

21/EXE/65

Exemption from the Requirement in Civil Aviation Rule CAR 91.255(a)

PURSUANT TO Section 37 of the Civil Aviation Act 1990,

I, **Dean Winter**, Acting Deputy Chief Executive Aviation Safety, acting under delegated authority, being satisfied that—

- (a) the requirement in CAR 91.255(a) that except as provided in rules 91.253 and 91.255D, a person must not operate an aircraft in transponder mandatory controlled airspace designated under Part 71 in the New Zealand FIR unless the aircraft is equipped with an ADS-B system which meets the minimum performance standards and requirements under rule 91.257, is unreasonable in the case of aircraft that cannot practicably and reasonably be equipped with an ADS-B system; and
- (b) the risk to safety will not be significantly increased by the granting of this exemption,

HEREBY EXEMPT—

Persons operating aircraft that cannot practicably and reasonably be equipped with an ADS-B system because of the characteristics of the aircraft type

FROM—

the requirement in Civil Aviation Rule CAR 91.255(a) that except as provided in rules 91.253 and 91.255D, a person must not operate an aircraft in transponder mandatory controlled airspace designated under Part 71 in the New Zealand FIR unless the aircraft is equipped with an ADS-B system which meets the minimum performance standards and requirements under rule 91.257.

PROVIDED THAT—

- 1) The person operating an aircraft without an ADS-B system obtains specific authorisation from the ATC unit having jurisdiction over the relevant airspace as part of the ATC clearance to enter that airspace; and
- 2) If the Director of Civil Aviation determines that a suitable technology option becomes available, the Director will advise through the CAA website that this exemption will be revoked.

This exemption does not in any way compel ATC to authorise access to controlled airspace for aircraft without an operable transponder. While the exemption enables access, the authorisation would be managed by ATC on a case by case basis or subject to prior agreement as stated on condition #1.



This exemption shall remain in effect until 5th February 2026, unless withdrawn earlier in writing by the Director.

SIGNED at Wellington)

This 9th day of February 2021)

by **Dean Winter**)

Acting Deputy Chief Executive)

Aviation Safety)

A handwritten signature in black ink, appearing to read 'Dean Winter', is written over a horizontal line. The signature is cursive and somewhat stylized.