

Civil Aviation Rules



Part 39

CAA Consolidation

1 March 2007

Airworthiness Directives

DESCRIPTION

Part 39 prescribes rules relating to –

- operator compliance with an airworthiness directive
- the approval of an alternative means of compliance regarding the requirements specified in an airworthiness directive.

This document is the current consolidated version of Part 39 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be obtained from the Civil Aviation Authority or may be downloaded from the official web site at: www.caa.govt.nz

Bulletin

This Part first came into force on 14 March 1997 and now incorporates the following amendment:

Amendment	Effective Date
Amendment 1	1 March 2007

Summary of amendments:

Amendment 1 (Re-issue)
(1/CAR/1357)

Part 39 is revoked and re-issued to reflect the fact that airworthiness directives are issued by the Director under section 72I(3A) of the Act, make the rules consistent with the Act in relation to empowering the Director to issue ADs for any aircraft or aeronautical product, and require the operators of all aircraft over 5700kg MCTOW to comply with all ADs issued by the State of Design of the aircraft.

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Subpart A — General

39.1 Purpose

This Part prescribes rules relating to:

- (1) operator compliance with an airworthiness directive;
- (2) the approval of an alternative means of compliance regarding the requirements specified in an airworthiness directive.

39.3 Exemptions

The Director may not grant an exemption from the requirements of rule 39.51.

Subpart B — Airworthiness Directives

39.51 Compliance

(a) An operator of an aircraft must not operate the aircraft unless the operator complies with—

- (1) every applicable airworthiness directive issued by the Director in accordance with section 72I(3A) of the Act; and
- (2) for an aircraft in excess of 5,700 kg MCTOW, every—
 - (i) applicable airworthiness directive issued by the State of Design of the aircraft; and
 - (ii) applicable airworthiness directive issued by the State of Design of an aeronautical product that is used on the aircraft; or
- (3) an alternative means of compliance approved by the Director under rule 39.53 for an airworthiness directive that is applicable to the aircraft under paragraphs (1) and (2).

(b) If a person is notified by the Director of an emergency airworthiness directive in relation to an aircraft and the person does not hold a New Zealand certificate of registration for the aircraft, the person must immediately notify the Director that he or she does not hold the certificate.

39.53 Alternative means of compliance

(a) An operator of an aircraft who is required under rule 39.51(a)(1) and (2) to comply with the requirements of an airworthiness directive, may apply to the Director for the approval of an alternative means of complying with the requirements specified in the airworthiness directive.

(b) An applicant for the approval of an alternative means of compliance under paragraph (a) must—

- (1) complete form CAA 24039/01; and
- (2) submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.

(c) The Director may approve an alternative means of compliance for an operator regarding an airworthiness directive if the Director is satisfied that the alternative means of compliance provides an equivalent level of safety to that achieved through compliance with the requirements specified in the airworthiness directive.

39.55 Deferred compliance

If an airworthiness directive requires a series of inspections of an aircraft or an aeronautical product installed in an aircraft, the operator of the aircraft may, unless specifically prohibited by the airworthiness directive, defer a required inspection, except the initial inspection, for a period of not more than 10% of the inspection interval specified in the airworthiness directive to allow the inspection to be carried out during other scheduled maintenance.

39.57 Conflict with other continuing airworthiness instructions

If there is a conflict between the requirements specified in an airworthiness directive and any other applicable instruction for continuing airworthiness, the requirement specified in the airworthiness directive prevails.