



**PURSUANT** to Section 29 of the Civil Aviation Act 1990

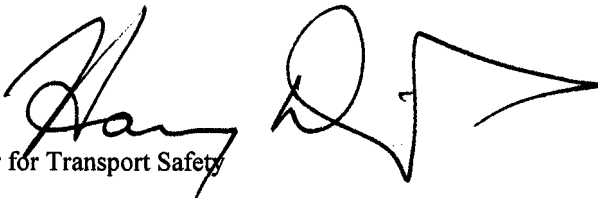
**I, HARRY JAMES DUYNHOVEN**, Minister for Transport Safety,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *22nd* day of *November* 2006

by **HARRY JAMES DUYNHOVEN**

  
Minister for Transport Safety

**Civil Aviation Rules**

**Part 106, Amendment 1**

**Hang Gliders - Operating Rules**

*Docket 1/CAR/1357*

## Contents

Rule objective .....	3
Extent of consultation.....	3
New Zealand Transport Strategy.....	3
Summary of submissions .....	4
Examination of submissions.....	4
Insertion of Amendments .....	4
Effective date of rule.....	4
Availability of rules.....	4
<b>Part 106 - Amendments</b>	<b>5</b>
<b>Subpart A — General</b>	<b>5</b>
106.7 Aircraft Airworthiness.....	5
<b>Consultation Details</b>	<b>6</b>
Comments arising from the NPRM.....	6

**Rule objective**

The objective of amendment 1 to Part 106 is to amend the rule regarding aircraft airworthiness requirements for hang gliders as a consequence of amendments being made in amendment 15 to Part 91 regarding aircraft airworthiness requirements.

**Extent of consultation**

The proposed amendment to Part 106 has not been published for public consultation. The amendment is required as a consequence of a reformat to rule 91.101(a) regarding aircraft airworthiness requirements that is being made in amendment 15 to Part 91. The amendment to Part 106 retains the existing airworthiness requirements for hang gliders.

The proposed amendments to Part 91 were published in Notice of Proposed Rulemaking, NPRM 05-04, for public consultation under Docket 1/CAR/1357 on 5 May 2005.

The publication of NPRM 05-04 was notified in the Gazette on 5 May 2005 and advertised in the daily newspapers in the five main provincial centres on 7 May 2005. The NPRM was 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 46 days was initially allowed for comment on the proposed amendments to the rules and this was extended upon industry request for a further 10 days.

**New Zealand Transport Strategy**

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

Amendment 1 to Part 106 has been assessed as follows against the NZTS:

**Assisting Economic Development**— the rule amendment is unlikely to affect economic development:

**Assisting safety and personal security**— the rule amendment retains the existing level of safety regarding the airworthiness requirements for hang gliders:

**Improving access and mobility**—the rule amendment is unlikely to affect access and mobility issues:

**Protecting and promoting public health**— the rule amendment is unlikely to affect public health:

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

### **Summary of submissions**

None of the submissions made on NPRM 05-04 commented on the need to amend Part 106. This consequential amendment to Part 106 was identified during the development of the draft final rules for amendment 15 to Part 91.

The rule was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

### **Examination of submissions**

Submissions on NPRM 05-04 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 an existing rule and replacing it with a new rule.

### **Effective date of rule**

Amendment 1 to Part 106 comes into force on 1 March 2007.

### **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 106 - Amendments**

### **Subpart A — General**

*Rule 106.7 is revoked and replaced by the following new rule:*

#### **106.7 Aircraft Airworthiness**

The requirements of rule 91.101(a)(1)(i) do not apply to a person who operates a hang glider.

## Consultation Details

*(This statement does not form part of the rules contained in Part 106. It provides details of the consultation undertaken in making the rules.)*

A review of the continuing airworthiness and maintenance requirements for New Zealand aircraft has been under development since 1998 following a review of the state of aircraft maintenance that was carried out in 1997. The changes to Part 43 are the central part of a package of changes that update rules relating to the maintenance of aircraft. The package was developed under docket 1/CAR/1357 and published in May 2005 as 3 separate Notices of Proposed Rule Making, NPRM 05-04 dealing with Part 43 and related rule Parts 91, and 145, NPRM 05-05 dealing with Part 21 and related Parts 26, 39,146, and 148, and NPRM 05-06 dealing with Part 119 and related Parts 103, 104, 121, 125, 135, and 137. The changes to the various rules are based on the 1997 review of aircraft maintenance and proposals arising from a CAA-Industry Technical Study Group set up in 1999.

The 3 Notices of Proposed Rulemaking, NPRM 05-04 Part 43 General Maintenance Rules, NPRM 05-05 Part 21 Certification of Products and Parts, and NPRM 05-06 Part 119 Air Operator – Certification, containing the proposed rules were issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

### Comments arising from the NPRM

A total of eighty written submissions were received on the three NPRM's, mostly in relation to the Part 43 and 91 changes. The CAA has worked through these submissions and as a result has amended the rules where appropriate.

The structure of some rules have been amended and editorial changes have been made to provide clarity and, in some cases, to maintain consistency in the terminology used.

The need to amend Part 106 was not identified until the draft final rules for Part 91 were being developed and therefore the amendment to rule 106.7 was not published in an NPRM for public consultation.

The consultation details relating to NPRMs that were published are contained in the consultation details of amendment 5 to Part 43. The

submissions and all background material used in developing the rules are held on the docket file 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 +64 560 9603 and ask for docket 1/CAR/1357.