

Notice of Proposed Rule Making

NPRM 25-03

17 November 2025

Proposal to remove design reference from CAR 125

Docket 25/CAR/03

Affected Rule Parts:

Part 125.361(d)(7)

Background to the Civil Aviation Rules

The Civil Aviation Rules (**the Rules**) establish the minimum regulatory safety boundary for participants to gain entry into, operate within, and exit the New Zealand civil aviation system. The Rules are structured in a manner similar to the Federal Aviation Regulations of the USA.

Rules are divided into Parts and each Part contains a series of individual rules which relate to a particular aviation activity. Some rules empower the use of a CAA notice or a transport instrument. Both these regulatory tools can be used to set mandatory requirements such as performance standards, conditions, operating requirements, procedures and technical specifications. Both can be amended by the Director following appropriate consultation and where amendments are in accordance with the corresponding enabling rule.

Advisory Circulars accompany many rule Parts and contain information about standards, practices and procedures that the Director has established to be an acceptable means of compliance with the associated rule. An advisory circular may also contain guidance material to facilitate compliance with the rule requirements.

The objective of the Civil Aviation Rules system is to strike a balance of responsibility between, on the one hand, the Crown and regulatory authority (CAA) and, on the other hand, those who provide services and exercise privileges in the civil aviation system. This balance must enable the Crown and regulatory authority to set standards for, and monitor performance of aviation participants whilst providing the maximum flexibility for the participants to develop their own means of compliance within the safety boundary.

Section 13 of the Civil Aviation Act 2023 (the Act) prescribes general requirements for participants in the civil aviation system and requires, amongst other things, participants to carry out their activities safely and in accordance with the relevant prescribed safety standards and practices.

Sections 52 to 60 of the Act allow the Minister to make ordinary rules for a range of purposes including:

- regulating aviation participants, aircraft, aeronautical products, and aviation places, and people and things carried, or to be carried, in aircraft:
- regulating people, activities, and things in relation to the safety and security of civil aviation:
- regulating the effect or potential effect of civil aviation on people, activities, and things:
- providing for the implementation of New Zealand's obligations under the Convention:
- providing for anything the Act says may or must be provided for by rules:
- providing for anything incidental that is necessary for carrying out, or giving full effect to, the Act.

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1. Purpose of this NPRM

This document proposes correcting an error in Civil Aviation Rule (CAR) Part 125: Air Operation Medium Aeroplanes. It proposes removing a reference to *Amendment 28* of the US Federal Aviation Regulation (FAR) 33 from Civil Aviation Rule 125.361. This long-standing error has been dealt with by the CAA granting a General Exemption.

2. Background to the proposal

2.1 We propose fixing an error in rule Part 125: Air Operations Medium Aeroplanes

[Civil Aviation Rule 125.361\(d\)\(7\)](#) requires the Air Operator Certificate (AOC) holder to ensure that each aeroplane that is used to conduct a Single Engine Instrument Flight Rules (SEIFR) passenger operation under the authority of the certificate is equipped with an engine that has been certificated to Federal Aviation Regulation (FAR) 33, Amendment 28, or equivalent airworthiness standards.

The rule was incorrect at the time of drafting and was related to changes in another amendment relating to FAR35¹. However, the inclusion of Amendment 28 (the error) in Rule 125.361 means that certified operators of SEIFR in New Zealand are not compliant with the current Rule.

2.2 The CAA issued a general exemption to this rule to ensure that operators can operate legally.

Pratt and Whitney Canada Corp (aircraft design and manufacturer) applied for an exemption from CAR 125.361(d)(7). The CAA processed this exemption as a general exemption due to the error in the Rule. The exemption meant that SEIFR operations do not need to be certified to FAR33 Amendment 28.

The rule itself is incorrect, which has required an exemption so operators can continue to operate. This is not the intention of the exemption process.

The General Exemption (19/EXE/49) is due to expire on 31 December 2025.

3. Issues addressed during development

3.1 It is unnecessary for most operators to comply with the Rule

Amendment 28 is a recent design standard and very few engines currently fitted with any single-engine aircraft in service would meet the requirements. Virtually all modern single turbine aircraft use a variant of the Pratt and Whitney Canada PT6A engine. The only engines certified to carry out SEIFR operations in New Zealand are the Pratt and Whitney PT6A series.

Furthermore, Amendment 28 was only a consequential amendment due to changes in FAR 35 (design standards for propellers) and therefore it does not introduce any further safety requirements to FAR 33.

The PT6A series engine is considered as the only one eligible to be used for SEIFR operations in New Zealand as it can meet the airframe/power plant reliability requirements of CAR 125.53(b)(2)², mainly in combination with the Cessna Caravan and the PC-12. The PT6A series engine is fitted to every single turboprop aircraft type that is currently approved and used for SEIFR operations in New Zealand, such as the Cessna Caravan 208 and 208B, the Pacific Aerospace 750XL and the Pilatus PC-12.

Therefore, the cost to upgrade the engines to one that would meet the current Rule on all currently certificated SEIFR operations is unrealistic and unnecessary for most operators.

¹ CAR 125.53(b)(1)(iii) Aeroplane airworthiness - A holder of an air operator certificate must ensure that every aeroplane that is operated on a SEIFR passenger operation under the authority of the certificate is certificated by an ICAO Contracting State as complying with airworthiness standards that are equivalent to at least FAR 23, Amendment 28. It has to be noted that there is a specific reason why Amendment 28 is specified for Part 23 in CAR 125.53(b)(1). The intent of the rule is to require compliance with FAR 23.562, which was only introduced at Amendment 28.

² **125.53 Aeroplane airworthiness** (b) A holder of an air operator certificate must ensure that— (2) the propeller model, engine model, and those accessories necessary for the continued operation of the propeller and engine installed in an aeroplane that is operated under paragraph (b)(1) have— (i) a minimum of 100,000 hours time-in-service in the same type of aeroplane; and (ii) with the same combination of propeller, engine, and accessories as that aeroplane, a demonstrated mechanical IFSD rate of not more than 1 per 100,000 hours.

3.2 ICAO Standards and Recommended Practices

The proposed amendments are consistent with applicable International Civil Aviation Organisation (ICAO) standards and recommended practices (SARPS) and are considered to present no risk to New Zealand aviation safety because they formalize existing practice established through an exemption.

The European Union Aviation Safety Agency (EASA) and the ICAO do not include any requirement related to the certification basis of the engine. Their relevant rule parts focus more on the monitoring of the engine reliability, engine maintenance programme and on the engine/propeller combination reliability.

3.3 The proposed amendment does not impose extra costs

The proposed amendment will not introduce additional compliance costs to the industry, and in some cases may reduce the cost of compliance.

The proposed amendment will remove costs to the CAA associated with administering general/class exemptions to address this issue, which are ultimately contributed to by levies.

4. Regulatory Impact Assessment

The minor or administrative nature of the proposed amendment does not substantially alter existing regulatory arrangements, therefore a regulatory assessment is not required.

4.1 Next steps

Once consultation has closed, officials will analyse the submissions and consider whether to recommend changes to the proposals in the light of the submissions received.

The Minister of Transport will consider officials' recommendations and then decide whether any of the proposals in the document will be progressed into rules.

5. Summary of changes

5.1 Part 125.361 Amendment

CAR 125.361(d)(7) requires compliance with FAR 33 Amendment 28, a design reference for engines operating passenger Single-Engine Instrument Flight Rules (SEIFR). *Amendment 28* is not a correct reference and was inserted in error.

The reference to *Amendment 28* will be deleted.

6. Legislative analysis

6.1 Power to make rules

The Minister may make ordinary rules under sections 52 to 60 of the Civil Aviation Act 2023, for various purposes including implementing New Zealand's obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.

These proposed rules are made under:

- Section 52(1) which allows the Minister to make rules relating to civil aviation for all or any of the following purposes:
 - (i) regulating aviation participants, aircraft, aeronautical products, and aviation places, and people and things carried, or to be carried, in aircraft:
 - (ii) regulating people, activities, and things in relation to the safety and security of civil aviation:
- section 54(1) which allows the Minister to make rules under section 52 relating to the setting of standards, specifications, restrictions, and licensing requirements for all those persons or things specified in section 53, including but not limited to the following:

- (i) the setting of standards for training systems and techniques, including recurrent training requirements:
- section 56(b) which allows the Minister to make rules under section 52 for all or any of the following:
 - (i) the conditions under which aircraft may be used or operated, or under which any act may be performed in or from an aircraft:
 - (ii) the prevention of the operation of aircraft in a manner that endangers people or property.
- Section 60(a) which allows the Minister to make rules under section 52 for definitions, abbreviations, and units of measurement to apply within the civil aviation system.

7. The Civil Aviation Authority seeks your comments

If you wish to comment on the proposed rule amendment, please make a submission by:

- emailing us at docket@caa.govt.nz and titled 'Submission to NPRM 25-03'
- posting the form attached (a separate form is also available on our website) to:

Docket Clerk (NPRM 25-03)
Civil Aviation Authority
PO Box 3555
Wellington 6140 New Zealand
- making an online submission using the form provided on the CAA website at [NPRMs open for submission | aviation.govt.nz](https://www.caa.govt.nz/nprms-open-for-submission/). When submitted, this form will be sent directly to the Docket Inbox.

Submissions close at 5pm on Monday 1st December 2025.

7.1 Further information

For further information, contact: docket@caa.govt.nz

7.2 Submissions are public information

Please indicate clearly if your comments are commercially sensitive, or if for some other reason you consider they should not be disclosed. If your submission is subject to an Official Information Act (OIA) request, CAA will consider your confidentiality request in accordance with the grounds for withholding information set out in the OIA. In addition, if you are an individual (that is, your comments are made personally and not on behalf of a company or an organisation), please indicate if you consider for some reason that your identity should not be disclosed.

We will acknowledge all submissions that we receive. Once the rules are finalised a summary of submissions will be published.

8. Proposed rule amendments

[Note: Inserted texts in existing Parts are shaded, deleted texts are ~~struck through and shaded~~]

125.361 Instrument flight rules

(d) A holder of an air operator certificate must ensure that an aeroplane used to conduct a SEIFR passenger operation is equipped with—...

(7) a powerplant installation that has been certificated by an ICAO Contracting State to FAR 33, ~~Amendment 28~~, or equivalent airworthiness standards, and is equipped with—

(i) an ignition system that activates automatically, or is capable of being operated manually, for take-off and landing, and during flight in visible moisture and is designed to be capable of operation for the full duration of any flight; and

(ii) a magnetic particle detector system that monitors the engine and reduction gearbox lubrication systems, and includes a flight deck caution indicator; and

(iii) an engine control system that permits continued operation of the engine through a power range sufficient to allow diversion to a suitable aerodrome and landing in the event the fuel control unit fails or malfunctions; and

(iv) an engine fire warning system; and