



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MAURICE WILLIAMSON, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *15* day of *September* 1999
by **MAURICE WILLIAMSON**

Minister of Transport

A handwritten signature in black ink, appearing to read 'M. Williamson', written over the printed name.

Civil Aviation Rules

Part 119 – Amendment 4

Air Operator — Certification

Docket 99/CAR/1327

Civil Aviation Rules

Part 119

Air Operator — Certification

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of amendment 4 to Part 119 is to bring into force changes that result from amendment 1 to Part 125 and consequential amendments to Part 1 and Part 135. Consultation regarding the amendment to Part 119 was conducted as part of the consultation process for the *SEIFR Passenger Operation* amendment to Part 125.

This amendment is to introduce the SEIFR passenger operation as a type of operation requiring authorisation in operations specifications and to require these operations to be conducted under the standards specified in Part 125.

Part 119, Amendment 4 comes into force 28 days after notification in the *Gazette*.

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Part 119 Amendments

119.3 Definitions

In Rule 119.3 the definition for Airline air operator certificate is revoked and the following new definition inserted:

“Airline air operator certificate means an air operator certificate that authorises the holder to conduct—

- (1) air operations using an aeroplane that has a passenger seating configuration of more than 30 seats, excluding any required crew member seat, or a payload capacity of more than 3410 kg, in accordance with Part 121; or
- (2) air operations using an aeroplane that has a passenger seating configuration of 10 to 30 seats, excluding any required crew member seat, or a payload capacity of 3410 kg or less and a MCTOW of greater than 5700 kg, in accordance with Part 125; or
- (3) SEIFR passenger operations, in accordance with Part 125; or
- (4) air operations, except SEIFR passenger operations, using an aeroplane that has a passenger seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less, or using a helicopter, in accordance with Part 135.”

In Rule 119.3 the definition for General aviation air operator certificate is revoked and the following new definition inserted:

“General aviation air operator certificate means an air operator certificate that authorises the holder to conduct air operations, except SEIFR passenger operations, using an aeroplane that has a passenger seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less, or using a helicopter, in accordance with Part 135.”

Rule 119.9 is revoked and the following new rule inserted:

“119.9 Application for certificate

Each applicant for the grant of an air operator certificate shall complete form CAA 24119/01, which shall require—

- (1) the name and address for service in New Zealand of the applicant; and
- (2) the details required by 119.15(b), for the operations specifications; and
- (3) the exposition required—
 - (i) by 119.81 for an airline air operator certificate; or
 - (ii) by 119.125 for a general aviation air operator certificate; and
- (4) such further particulars relating to the applicant as may be required by the Director as indicated on the form—

and submit it to the Director, with a payment of the appropriate application fee prescribed by regulations made under the Act, not less than 90 days before the date of intended operation, unless a shorter period is acceptable to the Director.”

Rule 119.15 is revoked and the following new rule inserted:

“119.15 Operations specifications

- (a) The holder of an air operator certificate shall comply with the operations specifications on the certificate.
- (b) Operations specifications shall contain—
 - (1) the specific location of the certificate holder's principal base of operations; and
 - (2) the certificate holder's address for service in New Zealand; and
 - (3) other business names under which the certificate holder may operate; and

- (4) the type and registration of aircraft authorised for use; and
 - (5) the air operation types authorised; and
 - (6) the authorisation and limitations for routes and areas of operations; and
 - (7) any exemption granted from any requirement of this or any other Part; and
 - (8) any other item the Director determines is necessary to cover a particular situation.
- (c) When authorising SEIFR passenger operations in a certificate holder's operations specifications, the Director may specify that the authorisation is valid for a period less than that for which the air operator certificate is valid.”

Rule 119.153 is revoked and the following new rule inserted:

“119.153 Flight operation requirements

- (a) Each holder of an airline air operator certificate conducting an air operation with—
- (1) an aeroplane that has a passenger seating configuration, excluding any required crew member seat, of more than 30 seats, or that has a payload capacity of more than 3410 kg, shall comply with the applicable operating requirements of Part 121; and
 - (2) an aeroplane that has a passenger seating configuration, excluding any required crew member seat, of 10 to 30 seats, or a payload capacity of 3410 kg or less and a MCTOW of greater than 5700 kg, shall comply with the applicable operating requirements of Part 125; and
 - (3) an aeroplane that has a passenger seating configuration of 9 seats or less, excluding any required crew member seat, and a MCTOW of 5700 kg or less, or a helicopter, shall, subject to paragraph (b), comply with the applicable operating requirements of Part 135.

(b) Each holder of an airline air operator certificate conducting an SEIFR passenger operation shall comply with the applicable operating requirements of Part 125.

(c) Each holder of a general aviation air operator certificate conducting an air operation shall comply with the applicable operating requirements of Part 135.”

CONSULTATION DETAILS

(This statement does not form part of the rules contained in Part 119. It provides details of the consultation undertaken in making the rules.)

The consultation details relating to the amendment 4 to Part 119 are contained with the associated amendment 1 to Part 125. The comments and all the background material used in developing the rules are held on the docket and are available for public scrutiny.

Rule 119.9 has also been amended to correct an error that was introduced during the printing of amendment 3. In the first paragraph, “*a maintenance organisation*” has been replaced by the words, “*an air operator certificate*”. Persons wishing to view the docket should call at Aviation House, 1 Market Grove, Lower Hutt and ask for docket 98/CAR/1327.