight aircraft, for the purposes of this Subpart and 91.627, includes a Class 1 microlight helicopter.

103.203 Requirement for flight permit

- (a) The requirements of 91.101(a)(1) shall not apply to a person operating a microlight aircraft.
- (b) No person shall fly a Class 2 microlight aircraft unless there is in force for that aircraft a flight permit or temporary flight permit issued under this Part.

103.205 Application for flight permit

Each applicant for a flight permit for a Class 2 microlight aircraft shall submit the information required by 103.207 to the Director with a payment of the appropriate fee prescribed by regulations made under the Act.

103.207 Issue of flight permit

- (a) Each applicant is eligible for the grant of a microlight flight permit for a Class 2 microlight aircraft if—
 - (1) the applicant provides documented evidence that—
 - (i) a microlight flight permit, or equivalent document acceptable to the Director, has been issued for the type by the competent authority of a contracting State to the Convention; or
 - (ii) the aircraft conforms to a type design which complies with one of the following standards—
 - British Civil Airworthiness Requirements Section S (CAP 482 dated March 1983 and amended October 1988) issued by the United Kingdom Civil Aviation Authority; or
 - Civil Aviation Orders 95.32 (Issue 1 dated 28 February 1990 and Amendment 57 dated 1 August 1990) and

101.55 (Issue 1 dated 7 January 1988 and amendment 90 dated 28 August 1991) issued by the Australian Civil Aviation Authority; or

- Document TP10141E issued by Transport Canada; or
- any other standard acceptable to the Director as an equivalent; or

- (iii) 6 or more aircraft of the type have been operated and the aircraft type has achieved a documented satisfactory airworthiness history of at least 150 hours of flight including at least 50 hours of flight on one aircraft; or
- (iv) a temporary flight permit has been issued for the aircraft under paragraph (b) and the aircraft has completed the endurance test specified in 103.211; and

(2) the applicant provides—

- (i) satisfactory evidence that the aircraft complies with all applicable requirements prescribed under the CAR; and
- (ii) a statement of hours flown by the aircraft both in total and since any previous flight permit or equivalent document was issued; and
- (iii) a statement that any inspection, replacement, overhaul, or other maintenance of the microlight aircraft or its engine or engine components that is considered mandatory by the manufacturer has been complied with; and

(3) the aircraft has been inspected by a person authorised by the Director and that person has certified in the applicable aircraft maintenance record required by 91.627 that the aircraft has no hazardous design features.

(b) The Director may issue a temporary microlight flight permit to a New Zealand designed and manufactured prototype Class 2 microlight aircraft which does not comply with the requirements in paragraph (a)(1)(i), (ii) or (iii), for the purpose of complying with paragraph (a)(1)(iv)—

- (1) if the prototype aircraft has passed a wing static limit load test and a landing gear drop test in accordance with BCAR Section 'S'; and
- (2) containing such operating limitations as the Director considers necessary in the interests of safety.

(c) The pilot of a Class 2 microlight aircraft operated under the authority of a temporary microlight flight permit shall comply with any limitations prescribed under paragraph (b)(2).

(d) The period of validity shall be—

- (1) for a flight permit, for the life of the aircraft; and
- (2) for a temporary flight permit, for a period of up to 6 calendar months.

103.209 Modification

Where a Class 2 microlight is modified in any manner that may affect the airworthiness of the aircraft, the operator shall ensure that the aircraft is reinspected and reassessed for compliance with 103.207 before further flight.

103.211 Endurance testing

(a) An endurance test for a microlight aircraft shall consist of—

- (1) for aircraft constructed from drawings and raw materials, 40 hours of flight; or
- (2) for series aircraft constructed from a kitset of raw materials, 25 hours of flight; or
- (3) for series aircraft constructed from a kitset of prefabricated components, 10 hours of flight; or
- (4) for series aircraft constructed entirely from pre-manufactured factory components and assemblies, 2 hours of flight.

(b) The endurance test shall be restarted after any modification is made or defect occurs.

103.213 Statement of airworthiness

Each pilot-in-command of a microlight aircraft that completes an endurance test under 103.211, shall enter in the applicable maintenance record required by 91.627—

- (1) all manoeuvres completed together with demonstrated flight speeds; and
- (2) the pilot's name, licence or certificate number, signature and the date of the test under the following statement (which shall include the hours of flight completed)—

I hereby certify that this aircraft has satisfactorily completed hours flight time in compliance with Part 103 and the aircraft has adequate performance, is

controllable through its normal range of speeds and throughout all manoeuvres completed, and is airworthy.

103.215 Airworthiness directives

- (a) The operator of a microlight aircraft shall comply with the instructions contained in any applicable airworthiness directive issued by the Director.
- (b) No person shall fly a microlight aircraft that is not in compliance with an applicable airworthiness directive.

103.217 Maintenance and inspection requirements

- (a) Each operator of a microlight aircraft shall take such action as is necessary to ensure the continuing airworthiness of that aircraft.
- (b) Each operator of a microlight aircraft, meeting a type design standard listed in 103.207(a)(1), shall ensure that it is maintained in accordance with the designer or kitset manufacturer maintenance requirements.
- (c) No person shall operate a microlight aircraft unless within the preceding 12 months the aircraft has undergone an annual condition inspection.
- (d) The inspection required by paragraph (c) shall—
 - (1) be performed by—
 - (i) a person authorised by a microlight organisation to perform annual condition inspections; or
 - (ii) the Director; or
 - (iii) the holder of an aircraft maintenance engineer licence issued under Part 66 rated in the aircraft and engine groups; and
 - (2) include the applicable items and components listed in Part 43, Appendix C.
- (e) Each person who performs the inspection required by paragraph (c) shall, if they find the aircraft to be airworthy—
 - (1) make a certification to that effect on an inspection form permanently affixed to the aircraft in a prominent place adjacent to the point of entry; and
 - (2) retain a copy of the inspection form required by paragraph (e)(1) as a record of that certification; and
 - (3) for a class 2 microlight aircraft, make a certification to that effect in the applicable maintenance record required by 91.627.

(f) The aircraft inspection form required by paragraph (e)(1) shall include the—

- (1) aircraft registration letters; and
- (2) aircraft type; and
- (3) due date for the next annual condition inspection; and
- (4) date, signature, and licence or certificate number of the engineer or inspector who carried out the annual condition inspection.

(g) Where an aircraft is found not to be airworthy during the inspection required by paragraph (c), the operator shall not permit the aircraft to be flown until it has been certified as airworthy in accordance with paragraph (e).

103.219 Construction

A person is not required to comply with Part 148 if they are constructing a microlight aircraft—

- (1) from drawings and raw materials; or
- (2) from a kitset of raw materials; or
- (3) from a kitset of prefabricated components; or
- (4) from pre-manufactured factory components and assemblies.

103.221 Instrument and equipment requirements

(a) Subject to paragraph (b), each operator of a microlight aircraft shall equip the aircraft with—

- (1) instruments and equipment required—
 - (i) to conform with the aircraft type design; and
 - (ii) by the aircraft designer or kit manufacturer; and
- (2) the means of indicating—
 - (i) airspeed; and
 - (ii) altitude in feet; and
 - (iii) magnetic heading.

(b) The operator of a powered parachute is not required to equip the aircraft with a means of indicating airspeed.

(c) The following requirements in Part 91, Subpart F shall not apply to a person operating a microlight aircraft—

- (1) 91.501(1), in respect of the minimum instruments and equipment required by 91.509; and
- (2) 91.501(2)(i), in respect of the seating standards specified in Appendix A, A.3.

103.223 Hang glider towing aircraft

Each person operating a microlight aircraft towing a hang glider in flight shall, in addition to 103.221, ensure that—

- (1) the aircraft is equipped with—
 - (i) a towing installation enabling the tow pilot to release the tow rope at any time, comprising a tow hook and attachment assembly which meets the aircraft's design standard; and
 - (ii) a rear vision mirror; and
 - (iii) a tow line, which has a weak link incorporated at the tow plane end, with a breaking strength of not more than 100 kg; and
- (2) the hang glider is equipped with a quick release mechanism for hang glider pilot activation with a simple and positive releasing action with tow rope loads of up to 100 kg rearward from the tow hook within a cone of 45 degrees upwards, 30 degrees downwards, and 30 degrees sideways.

Appendix A — Transitional Arrangements

(a) Notwithstanding 103.9 and 103.155(b)(2)(i), each holder of a microlight pilot certificate that is valid on the date this amendment comes into force shall comply with the requirements of 103.9 and 103.155(b)(2)(i) within a period of 12 months from the date this amendment comes into force.

(b) Notwithstanding 103.159, an operator of a Class 2 microlight aircraft issued with a microlight flight permit under this Part on or before the date this amendment comes into force is not required to have a statement of airworthiness entered in the applicable maintenance record in accordance with 103.213.

(c) Notwithstanding 103.221, each operator of microlight aircraft registered in New Zealand at the time this amendment comes into force shall comply with the requirements of 103.221 within a period of 12 months from the date this amendment comes into force."

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 103.
It provides details of the consultation undertaken in making the rules.)

Background to the Rules

In April 1988 the Swedavia-McGregor Report on civil aviation regulation in New Zealand was completed. Following the recommendations contained in that report, the Civil Aviation Authority (CAA) (formerly the Air Transport Division of the Ministry of Transport) commenced a complete review of all existing civil aviation legislation. The existing legislation that is still appropriate is being rewritten into the new *Rules* format. New legislation is being generated where necessary for the areas not presently covered.

Considerable research was carried out to determine the format for the new legislation. It was decided that the legislative framework should incorporate the advantages of the regulatory system of the Federal Aviation Administration (FAA) of United States of America and the system being developed by the European Joint Aviation Authorities and published as Joint Aviation Requirements (JAR).

The new rules are structured in a manner similar to the Federal Aviation Regulations (FAR) of the FAA, and aim to achieve maximum harmonisation whilst allowing for national variations. Close co-operation is also being maintained with the Civil Aviation Safety Authority of Australia to ensure maximum harmonisation with their regulatory code.

New Zealand's revised legislation is published as Civil Aviation Rules (CAR) which is divided into Parts. Each Part contains a series of individual rules which relate to a particular aviation activity.

Accompanying most Parts will be at least one associated Advisory Circular (AC) which will expand, in an informative way, specific requirements of the Part and acceptable means of compliance. For instance an AC may contain examples of acceptable practices or procedures which would meet the requirements of a particular rule.

The CAR numbering system is based on the FAR system. As a general principle the subject matter of a rule Part will be the same or similar to the FAR although the title may differ to suit New Zealand terminology. Where a CAR Part does not readily equate with a FAR number code, a number has been selected that does not conflict with any existing FAR Part.

The objective of the new rules system is to strike a balance of responsibility between the State authority and those who provide services and exercise privileges in the civil aviation system. This balance must enable the State authority to set standards for, and monitor performance of, aviation participants

whilst providing the maximum flexibility for the participants to develop their own means of compliance.

Section 12 of the Civil Aviation Act 1990 requires participants in the aviation system to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices. Section 28 of the Act allows the Minister to make ordinary rules.

Notice of Proposed Rule Making

To provide public notice of, and opportunity for comment on the proposed new rules, the Authority issued Notice of Proposed Rule Making 95-10 under Docket Number 1144 on 20 December 1995. This Notice proposed the introduction of Civil Aviation Rules Part 103 to provide a regulatory safety boundary for Microlight Aircraft — Certification and Operating Rules.

Supplementary Information

All comments made on the Notice of Proposed Rule Making are available in the rules docket for examination by interested persons. A report summarising each substantive contact with the Civil Aviation Authority contact person concerning this rule making has been filed in the docket.

Availability of the Document

Any person may view a copy of these rules at Aviation House, 1 Market Grove, Lower Hutt. Copies may be obtained from Publishing Solutions Ltd, PO Box 983, Wellington 6015, Telephone 0800 800 359.

Summary of Comments on Docket Number 1144 NPRM

1. General comments on the NPRM

From the 11 submissions received, commenters made submissions on 13 rules and 4 Advisory Circular clauses. One commenter made comments about 11 rules, 2 made comments about 5 rules and the rest discussed either 2 or 3 rules. In general submitters were happy with the direction taken for the rule in this amendment. The Microlight Aircraft Association of NZ (MAANZ) however expressed the opinion that the proposed rule contradicted the stated aim and purpose of the amendment in that it increased the cost of microlighting and the difficulty of compliance by making the rules more restrictive.

CAA response: The Authority considers that this amendment to Part 103 addresses a number of safety issues in a manner that is not unreasonable in the context of integrating microlighting into the total aviation environment.

Since the NPRM was published, rules Part 91 has been signed by the Minister and some requirements from the 103 NPRM are now covered in that Part. Changes have been made to Part 103 to accommodate this development. Some

small changes have also been made to ensure Part 103 will harmonise with Part 149.

2. Specific comments on the NPRM

Specific comments received from the 11 submissions are discussed as follows:

103.111 Pilot in command requirements [Final Rule 103.5]

Two commenters submitted the rule should make clear the certificate was issued under the Director's delegation.

CAA response: The rule has been rewritten to clarify who issues this certificate. New definitions have been developed for certificate and microlight organisation. These changes should ensure that the process is clear to all participants. The name of the rule has been changed to pilot requirements to more clearly reflect that the rule also covers pilots not yet qualified as pilot-in-command, either because they are still students or have not yet qualified for a type rating.

One commenter requested that all pilots including those qualified under Part 61 should demonstrate competence to an microlight instructor and that the instructor should be engaged, employed or contracted to a microlight organisation.

CAA response: The Authority agrees with the first part of the submission and the requirement to demonstrate competence to a microlight instructor has been included in the final rule. The second submission however has not been included as it takes the rights away from an individual.

One commenter stated support for the pilot-in-command rule as written.

103.113 Flight Instruction [Final Rule 103.7]

Two commenters submitted the rule should make clear that the instructor requires a type rating.

One commenter again raised the issue of the Director's delegation.

One commenter submitted that the Part 61 instructor should demonstrate competency to a microlight instructor.

CAA response: The Authority agrees and the rule has been expanded to include these requirements.

One commenter believed that all persons flying a microlight solo should belong to a microlight organisation.

CAA response: The Authority agrees that students be members, but not licensed pilots.

103.155 Flight criteria [Final Rule 103.9 Flight radiotelephone operator requirements and 103.155 Flight criteria]

One commenter submitted the rule be aligned with the General Aviation Rule - ½ hour before MCT to ½ hour after ECT.

CAA response: The definition is the same for all VFR flight by day. The Authority has changed the wording to assist understanding by using the term *day*. CAR Part 1 contains the definition for *Night* during which microlights are not permitted to fly.

One commenter submitted that the distance from a certified aerodrome be reduced from 3 nm to 2 nm and the requirement for a pass in air law and flight radiotelephony be deleted.

CAA response: The Authority disagrees and considers the requirements necessary on the basis of safety.

One commenter submitted that microlight instructors should be able to carry out the FRTO practical test.

CAA response: The Authority agrees provided the instructor holds an FRTO rating.

One commenter stated support for the requirements in the rule.

One commenter was concerned about perceived inferences contained in the rule which confused the issues surrounding controlled airspace and the requirements controlling radios, their use, and the qualification to operate them.

CAA response: The Authority agrees and has separated the issues into two rules. 103.9 Flight radiotelephone operator requirements contains the requirement to have an FRTO and 103.155(b) details the requirements for entering the designated airspace. The briefing requirements for pilots not holding an air law credit is detailed in 103.155(c). Part 91 contains additional equipment and operating requirements for flight in controlled airspace.

One commenter pointed out that the credit for PPL Air Law remained valid for the life of a microlight pilot's certificate.

CAA response: The Authority agrees.

103.157 Towing hang gliders [Final Rule 103.157]

Two commenters submitted that the microlight pilot should have 50 hours on the microlight type before being permitted to conduct towing operations.

CAA response: The Authority agrees that some standards should be specified in the rule and has included the standards contained in the MAANZ exposition.

One commenter submitted that the rule should state towing was permitted and leave the Part 149 certificated organisation to include any requirements in their exposition.

CAA response: The Authority disagrees as this is a safety issue.

103.204 Issue of flight permit [Final Rule 103.207]

One commenter submitted that the MAANZ petition was to reduce the number of aeroplane hours involved and that 103.204(1)(iii) was not doing this. The commenter also submitted that log books were unnecessary for microlight aircraft and requested that paragraph (b) should apply to only New Zealand designed and manufactured prototypes.

CAA response: The Authority agrees that provision to reduce the number of hours for prototypes was required and addressed this in paragraph (b).

Log books are required by Part 91 and the Authority agrees with the request to restrict the reduced testing provisions under paragraph (b) to New Zealand aircraft.

Rule 103.203 Application for flight permit and rule 102.204 have been renumbered as 103.205 and 103.207. Although the only change is that mentioned above these two rules have been rearranged to improve the structure of the rule.

103.209 Maintenance and inspection requirements [Final Rule 103.217]

Two commenters noted the incorrect references in paragraph (c).

CAA response: Corrected

One commenter submitted that inspections should only be required by microlights which have a flight permit.

CAA response: The Authority considers that all microlight aircraft require an inspection to ensure safety.

One commenter submitted that Licensed Aircraft Maintenance Engineers were not suitable for microlight inspectors.

CAA response: The Authority considers that the principles of aircraft construction and inspection are similar enough to those used for microlights and therefore the LAME is suitably trained and experienced for the task.

One commenter submitted that the inspection validity record should constitute the flight permit document required to be carried in the aircraft.

CAA response: The Authority disagrees because the flight permit is issued by the Director and the CAA retains responsibility for entry control of all aircraft on the New Zealand aircraft register.

One commenter supported the principle of maintenance to manufacturers recommendations, but believed these are too strict.

CAA response: The Authority considers that the manufacturer has a major investment in the safe operation of its equipment. Their design standards would become meaningless if the maintenance was not performed to these standards.

103.215 Proof of airworthiness [Final Rule 103.211 Endurance testing]

One commenter submitted that the words 'or the on-sale of the aircraft to another person'. Should be added to the end of (a).

CAA response: The Authority disagrees. This would require the proof of airworthiness to be re-established by the new owner.

One commenter submitted that the hours of endurance testing for items 1, 2, and 3 should be reduced by 50%.

CAA response: The Authority disagrees. In particular Item 1 is used in place of the requirement for 6 prototypes to be tested for 150 hours in rule 103.207(a)(1)(iii), and therefore the protection of a reasonable period of testing is required.

103.217 Statement of airworthiness [Final Rule 103.213]

One commenter submitted that the statement should be on a form designed by a microlight organisation for the purpose, rather than in a log book.

CAA response: The Authority disagrees. This statement belongs to the aircraft and is a legal certification. The aircraft record is its logbook. A separate piece of paper does not fill the purpose.

103.219 Instrument and equipment requirements [Final Rule 103.221]

Five commenters submitted various options to reduce the requirements for instruments dependant on the type of microlight.

One commenter supported the requirements.

One commenter was concerned that the compass compensation will require certified agency involvement.

CAA response: The Authority disagrees with any reduction to required instruments on the grounds of safety to all aviation participants. It is not envisaged that certified agency involvement will be required to compensate the compass.

103.221 Hang glider towing aircraft [Final Rule 103.223]

Two commenters submitted that airspeed and altitude indicators should be fitted for towing.

CAA response: These requirements are covered by 103.221 in the final rule.

103.251 Rules applicable to persons other than members of a certificated microlight organisation [Final Rule deleted]

One commenter submitted that all persons should belong to a microlight organisation certificated under this Part.

CAA response: This rule has been deleted in the final rule however the Authority disagrees with the submission, see the response to 103.111.

Transitional arrangements

Part 103 contains transition provisions in Appendix A. These transition provisions relate to the fitting of equipment to microlights and the gaining of appropriate qualifications for flying in controlled airspace.

Regulatory activities

The following regulations will be affected by this rule Part commencement—

Civil Aviation Safety Order No 19:

Regulation 19C of the Civil Aviation Regulations 1953.

Section 14(2) of the Civil Aviation Amendment Act 1991 (as amended by section 34 of 1996 No. 91) deems the Civil Aviation Regulations 1953 that are continued in force by section 8 of that Act to be revoked on the close of 31 March 1997.

Section 14(3) states that any order, notice, requirement, circular, or other publication continued in force by section 8 shall expire on the close of 31 March 1997.

Conclusion

It is concluded from this consultation that the majority of those involved with microlighting activities are in agreement with the proposed final rule.

The comments and background material used in developing the rules are held on the docket file and are available for public scrutiny. Persons wishing to view the docket file should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket file 1029.