



26/EXE/25

Exemption from the Requirement in Civil Aviation Rules

CAR 135.363(1) and CAR 91.523(b)

PURSUANT TO Section 322(1)(b) of the Civil Aviation Act 2023 (the Act),

I, **Kane Patena**, Director of Civil Aviation, being satisfied in accordance with s 322(3) that—

(a) the extent of the exemption is no broader than is reasonably necessary to address the matters that gave rise to the proposed exemption; and

(b) the exemption is consistent with the main purpose of this Act; and

(c) having considered the matters set out in s 322(3)(c), including the additional purposes of this Act and relevant international standards, it is appropriate to grant this exemption;

HEREBY EXEMPT—

Any holder of a Part 119/135 air operator certificate that operates an AgustaWestland AW 169 (AW169) helicopter manufactured by Leonardo S.p.A. (formerly Finmeccanica Helicopter Division, AgustaWestland) under European Union Aviation Safety Agency Type Certificate No. R. 509

FROM—

the requirement in CAR 135.363(1) that each holder of an air operator certificate shall ensure, notwithstanding the seat breaks in 91.523(a) and (b), each of its aircraft is equipped with the emergency equipment referred to in 91.523; and

the requirement in CAR 91.523(b) that an aircraft with a certificated seating capacity of 20 passenger seats or more must be equipped with an axe that is readily accessible to the crew.

ONLY WITH RESPECT TO

AW169 helicopters not having a 'crash' axe,

PROVIDED THAT—

(1) Any design changes made to the aircraft do not affect the jettison windows and emergency exits from working as originally certified; and

(2) The continuing airworthiness of the jettison windows and emergency exits are maintained by a CAA approved aircraft maintenance programme.



This exemption shall remain in effect until 31 March 2031, unless withdrawn earlier in writing by the Director.

COMMENCEMENT DATE

1 April 2026

ADMINISTERING AGENCY

The administering agency responsible for administering this Class Exemption is the Civil Aviation Authority of New Zealand.

AVAILABILITY

Civil Aviation Class Exemptions are available from—

CAA website: <http://www.aviation.govt.nz/>

SIGNED at Wellington)
this 24th day of March 2026)
by Kane Patena)
Director of Civil Aviation)



Explanatory Note

This note is not part of the Class Exemption but is intended to indicate its general effect.

This Class Exemption is secondary legislation and is published by the Civil Aviation Authority on its website and notified in the *Gazette* as required by the Legislation Act 2019.

This class exemption to CAR 135.363(1) and CAR 91.523(b) permits air operators to use AW169 helicopters manufactured by Leonardo S.p.A. (formerly Finmeccanica Helicopter Division, AgustaWestland) under European Union Aviation Safety Agency Type Certificate No. R.509 to not have an axe as an emergency equipment because these aircraft have pop-up (jettisonable) windows that would allow egress from the aircraft without the need for an axe.

This is secondary legislation issued under the authority of the Legislation Act 2019	
Title	Class exemption permitting AW169 helicopters manufactured by Leonardo S.p.A. (formerly Finmeccanica Helicopter Division, AgustaWestland) under European Union Aviation Safety Agency Type Certificate No. R.509 to not have an axe as an emergency equipment [2026]
Empowering Act	Civil Aviation Act 2023
Empowering provision(s)	section 322 of the Civil Aviation Act 2023
Maker Name	Kane Patena, Director of Civil Aviation
Administering Agency	The Civil Aviation Authority of New Zealand
Date made	24 March 2026
Publication date	24 March 2026
Notification date	24 March 2026
Commencement date	1 April 2026