



PURSUANT to Sections 28, 29, and 30 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**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', with a stylized arrow-like flourish at the end.

Minister for Transport Safety

Civil Aviation Rules

Part 125, Amendment 11

Air Operations - Medium Aeroplanes

Docket 1/CAR/1357

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Rule objective

The objective of amendment 11 to Part 125 is to amend and update the rules to incorporate requirements that are prescribed in an airworthiness directive regarding protective breathing equipment into the rules, to clarify the maintenance responsibilities of the aircraft operator, to upgrade requirements relating to conditioned monitored maintenance programmes, to delete maintenance requirements that are applicable to the maintenance organisation rather than to the aircraft operator, and to correct appendix information relating to flight data recorder requirements.

Amendment 11 to Part 125 is associated with the following amendments to other Parts:

- Amendment 6 to Part 103
- Amendment 7 to Part 119
- Amendment 5 to Part 104
- Amendment 15 to Part 121
- Amendment 15 to Part 135
- Amendment 4 to Part 137

Extent of consultation

In 1999 the Civil Aviation Industry Rules Advisory Group (CIRAG) Executive established a Technical Study Group (TSG) to participate in a rule making project to amend and update various rules relating to the airworthiness and maintenance requirements for aircraft. A number of the issues to be addressed arose from an investigation carried out by the CAA in 1997 into the concerns about maintenance standards and practices for aircraft less than 5,700 kg maximum certified take-off weight (MCTOW). Other issues to be addressed arose from various petitions for amendments to be made to airworthiness and maintenance rules.

The TSG was made up of representatives from general aviation (fixed wing operators), aircraft maintenance organisations, helicopter

operators, and the Aircraft Owners and Pilots Association. The TSG met 4 times and concluded its work in early 2002. The CAA continued to refine the draft rule proposals during 2002 and 2003 and released the draft rules to a representative industry group for comment before they were published for public consultation.

A Notice of Proposed Rulemaking, NPRM 05-06, containing the proposed rule amendments to Parts 119, 103, 104, 121, 125, 135, and 137 was issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

Two other associated Notices of Proposed Rulemaking, NPRM 05-04 dealing with amendments to Parts 1, 43, 91, and 145, and NPRM 05-05 dealing with amendments to Parts 21, 26, 39, 146, and 148, were also issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

The publication of these NPRMs was notified in the Gazette on 5 May 2005 and advertised in the daily newspapers in the 5 main provincial centres on 7 May 2005. The NPRMs were 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 11 to Part 125 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 contributes to aviation safety by clarifying the air operator's

responsibilities for the maintenance of the operator's aircraft and by incorporating the requirement protective breathing requirements into the rule:

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

Eighty written submissions were received on the 3 NPRMs. These submissions and comments have been considered but none related to the proposed amendments to Part 125.

However as a consequence of a submission that was made to associated NPRM 05-04 and the changes made in rule 43.51(c) and rule 145.60 regarding authorisation of persons to perform maintenance specified in A.1 of Appendix A of Part 43, the proposed rule 125.403(c) is deleted.

Some editorial changes have also been made to the final rules to clarify the requirements.

The rule as amended 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 the revocation of some existing rule and replacing them with new rules, the revocation of some existing rules, and the insertion of new rules.

Effective date of rule

Amendment 11 to Part 125 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 125 - Amendments

Subpart F — Instruments and Equipment

The following new rule is inserted after rule 125.363:

125.364 Protective breathing equipment

A holder of an air operator certificate must ensure that every aeroplane with a seating configuration of 20 or more seats, excluding any required crew member seat, that is operated under the authority of the certificate, is equipped with protective breathing equipment that—

- (1) is conveniently located and easily accessible to each—
 - (i) flight crew member at his or her normally seated position; and
 - (ii) crew member; and
- (2) is installed—
 - (i) on the flight deck; and
 - (ii) in each passenger compartment within 1 metre of each required hand held fire extinguisher or some other distance from the fire extinguisher that is acceptable to the Director; and
 - (iii) in a galley that contains a hand held fire extinguishers; and
- (3) is accessible to crew outside each Class A, B, and E cargo compartment.

Subpart G — Maintenance

Rule 125.403 is revoked and replaced by the following new rule:

125.403 Responsibility for airworthiness

- (a) A holder of an air operator certificate is responsible for the airworthiness of—

- (1) every aeroplane that is operated under the authority of the certificate; and
 - (2) any equipment installed in or attached to the aeroplane.
- (b) A holder of an air operator certificate must ensure that—
- (1) every aeroplane that is operated under the authority of the certificate is maintained in accordance with the maintenance programme required under rule 119.63; and
 - (2) the maintenance is performed by—
 - (i) a maintenance organisation certificated in accordance with Part 145; or
 - (ii) for maintenance that is performed in another State that is party to a technical arrangement, a maintenance organisation that is certificated or appropriately authorised by the State to perform maintenance on the aircraft type in accordance with the conditions specified in the technical arrangement.

Rule 125.405 is revoked and replaced by the following new rule:

125.405 Condition monitoring maintenance programmes

A holder of an air operator certificate who utilises condition monitoring as part of a maintenance programme for an aeroplane must provide the Director, each month, with a maintenance reliability report that contains details of—

- (1) aeroplane utilisation; and
- (2) a pilot report regarding aeroplane airworthiness; and
- (3) aeroplane mechanical delay and flight cancellation; and
- (4) unscheduled engine shutdown; and
- (5) unscheduled engine removal; and
- (6) unscheduled component removal; and

- (7) confirmed component failure; and
- (8) an incident regarding aeroplane airworthiness; and
- (9) MEL usage.

Rule 125.407 is revoked and the rule number is reserved:

125.407 Reserved

Rule 125.409 is revoked and the rule number is reserved:

125.409 Reserved

Rule 125.411 is revoked and the rule number is reserved:

125.411 Reserved

Rule 125.413 is revoked and the rule number is reserved:

125.413 Reserved

Rule 125.415 is revoked and replaced by the following new rule:

125.415 Maintenance review

- (a) A holder of an air operator certificate must ensure that—
 - (1) an aeroplane is not operated under the authority of the certificate unless a maintenance review for the aeroplane has been carried out within the previous 12 months; and
 - (2) each maintenance review that is carried out is certified in accordance with paragraph (d).
- (b) Except as provided in paragraph (c), the holder of an air operator certificate must ensure that a maintenance review for an aeroplane is not certified as having been carried out unless, since the last maintenance review—
 - (1) due maintenance specified in the applicable maintenance programme for the aeroplane has been completed within the time period specified; and

- (2) every applicable airworthiness directive has been complied with in accordance with the requirements prescribed in Part 39; and
 - (3) every defect entered in the technical log has been rectified or properly deferred in accordance with the procedures in the certificate holder's exposition; and
 - (4) every applicable certification for release-to-service has been made in accordance with subpart C of Part 43.
- (c) The certificate holder may certify a maintenance review for an aeroplane on the basis of continuing compliance with an internal quality assurance programme acceptable to the Director if—
- (1) the programme samples every requirement of paragraph (b) during the review period; and
 - (2) the maintenance review is individually certified for each of the certificate holder's aeroplane.
- (d) The certificate holder must ensure that the person who carries out the maintenance review for an aeroplane—
- (1) is authorised by the certificate holder and has experience that is at least equivalent to the experience required for the grant of an appropriate aircraft maintenance engineer licence rating, for the type of aeroplane; and
 - (2) carries out the review in accordance with the applicable paragraph (b) or (c); and
 - (3) certifies that the maintenance review has been carried out by entering the following statement in the appropriate maintenance logbook with the person's signature, authorisation number, and the date of entry:

The maintenance review for this aeroplane and such of its equipment as is necessary for its continued airworthiness has been carried out in accordance with the requirements of Civil Aviation Rule 125.415.

Appendix B — Instruments and Equipment Airworthiness Design Standards

The following new appendix B.11 is inserted after appendix B.10:

B.11 Protective breathing equipment

- (a) Protective breathing equipment must—
- (1) meet the requirements of the TSO C99 series or the TSO C116 series; and
 - (2) provide a breathing gas system that is free from hazards in—
 - (i) itself; and
 - (ii) its method of operation; and
 - (iii) its effect upon other components; and
 - (3) provide protection for the eyes without unduly restricting vision; and
 - (4) allow any crew member to—
 - (i) determine during flight the quantity of breathing gas available in each source of supply unless the gas system uses chemical oxygen generators; and
 - (ii) use corrective glasses without undue impairment of vision, or loss of protection; and
 - (iii) communicate using the crew member intercom system; and
 - (5) allow a flight crew member to communicate using the aeroplane radio; and
 - (6) supply breathing gas, if necessary, for 15 minutes at a pressure altitude of 8 000 feet.

(b) Protective breathing equipment may also be used to meet the supplemental oxygen requirements of Part 91 provided it meets the oxygen equipment standards.

Figure 1 of Appendix B is revoked and replaced by the following new Figure 1:

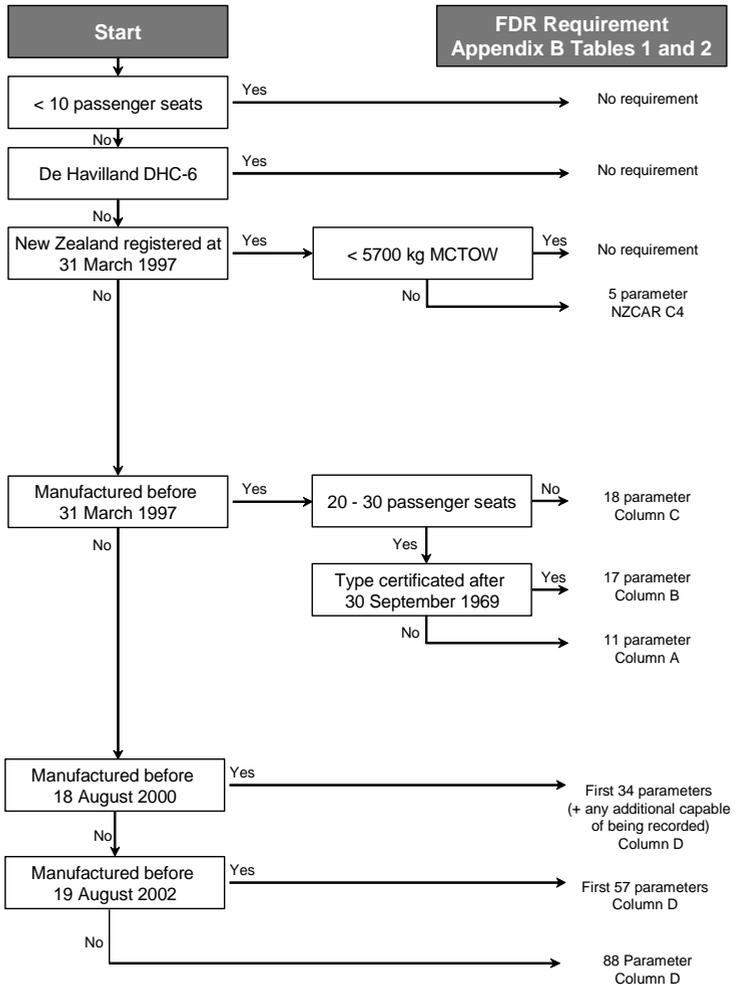


Figure 1 Flight Data Recorder Decision Chart

Consultation Details

(This statement does not form part of the rules contained in Part 125. 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. None of the submissions related directly to the proposed changes to Part 125.

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 consultation details relating to amendment 11 to Part 125 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.