

Notice of Proposed Rule Making

NPRM 19-04

Part 61 Private Pilot Licence Medical Review

Docket 19/CAR/1

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 Civil Aviation Authority (CAA) Notice. Notices contain specific mandatory requirements including detail about the approvals, standards, conditions, procedures and technical specifications that have been approved or determined by the Director as being appropriate 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 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 12 of the Civil Aviation Act 1990 (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.

Section 28 of the Act allows the Minister to make ordinary rules for any of the following purposes:

- the implementation of New Zealand's obligations under the Convention
- to allow for the mutual recognition of safety certifications in accordance with the ANZA mutual recognition agreements
- the provision of aviation meteorological services, search and rescue services and civil aviation security programmes and services
- assisting aviation safety and security, including but not limited to personal security
- assisting economic development
- improving access and mobility
- protecting and promoting public health
- ensuring environmental sustainability
- any matter related or reasonably incidental to any of the following:
 - i. The Minister's objectives under section 14 of the Act;
 - ii. The Minister's functions under section 14A of the Act;
 - iii. The Authority's objectives under section 72AA of the Act;
 - iv. The Authority's functions and duties under section 72B of the Act; and
 - v. The Director's functions and powers under section 72I of the Act
- any other matter contemplated by any provision of the Act.

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1. Purpose of this NPRM

- 1.1 The purpose of this rule-making proposal is to adopt a standard of medical certification for New Zealand private pilots that:
- requires a standard of medical fitness that is commensurate to the risk posed by private pilots; and
 - is associated with costs that are commensurate to the risk posed by the sector.
- 1.2 Based on overseas practice, public consultation and analysis, the CAA proposes that the medical standard for a commercial driver licence that is applicable for a class 2, 3, 4 or 5 with passenger endorsement¹ apply in respect of certain privileges for a private pilot licence (PPL) as specified in the proposed rules. The same standard currently applies to a recreational pilot licence (RPL).
- 1.3 The CAA proposes that the RPL category be revoked.

2. Background to the proposal

General Summary

- 2.1.1 Rule Part 61 prescribes rules relating to the requirements for the issue and holding of pilot licences and ratings, and student pilots. This includes conditions, privileges and limitations associated with those licences and ratings, and student pilots.
- 2.1.2 New Zealand pilots operating on a PPL must hold a class 2 medical certificate issued under the Act. The New Zealand PPL, including the medical standard, is aligned with the International Civil Aviation Organization (ICAO) standard. Internationally, some States such as the United Kingdom and the United States, have developed, or are in the process of developing, an alternative private licence with alternative medical standards.
- 2.1.3 The nature of the risks associated with medical incapacitation in the PPL sector in New Zealand are considered to be relatively low. This is based on reported occurrences and the characteristics of the sector. When the standard of medical fitness associated with obtaining and maintaining a class 2 medical certificate is balanced against the risks, the current requirements are considered disproportionate.
- 2.1.4 The CAA undertook a review of the PPL medical certification requirements from 2016 to 2018. The objective of the review was to determine whether an alternative medical certification standard for the PPL could be adopted, without inappropriately reducing levels of safety. As part of the review, consultation took place in 2017 on the possibility of adopting an alternative medical standard.
- 2.1.5 Options considered as part of the review included:
- retaining the status quo;
 - introducing an alternative aviation medical certificate;
 - requiring PPL holders to obtain a commercial driver medical certificate with passenger endorsement;
 - requiring PPL holders to obtain a private driver licence medical certificate; or
 - introducing a self-declaration system.
- 2.1.6 The CAA has identified a range of privileges that could be reasonably associated with the commercial driver licence with passenger endorsement medical standard. The risk posed by operators under these privileges and proposed medical standard, is considered to be mitigated in part by the types of activities typically undertaken

¹ A medical certificate for a commercial driver licence is issued in accordance with section 44(1) of the Land Transport (Driver Licensing) Rule 1999.

by PPL holders. 2.1.7 The proposed privileges reflect these mitigating factors and ensure any changes to the types of activity undertaken by the sector are effectively managed.

2.1.7 The CAA proposes that PPL pilots flying on the commercial driver licence medical standard be allowed to exercise the following privileges:

- carry up to five passengers; unless performing an aerobatic manoeuvre in which case no passengers could be carried;
- fly aircraft with a maximum certificated take-off weight (MCTOW) of up to 2,730 kg;
- allow them to fly in the vicinity of controlled aerodromes provided they are in radio contact with the appropriate ATS unit; and
- allow them to obtain glider tow and parachute drop ratings.

2.1.8 The CAA also proposes that PPL pilots flying on the commercial driver licence medical standard be prohibited from carrying out the following activities:

- flying outside of New Zealand;
- flying for remuneration;
- flying for hire or reward;
- flying multi-engine aircraft;
- flying pressurised aircraft;
- exercising the privileges of an aerobatic rating;
- undertaking agricultural aircraft operations;
- towing banners and drogues;
- flying at night;
- flying under IFR;
- carrying a passenger if performing an aerobatic manoeuvre; or
- performing a parachute drop operation exceeding 10, 000 feet ASML.

2.2 NPRM Development

2.2.1 The CAA considered the outcomes of the review in October 2017 and agreed to the adoption of the commercial driver licence with passenger endorsement medical standard, along with a number of restricted privileges. The Ministry of Transport (the Ministry) subsequently agreed to the proposals contained in a Regulatory Impact Statement.

Rules Drafting Group:

2.2.2 A Rules Drafting Group (RDG) was established initially comprising CAA subject matter experts and the Ministry of Transport officials. As some aspects of the proposal needed to be fully developed, rule drafting became an internal CAA matter and the Ministry officials were updated as appropriate. The purpose of the RDG was to develop the proposed rule amendments as specified in the drafting instructions and assist in the development of this NPRM.

Rules Drafting Group discussions:

- *Clarify approach - Two separate PPLs or one PPL with two medical standards:*

- 2.2.3 The consultation documents, including the drafting instructions referred to a ‘*new alternative PPL*’. The RDG deliberated on what the term meant and what it might look like for the purposes of the Rules. The RDG considered two possible approaches whether there should be –
- 1) two PPL categories with two different medical standards, with their associated privileges; or
 - 2) one PPL with two medical standards, and associated privileges attached to the medical standards.
- 2.2.4 Support in favour of Option 1 was to keep the current ICAO-aligned PPL separate from the “new” PPL. It was considered that this would reduce the risk of the abuse of the full suite of PPL privileges, by holders of the “new” PPL. If this option were to be accepted, then the “new” PPL could be labelled a “National Pilot Licence”, without the ‘private’ tag attached. This would highlight that the licence is to apply only in New Zealand, unlike an ICAO-aligned PPL, which is recognised and can be used internationally.
- 2.2.5 The disadvantage with Option 1 is that there would be a duplicate set of PPL rules with most of the provisions being similar (such as the training and currency requirements) to the current ICAO-aligned PPL rules. An affected licence holder would need to have the rules for the two PPL categories side by side in order to identify the difference between the two categories.
- 2.2.6 In addition, a separate database for the new PPL would need to be established, creating an unnecessary administrative burden for CAA staff. It could also result in inefficiency for the CAA by holding duplicate information under the two categories, in respect of the same person. For instance, a person who holds an ICAO aligned PPL but does not hold a current class 2 medical certificate, may wish to utilise the proposed PPL privileges if the person holds a current commercial driver licence medical certificate.
- 2.2.7 Support in favour of Option 2 was based on the fact that it clarified the policy intent. The use of the term ‘*alternative*’ during the policy review, was a reference to an alternative medical standard, rather than an alternative PPL. That is a person can hold a PPL with the class 2 medical issued under the Act, or the commercial driver licence medical certificate issued under the Land Transport Driver Licensing Rules. A PPL holder who holds a current class 2 medical certificate issued under the Act may exercise the full suite of PPL privileges. Whilst a PPL holder with a commercial driver licence medical certificate may exercise those privileges specified in the proposed rules. More importantly, this approach would set out clearly those privileges which a PPL holder with the latter medical certificate is prohibited from exercising.
- 2.2.8 The RDG considered Option 2 as the preferred option.
- *CAA to be consulted on changes to the commercial driver licence medical standard:*
- 2.2.9 A notion was raised as to whether the CAA ought to be consulted on any proposed changes to the commercial driver licence medical standard before the changes are accepted and implemented. In addition, that the CAA may wish to consider setting up a Memorandum of Understanding (MOU) with the New Zealand Transport Agency (NZTA) requiring the CAA to be consulted on any changes to the medical standard. The CAA noted this and is of the view that any changes to the commercial driver licence medical standard and associated guidelines would maintain an adequate level of safety for the purposes of the proposed private pilot licence. Therefore the CAA considered it unnecessary to engage in discussions with the NZTA to develop a MOU in this regard.

2.3 Key Stakeholders

- 2.3.1 The following are identified by the Civil Aviation Authority as key stakeholders in the proposed rule amendments contained in this NPRM:
- the Civil Aviation Authority;
 - the Minister of Transport;
 - the Associate Minister of Transport;
 - the Ministry of Transport;
 - recreational pilot licence holders;
 - private pilot licence holders;

- commercial pilot licence holders;
- airline transport pilot licence holders; and
- the general aviation Industry.

3. Issues addressed during development

3.1 The privileges considered as part of this proposal relate to the following:

Passenger numbers

- 3.2 Overseas States such as the United Kingdom, the United States of America (USA) and Australia, have placed restrictions on the carriage of passengers for pilots relying on a driver licence medical standard. This reflects the potential for increased risk to third parties associated with using a non-aviation standard of medical certification. The UK PPL with driver licence medical, limits pilots to three passengers. The US BasicMed licence and Australian Basic class 2 licence, limit pilots to five passengers. Although there is no evidence available to the CAA that the restrictions on passenger numbers in these overseas States is risk-based, the CAA considers that any risk associated with the carriage of passengers on a lower medical standard would have been taken into account.
- 3.3 Submitters to the CAA consultation presented a range of views on what they considered the appropriate number of passengers should be. Over 70 submitters supported the carriage of five passengers, based on the US BasicMed licence standard. Over 60 submitters thought that a three-passenger limit was appropriate for pilots flying on a non-aviation medical standard. Over 30 submitters thought that there should be no restriction on the number of passengers. The reason stated for the position of no restriction, was the view that the number of passengers carried did not increase the risk of medical incapacitation.
- 3.4 Two submitters thought that a pilot flying on a reduced standard of medical certification should not be able to carry any passengers.
- 3.5 Having considered the range of views, the CAA supports adopting a five-passenger limit which would allow a wide part of the sector to continue flying their aircraft at full capacity, with a few exceptions. It would also align our PPL licensing regime with the US BasicMed licence and the Australian Basic class 2 restrictions.
- 3.6 It is proposed that PPL pilots flying on the commercial driver licence medical standard be restricted to five passengers. This would enable the majority of private pilots to fly with all seats occupied.

Aircraft size

- 3.7 Any restriction on the size of aircraft that could be flown by PPL pilots on the commercial driver licence medical standard would reflect the increased complexity associated with flying a larger aircraft, and the greater consequences associated with an incident or accident involving a larger aircraft. Restricting the size of the aircraft that can be flown would be consistent with the approach taken in other States that have adopted alternative medical standards.
- 3.8 The vast majority of privately registered aircraft in New Zealand (96%) have a MCTOW of less than 2,730 kg.
- 3.9 The US BasicMed licence limits pilots to aircraft with a MCTOW of 6,000 lb² or lower (approximately 2,721 kg) and certificated for up to six seats. The 6,000 lb MTOW weight limit is considered to represent the upper limit of what is considered a medium light aircraft. In metric systems, the broadly aligned 2,730kg weight limit is also used to distinguish light aircraft from smaller-medium sized aircraft. New Zealand, for example, uses this weight break to determine maintenance programme requirements under civil aviation rule 91.605(a)(5).
- 3.10 There was support for aligning with the US approach during consultation. Over 30 submitters referred to weight limits of 6,000 lb or the metric equivalent. A further 19 submitters referred more specifically to the US standard as opposed to a specific weight break. Submitters expressed that this weight limit would include the majority of

² This reflects the weight limit in Federal Aviation Regulation 23.

private aircraft in New Zealand. Other submitters thought that aircraft greater than this size were likely to be more complex and/or unlikely to be used recreationally.

- 3.11 Forty submitters to the consultation suggested that 5,700 kg was an appropriate weight limit. While the UK has introduced a size limit of 5,700 kg MTOW, the licence is restricted to non-EASA aircraft³. This has the effect of limiting pilots to very light aircraft that in New Zealand would be considered microlights. The Australian Basic class 2 is also associated with a higher weight limit (8,168 kg), but the limitation to piston engine aircraft restricts pilots to a relatively small range of aircraft. Any aircraft above 5700 kg requires approved type rating courses which would lie outside of the scope of the average PPL and the aircraft would generally exceed the 6 seat limit. Therefore the CAA considers it not appropriate to adopt the higher weight limit of 8,168 kg.
- 3.12 Other States have opted for lower weight breaks. For example, the EASA Light Aircraft Pilot Licence (LAPL) limits pilots to aircraft of 2,000 kg (this aligns with the Recreational Pilot Licence (RPL) limit for aeroplanes).
- 3.13 Adopting the 2,730 kg weight break will allow PPL pilots flying on the commercial driver licence medical standard to fly light aircraft and aligns with the US system. However, the CAA considers that allowing PPL pilots on the commercial driver licence medical standard to fly larger aircraft may put safety at risk due to the complexity and consequences associated with larger aircraft.
- 3.14 It is proposed that the 2,730 kg weight break be adopted as the maximum weight break for an aircraft operated by a PPL pilot with the commercial driver licence with passenger endorsement medical certificate.

Restrictions on multi - engine aircraft

- 3.15 The complexity and speed associated with multi-engine aircraft has an adverse impact on the ability of a pilot to recover control of an aircraft in the case of a medical event. They also create a higher workload for the pilot. In addition, an aircraft travelling at greater speeds is likely to have increased kinetic energy and impact in the event of a crash.
- 3.16 As previously noted, the vast majority of private flying in New Zealand takes place in single engine aircraft. In 2018, 57,105 hours were reported for private flying in single engine aeroplanes and helicopters. By comparison, 3,228 private flying hours were reported for multi-engine aeroplanes and helicopters.
- 3.17 Reasons given by consultation respondents for supporting a restriction on multi-engine aircraft include: that multi-engine aircraft increase the workload for a pilot; single engine aircraft are easier to handle; single engine aircraft are less complex; and that many of the recreational aircraft in New Zealand are single engine.
- 3.18 Reasons given for opposing a restriction on multi-engine aircraft were as follows –
- any risk associated with a multi-engine aircraft is related to training and currency;
 - multi engine aircraft are in fact lower risk, due to the ability to fly on one engine should the other fail;
 - there is no causal link between multi-engine aircraft and medical incapacitation;
 - some single engine aircraft are more complex and high speed than other multi-engine aircraft; and
 - microlight pilots with the equivalent of private driver licence medical certification can fly multi-engine aircraft.
- 3.19 There is no causal link between medical incapacitation and flying a multi-engine aircraft. Medical fitness, however, is relevant to the overall ability of the pilot to handle a high-performance aircraft. While some single engine aircraft are more complex in terms of the aircraft systems, they are not associated with the same handling characteristics of a multi-engine aircraft. This is in addition to the serious consequences associated with an accident involving a more powerful aircraft.

³Non-EASA aircraft include the following: microlight aeroplanes; light gyroplanes; amateur build aircraft; ex-military aircraft; foot-launched aircraft; vintage aircraft that meet specific criteria for date of design and manufacture; and aircraft built or modified for scientific or novel purposes.

- 3.20 Due to the risks associated with multi-engine aircraft both in relation to handling complexity and the adverse impact on the pilot's ability to recover control of the aircraft referred to in paragraph 3.15, it is recommended that PPL pilots with a commercial driver licence medical standard are not allowed to fly these aircraft types.

Altitude and pressurised aircraft

- 3.21 Restrictions on altitude associated with an alternative medical standard would reflect the physiological impacts associated with flying at altitude. For example, flying at high altitudes may increase the risk of hypoxia and poses additional risks to persons with anaemia, heart conditions, or lung conditions. Submitters to the consultation also pointed out that flying at higher altitudes increases the potential for conflict with commercial air traffic.
- 3.22 There are, however, advantages associated with flying at higher altitudes. Where private aircraft are interacting with large passenger carrying commercial aircraft they are more likely to be in controlled airspace with separation distances applied. This significantly reduces the likelihood of a mid-air collision. Submitters to the consultation also noted that the greater space available (lateral and horizontal) provides pilots with more room to recover from a medical event.
- 3.23 An altitude restriction is proposed for PPL pilots with a commercial driver licence medical standard. That is, that the PPL pilots must not exceed 10,000 feet AMSL when performing parachute drop operations.
- 3.24 Related to altitude is the use of pressurised aircraft. Pressurisation adds another layer of complexity, increasing the workload of the pilot. It is also associated with greater medical risk. Examples include the consequences of rapid or slow decompression such as hypoxia and barotrauma. Currently RPL pilots may not fly pressurised aircraft.
- 3.25 It is proposed that PPL pilots flying on the commercial driver licence medical standard be prohibited from flying pressurised aircraft⁴ due to their complexity, and the physiological impacts of loss of pressurisation at altitude.

Controlled Aerodromes and Airspace

- 3.26 Flying in controlled airspace may be associated with increased levels of risk due to the complex nature of the activity.
- 3.27 It is proposed that pilots flying on the commercial driver licence medical standard who wish to fly into a controlled aerodrome, only be able to do so where they have a radio and are able to remain in radio contact with air traffic services at all times. The majority of aircraft in the private fleet are fitted with a radio. The current RPL requires a pilot to undertake colour vision deficiency testing in order to operate in the vicinity of a controlled airfield. The requirement to have an operating radio removes the need for colour vision deficiency testing or an operational signal light test and reduces potential medical costs to the pilot.

Flying over congested areas of towns and cities

- 3.28 Currently the RPL prohibits pilots from flying over a congested area of a city or town⁵, except for the purpose of take-off and landing. These restrictions reflect the potential risk to third parties and property.
- 3.29 Limiting the ability of PPL pilots using the commercial driver licence medical standard to fly over congested areas of cities and towns may be problematic, as air traffic control may apply separation distances that require the aircraft to fly over this type of area. This would put pilots and air traffic control in a difficult position. A pilot may end up being directed to fly over a congested area of a city or town in breach of the Rules. To mitigate this risk, air traffic control would need to ensure that pilots flying on the commercial driver licence medical standard were not directed over these areas, creating additional burdens for air traffic control.

⁴ This does not include aircraft where this has been deactivated.

⁵ Rule Part 1 defines a "congested area in relation to a city, town or settlement" as "any area which is substantially in use for residential, industrial, commercial, or residential purposes".

- 3.30 It is proposed that PPL pilots flying on the commercial driver licence medical standard are not restricted from flying over congested areas of cities and towns. This approach would avoid complications associated with this restriction which could result in a potential incident or accident.

Aerobatics

- 3.31 Aerobatics are considered a high-risk activity due to the physical strain aerobic manoeuvres place on the body, which increase the risk of medical complications arising during flight.
- 3.32 Submitters to the consultation provided a wide range of views regarding whether PPL pilots should be able to perform aerobatics on an alternative standard of medical certification. A number of submitters suggested that aerobatics should be allowed, subject to restrictions, such as: requiring additional medical assessments prior to performing aerobatics; prohibiting aerobatics where a pilot suffers from specific medical conditions; limiting the types of aerobic manoeuvres a pilot can perform; requiring a second pilot; prohibiting the carriage of passengers; prohibiting performances at air shows or exhibitions and over built up areas; and limiting aerobatics to sufficient heights so as to enable recovery.
- 3.33 Rule 91.701 contains a number of restrictions on aerobic manoeuvres. This includes restrictions in relation to aerobic operations over congested areas of cities and towns, over open-air assemblies of persons, in controlled airspace, and at minimum heights.
- 3.34 CAA subject matter experts advise that the aerobic rating was introduced for the purpose of display/competition aerobatics below 3,000 feet above ground level. They also advise that the increased risk of medical incapacitation due to the stress of operating (inverted) below 3,000 feet above ground level is not appropriate for the PPL commercial driver licence medical standard. A PPL holder who wants to take part in competitive aerobatics would continue to have the option of gaining a class 2 medical certificate.
- 3.35 It is proposed that aerobatics be allowed on the PPL with commercial driver licence medical standard, but with the following restrictions:
- pilots must not carry a passenger during aerobic manoeuvres; and
 - pilots will not be able to obtain an aerobic rating or exercise the privileges of an aerobic rating.
- 3.36 Adopting these restrictions will ensure that the risk to third parties, including passengers and persons on the ground, is minimised.

Banner and drogue towing

- 3.37 RPL pilots are also prohibited from banner and drogue towing. These activities were excluded from the RPL on the basis that they are associated with hire or reward, and military operations. Neither of these activities are undertaken in high volumes in New Zealand. Rule 91.711(a)(1) specifically requires pilots towing objects other than gliders to hold a PPL or a higher licence.
- 3.38 Both activities require specialised training, and pilots must be able to demonstrate a high level of competency. Medical risk in this context relates to the potential for additional damage following a pilot's medical incapacitation.
- 3.39 On the same grounds as was considered for the RPL restriction, it is proposed that banner and drogue towing should not be allowed for pilots flying on the commercial driver licence medical standard.

Sling load operations

- 3.40 Sling load operations are regulated via Rule Parts 133 (Helicopter External Load Operations) and 135 (Air Operations – Helicopters and Small Aeroplanes). These operations are traditionally associated with hire or reward. Rule Part 133 does however, allow the performance of sling load operations where the pilot holds a current PPL (helicopter) and has completed the sling load flight training required by rule 61.153.
- 3.41 The demonstration of competency is of most relevance to the ability of a pilot to perform a sling load operation. There are no elements of medical certification that are likely to affect the ability of pilots to carry out these operations. It is therefore proposed that sling load operations be allowed.

Restrictions on agricultural operations

- 3.42 In order to gain an agricultural rating, a pilot must hold at least a PPL. In addition, agricultural operations are a significant contributor to occurrences in the New Zealand aviation sector. Due to the risk and commercial nature of the activity, it is proposed that PPL pilots flying on the proposed commercial driver licence medical certificate not be allowed to undertake agricultural operations.

Night flying

- 3.43 Night flying privileges are issued based on competence and experience. There are no medical prerequisites to obtaining night privileges, other than to hold the appropriate medical certificate, class 1 or 2, depending on the licence held. Any vision issues related to night flying should be identified as part of the medical assessment.
- 3.44 Night flying is more challenging than day-time flying, mainly due to the significant decrease in visibility and the difficulties associated with conducting a forced landing. It appears to be a low volume activity among the private flying community. It was noted during the consultation that night flying is not traditionally a “recreational activity”.
- 3.45 CAA subject matter experts have advised that there is concern that pilots subject to less rigorous standards may be more susceptible to the specific risks inherent in night flying. These include the increased risk of vestibular effects, disorientation, and other human factors. In addition, holders of class 1 or 2 medical certificates have to undergo colour vision screening which can lead to restrictions on night flying (noting the new colour vision screening process will have a means to remove the night flying limitation). In their view, it would be incongruous for a PPL pilot flying on the commercial driver licence medical standard to be allowed to fly at night without undertaking colour vision screening. Therefore, if night flying were to be allowed, in addition to the night rating, the pilot would have to complete colour vision testing.
- 3.46 The commercial driver licence standard assesses: night vision; visual acuity; diplopia; cataracts and aphakia; and disability glare. Colour vision deficiencies do not preclude an applicant from being issued a PPL with the commercial driver licence with passenger endorsement medical certificate.
- 3.47 The third party risk associated with medical incapacitation, even at night, is likely to be similar to the third party risk during day time flying. Landing at night in low visibility, however, is likely to be more challenging in the event of medical incapacitation.
- 3.48 Feedback from submitters to the consultation suggested that night flying is a low volume recreational activity. In addition, the airspace is less congested at night. On this basis, it is possible that a pilot needing to react to a medical event at night may have greater room to respond due to the low volume of aviation traffic.
- 3.49 The CAA disagrees with the suggestion from submitters that night flying is a recreational activity, especially with colour vision being degraded at night, thus making the colour vision requirement compulsory. Medical costs associated with colour vision screening test which are required to be performed by a designated medical examiner, are more expensive than a medical assessment carried out by a general practitioner. Therefore, allowing night flying privileges would defeat the purpose of this proposal – to adopt an alternative medical standard for a segment of the PPL pilots that is associated with costs that are commensurate with the risk posed by those pilots.
- 3.50 On balance, although night flying is considered a low volume activity, it is proposed that a pilot flying on a commercial driver licence medical standard not be allowed to exercise the privilege of night flying.

Glider towing and parachute operations

- 3.51 Glider towing and parachute operations require additional ratings. The exercise of both ratings was initially excluded from the range of operations allowed by the RPL. The RPL was later amended to allow glider towing, (except where the glider is being operated for hire or reward).
- 3.52 Glider towing is associated with recreational flying. It is traditionally a club-based activity with tow-pilots volunteering their time on an unpaid basis. In terms of parachute operations, where these are undertaken outside of the Part 115 adventure aviation environment, it is usually in a club setting with pilots again volunteering their time for no compensation.

- 3.53 As RPL pilots are allowed to tow glider pilots there seems little reason to limit this activity under the proposed commercial driver licence medical certificate.
- 3.54 There are similar levels of complexity and risk involved with parachute operations. It should be noted that there is proposed to be other restrictions on privileges, including not undertaking operations for hire or reward and the five-passenger limit. It is noted that some private parachute operations may exceed 10,000 feet above mean sea level. It is considered that parachute drop operations above this height are technically complex⁶, and in combination with an alternative standard of medical certification present an unacceptable level of risk.
- 3.55 It is proposed that pilots flying on the commercial driver licence medical standard be able to obtain and exercise the privileges of glider towing and parachute operation ratings. However, it is proposed that the exercise of the latter rating be up to 10,000 feet above mean sea level.

Instrument Flight Rules (IFR) flying

- 3.56 IFR flying adds an additional layer of complexity. To conduct this type of flying, a pilot needs a high standard of hearing, eyesight and good reaction times. In order to obtain an IFR rating, a pilot must hold night flying privileges for the appropriate category of aircraft. A private pilot must also pass a class 1 medical certificate hearing test, which is endorsed on the pilot's class 2 medical certificate. The hearing test ensures that the pilot is able to communicate effectively with air traffic control. This must be maintained on an ongoing basis. In addition, there are strict eligibility requirements in terms of training and competency. To retain an IFR rating, a pilot is also required to demonstrate competency and currency on an ongoing basis. RPL holders may not undertake IFR flying.
- 3.57 Subject matter experts advise that IFR flying increases stress levels for pilots flying in controlled airspace. In addition, there are risks associated with vestibular influence, disorientation, and other human factors. This becomes a significant factor when flying solely on instruments.
- 3.58 Given the large number of commercial aircraft operating under IFR, there is an increased risk that a PPL pilot flying on the commercial driver licence medical standard will interact with other IFR users. This has the potential for serious conflict with commercial IFR traffic, increasing the risk of an accident.
- 3.59 Allowing IFR flying on a PPL with commercial driver licence medical standard would align New Zealand with the approach taken in the US. If flying under IFR on this medical standard were to be allowed, a process would need to be put in place to require the holder of the associated medical certificate to demonstrate that the holder meets class 1 hearing standards.
- 3.60 CAA data shows that currently only nine pilots hold an active class 2 medical certificate and an instrument rating.
- 3.61 There is one recorded accident of a pilot flying under IFR in a private capacity where there were medical issues⁷. There was no causal link between flying under IFR and the accident. The low number of accidents is likely due in part, to the low numbers of private pilots participating in this activity.
- 3.62 Despite the low frequency of the activity, it is anticipated that over time, there may be a gradual increase in pilots flying IFR. This is likely to be the result of more IFR equipped aircraft being introduced to the New Zealand private aircraft fleet, and the operational benefits of flying under IFR in a performance-based navigation (PBN) environment.
- 3.63 Given the complexities and risks associated with flying under IFR, it is proposed that a PPL pilot flying on a commercial driver licence medical standard not be allowed to fly under IFR.

⁶ This involves the use of oxygen, rapid climb and descent for example.

⁷ Refer to occurrence number 13/1524

https://www.caa.govt.nz/assets/legacy/Accidents_and_Incidents/Accident_Reports/N254F_fatal.pdf

4. ICAO Standards and Recommended Practices (SARPS)

4.1.1 The proposed rule amendments are not inconsistent with International Civil Aviation Organization (ICAO) annexes and are written in consultation with the following annexes:

- Annex 1 – Personnel Licensing
- Annex 2 – Rules of the Air
- Annex 6 – Operation of Aircraft

4.2 Level of Risk to NZ Aviation Safety

4.2.1 The CAA considers that the PPL with the commercial driver licence medical certificate will not impose an inappropriate impact on safety. The proposal will allow the CAA's limited resources to be more appropriately focused on managing medical safety matters in the higher risk commercial and air transport sectors. The proposal will be associated with fewer privileges than the ICAO-aligned PPL with medical certificate, as a means of mitigating any increased level of risk.

4.3 Compliance Costs

- 4.3.1 There will be no compliance costs for current holders of an RPL. Under the proposed rules, an existing RPL holder is considered to have met the eligibility requirements for a PPL with a commercial driver licence medical certificate, and to have been issued a PPL under the proposed rule 61.159. Therefore, a current RPL holder will be issued a PPL when the new Rules come into force, at no extra charge. If a commercial driver licence medical certificate has expired in respect of an RPL, the licence holder will need to get a new medical certificate issued by the holder's General Practitioner, before exercising the privileges of the licence.
- 4.3.2 The cost for the commercial driver licence medical certificate ranges from \$45 to \$135, plus costs for any additional tests. These costs are comparably much less than the more expensive medical assessment for a class 2 medical certificate issued under the Act. The cost for the latter medical assessment could range from \$560 to \$800, and possibly more in some cases.
- 4.3.3 A holder of a higher licence⁸ who does not hold a current class 2 or class 1 medical certificate issued under the Act, who wishes to exercise the PPL privileges under a commercial driver licence medical certificate, will need to pay the applicable medical fees for the latter medical certificate.

4.4 Summary of changes

- 4.4.1 Amend rule 61.7 by revoking the RPL category in paragraph (a)(1), as that licence will become redundant. Although revoked, paragraph reference '(1)' is to be reserved, in order to preserve the existing subsequent paragraphs in the rule. The policy intent is that the PPL with the commercial driver licence medical standard is not issued for a glider. In this regard, new rule 61.7(aa) is inserted to specify this.
- 4.4.2 Amend rule 61.17 by revoking the phrase '*a recreational pilot licence*' in paragraph (d), as the RPL category is to be revoked.
- 4.4.3 Amend rule 61.35 by inserting a new paragraph (a)(1)(ia) to allow for the commercial driver licence medical standard, which currently applies to a RPL, as an alternative medical standard for a PPL.
- 4.4.4 Further amend rule 61.35 by revoking paragraph (b) which prohibits the use of a RPL unless the person holds a commercial driver licence medical certificate in the prescribed circumstances. The paragraph reference will be reserved, to preserve the existing subsequent references. This paragraph is redundant as it is incorporated into the new paragraph (a)(1)(ia). Rule 61.35 is also amended in paragraph (d) by deleting the phrase '*under paragraph (b), or under rule 61.355(a)(2)*', as the phrase refers to a RPL. An additional amendment is made to paragraph (d) to require the licence holder to provide the Director with a copy of the medical certificate within 7 days of the renewal of the certificate.
- 4.4.5 Insert new rule 61.35D. The proposed rule recognises a commercial driver licence medical certificate as a medical certificate recognised by the Director for the purpose of the definition of "*medical certificate*" in section 27A of the Act. This will effectively require a PPL holder with a commercial driver licence medical

⁸ This refers to a current PPL that requires at least a class 2 medical certificate, commercial pilot licence or airline transport pilot licence.

certificate to comply with Part 2A of the Civil Aviation Act. This includes to stop exercising the privileges of the PPL as soon as the licence holder is aware of, or suspects any change in his or her medical condition that may affect the safe exercise of the PPL privileges. The licence holder may only continue to exercise the privileges once a medical practitioner confirms that the licence holder is fit to hold the medical certificate. This proposed rule would replace current rule 61.359 (the RPL equivalent).

- 4.4.6 Amend rule 61.37 in paragraph (b) by deleting the phrases '*recreational pilot*' and '*or a recreational pilot licence*'.
- 4.4.7 Amend rule 61.41 by inserting a new paragraph (aa). The paragraph allows the holder of a higher licence who does not hold a current class 1 or class 2 medical certificate issued under the Act, but holds a current medical certificate for a commercial driver licence, to exercise the privileges of a PPL referred to in proposed rule 61.155. This is on the condition that the pilot meets the currency requirements for the PPL.
- 4.4.8 Amend rule 61.153 in paragraph (a)(2) to provide for the commercial driver licence medical certificate as an alternative medical standard to the existing class 2 medical certificate, for a PPL. This would allow for a person to be eligible for the issue of a PPL if the person holds either a class 2 medical certificate, or a commercial driver licence medical certificate. However, a person who holds the latter certificate is not eligible to exercise the full suite of PPL privileges. Notable privileges which are prohibited under the latter medical certificate are night flying, flying under IFR, exercising the privileges of an aerobatics ratings and towing banners and drogues. Refer to proposed rule 61.155(ba) for more details.
- 4.4.9 Further amend rule 61.153 in paragraph (4) by clarifying that a person who seeks to exercise PPL privileges during the night, have night flight experience acceptable to the Director and hold a current class 2 medical certificate.
- 4.4.10 Amend rule 61.155 by inserting a new paragraph (ba). The paragraph prohibits the holder of a PPL with a commercial driver licence medical standard to act as pilot-in-command or co-pilot in any of the specified circumstances. For instance, the PPL holder must not act as pilot-in-command or co-pilot of any multi-engine or pressurised aircraft, of an aircraft operating under IFR, carrying more than five passengers, or while exercising the privileges of an aerobatics rating. Note that the prohibitions specified in this rule do not apply to a person who holds a higher licence with a current class 1 or class 2 medical certificate, concurrent with the commercial driver licence medical certificate. The holder is entitled to exercise the privileges associated with the higher licence.
- 4.4.11 Further amend rule 61.155 by inserting a new paragraph (bb). The paragraph prohibits the holder of a PPL with a commercial driver licence medical standard from carrying a passenger while performing an aerobatic manoeuvre, despite the general allowance for the carriage of a maximum of five passengers.
- 4.4.12 Insert new rule 61.159 to provide for a savings provision in respect of existing holders of recreational pilot licences. A holder of a current RPL is deemed to have been issued a PPL with a commercial driver licence medical certificate, for the aeroplane or helicopter category. The medical certificate which the RPL holder holds is deemed to be a medical certificate referred to in rule 61.35(a)(i)(ia). The licence holder may exercise the privileges of the deemed PPL and must comply with the limitations and meet the currency requirements of the PPL. This effectively means that when the Rules come into force, a deemed PPL holder (former RPL holder) with a current commercial driver licence medical certificate, may continue to use that certificate, in order to exercise the restricted PPL privileges. However, a deemed PPL holder with an expired commercial driver licence medical certificate will need to get a new medical assessment before exercising the restricted PPL privileges. Note that in addition to meeting the medical requirements, deemed PPL holders must also meet the recent flight experience requirements (rule 61.37) and biennial flight review requirements (rule 61.39), as required by current rule 61.157.
- 4.4.13 Subpart H which provides for the RPL is to be revoked. The Subpart reference 'H' is to be reserved.
- 4.4.14 Amend rule 61.551 by inserting a new paragraph (a)(4) which requires a person to hold a current class 1 or class 2 medical certificate if the person is to be eligible for an aerobatic flight rating. This would exclude a PPL holder

with the commercial driver licence medical standard from being eligible for the issue of the aerobatic flight rating.

- 4.4.15 Amend rule 61.557 by inserting a new paragraph (a)(3). The new paragraph prohibits a holder of an aerobatic flight rating from exercising the privileges of the rating unless the holder of the rating holds a current class 1 or class 2 medical certificate issued under the Act.
- 4.4.16 Amend rule 61.701 in paragraph (1) by inserting “*at least a current class 2 medical certificate issued under the Act and*”. The amended paragraph requires that a person must hold at least a current class 2 medical certificate and a private pilot licence for the appropriate category of aircraft, if the person is to be eligible for the issue of a Grade 2 agricultural rating (Aeroplane or Helicopter). This would exclude a PPL holder with a commercial driver licence standard from being eligible for the issue of the Grade 2 agricultural rating.
- 4.4.17 Amend rule 61.707 by inserting a new paragraph (aa). The paragraph prohibits a holder of an agricultural rating from exercising the privileges of the rating unless the holder of the rating holds a current class 1 or class 2 medical certificate issued under the Act.
- 4.4.18 Amend rule 61.801 in paragraph (a)(1) by inserting after “*current*” the phrase, “*class 1 or class 2 medical certificate issued under the Act*”. The amended paragraph requires a person to hold a current class 1 or class 2 medical certificate issued under the Act, in addition to holding a pilot licence with night flying privileges, if the person is to be eligible for the issue of an instrument rating (Aeroplane or Helicopter). This would exclude a PPL holder with a commercial driver licence medical standard from being eligible for the issue of an instrument rating.
- 4.4.19 Amend rule 61.807 by inserting a new paragraph (a)(6). The paragraph prohibits the holder of an instrument rating from exercising the privileges of the rating unless the holder of the rating holds a current class 1 or class 2 medical certificate issued under the Act.

5. Legislative analysis

5.1 Power to make rules

- 5.1.1 The Minister may make ordinary rules under section 30 of the Civil Aviation Act 1990, for various purposes including implementing New Zealand’s obligations under the Convention, assisting aviation safety and security, and any matter contemplated under the Act.
- 5.1.2 These proposed rules are made pursuant to:
- (a) section 30(a) which allows the Minister to make rules for the designation, classification, and certification of all or any of the following:
 - (ii) aircraft pilots:
 - (b) section 30(b) which allows the Minister to make rules for the setting of standards, specifications, restrictions, and licensing requirements for all or any of those persons or things specified in paragraph (a), including but not limited to the following:
 - (iv) the specifications of the privileges, limitations, and ratings associated with licences or other forms of approval:
 - (viii) the provision of information to the Authority or the Director by applicants for or holders of aviation documents.

5.2 Matters to be taken into account

The development of this NPRM and the proposed rule changes take into account the matters under section 33 of the Act that the Minister must take into account when making ordinary rules including the following:

5.3 ICAO Standards and Recommended Practices

- 5.3.1 The proposed rule amendments comply with applicable sections of the following International Civil Aviation Organization (ICAO) Annexes:
- Annex 1 – Personnel Licensing
 - Annex 2 – Rules of the Air

- Annex 6 – Operation of Aircraft
- Annex 8 – Airworthiness of Aircraft
- Annex 14 – Aerodromes

5.4 Assisting economic development

- 5.4.1 The proposed rule amendments will have no detrimental impact on economic development. It is envisaged that there will be lower medical costs for pilots who wish to exercise certain PPL privileges under a commercial driver licence medical certificate, as specified in the proposed rules. This is likely to result in more pilots requiring medical checks and utilising these PPL privileges, compared to the current PPL regime which requires the more expensive class 2 medical certificate.
- 5.4.2 The cost for the commercial driver licence medical certificate ranges from \$45 to \$135, plus costs for any additional tests. These costs are comparably much less than the more expensive medical assessment for a class 2 medical certificate issued under the Act. The cost for the latter medical assessment could range from \$560 to \$800, and possibly more in some cases.

5.5 Assisting safety and personal security

- 5.5.1 To mitigate any safety risks associated with flying into and out of a controlled aerodrome, the proposed rules will assist safety by prohibiting a holder of a PPL with a commercial driver licence medical certificate from flying into and out of a controlled aerodrome, unless the pilot maintains radio contact with the appropriate ATS unit at all times.
- 5.5.2 Certain PPL privileges which are considered a high risk activity due to the physical strain it places on the body, and thus increase the risk of medical complications arising in-flight, are prohibited for a PPL pilot with a commercial driver licence medical standard to perform. These high risk activities include flying under IFR, night flying, exercising the privileges of an aerobatics rating, performing parachute drop operations above 10,000 feet AMSL, performing agricultural aircraft operations, banner tow and drogue tow operations.
- 5.5.3 Recognising the complexity and speed associated with multi-engine aircraft, and its impact on the a pilot's ability to recover control of an aircraft in the case of a medical event, the proposed rules will assist safety by prohibiting a PPL pilot with a commercial driver licence medical standard from acting as pilot-in-command or co-pilot of any multi-engine or pressurised aircraft. Along a similar line regarding the complexity of handling larger aircraft, the PPL pilot is prohibited from being pilot-in-command or co-pilot of any single engine aircraft with a MCTOW exceeding 2,730kg.
- 5.5.4 Further restrictions on PPL pilots with commercial driver licence medical standard that assist safety include prohibiting the pilots from acting as pilot-in-command or co-pilot of an aircraft for remuneration, if the aircraft is operated for hire or reward, operating an aircraft outside of New Zealand, or carrying more than 5 passengers.
- 5.5.5 Finally, despite the general allowance to carry a maximum of 5 passengers, PPL pilots on the commercial driver licence medical standard are prohibited from carrying a passenger while performing an aerobatic manoeuvre.

5.6 Improving access and mobility

- 5.6.1 The proposed rules will not have a detrimental impact on access and mobility. More pilots are likely to exercise the proposed PPL privileges on a commercial driver licence medical certificate, due to the lower costs of the medical certificate.

5.7 Protecting and promoting public health

- 5.7.1 The proposed rules will have no impact on protecting and promoting public health.

5.8 Ensuring environmental sustainability

- 5.8.1 The proposed rules will have no detrimental impact on environmental sustainability.

6. Incorporation by reference

- 6.1.1 The proposed rules incorporate the medical certificate issued in accordance with section 44(1) of the Land Transport Driver Licensing Rules 1999 that is applicable for a class 2, 3, 4 or 5 driver licence with passenger endorsement.

6.1.2 The DL9 form is attached in Appendix 1 to this NPRM.

7. Civil Aviation (Offences) Regulations

7.1.1 Schedule 1 of the Civil Aviation (Offences) Regulations is made by the Governor General pursuant to section 100 of the Civil Aviation Act 1990 and contains a list of summary and infringement penalties associated with offences against various civil aviation rules.

7.1.2 The proposed rule amendments will require amendments to the Civil Aviation (Offences) Regulations as shown in Appendix 2 to this NPRM.

8. Submissions on the NPRM

8.1 Submissions are invited

8.1.1 These proposed rules have been developed by the CAA, following public consultation on whether or not an alternative PPL should be developed that allows for a lower standard of medical certification. The CAA had also sought the industry's views on what a suitable alternative standard of medical certification might be, taking into account the costs and benefits associated with the various options. In this regard, a consultation document entitled Private Pilot Licence medical certification requirements was published in April 2017.

8.1.2 Interested persons are invited to participate in the making of the proposed rules by submitting written data, views, or comments. All submissions will be considered before final action on the proposed rulemaking is taken. If there is a need to make any significant change to the rule requirements in this proposal as a result of the submissions received.

8.2 Examination of submissions

8.2.1 All submissions will be available for examination by interested persons both before and after the closing date for submissions. A consultation summary will be published on the CAA web site.

8.2.2 Submissions may be examined by appointment with the Docket Clerk at the Civil Aviation Authority Level 15, Asteron Centre, 55 Featherston Street, Wellington 6011 between 8:30 am and 4:30 pm on weekdays, except statutory holidays. Appointments to examine submissions are to be arranged by phone or email at docket@caa.govt.nz.

8.3 Official Information Act

8.3.1 Submitters should note that subject to the Official Information Act 1982 any information attached to submissions will become part of the docket file and will be available to the public for examination.

8.3.2 Submitters should state clearly if there is any information in their submission that is commercially sensitive or for some other reason the submitter does not want the information to be released to other interested parties. The CAA will consider this in making a decision in respect of any Official Information Act requests. It should be noted that the CAA cannot guarantee confidentiality in respect of any specific submissions.

8.4 How to make a submission

8.4.1 Online response form

Note: since this NPRM was prepared, we have a new website. Please use this address: <https://www.aviation.govt.nz/rules/rule-development-and-change/nprms-open-for-submission/>

An online response form is available on the CAA web site at <https://www.caa.govt.nz/rules/nprms/>. When submitted, this form will be sent directly to the Docket Inbox.

8.4.2 Submission response sheet

A submission response sheet may also be downloaded from our website and sent by the following methods:

e-mail: and marked NPRM 19-04

by mail: Docket Clerk (NPRM 19-04)
Civil Aviation Authority
PO Box 3555
Wellington 6140
New Zealand

delivered: Docket Clerk (NPRM 19-04)
Civil Aviation Authority
Asteron House
Level 15
55 Featherston Street
Wellington 6011

8.5 Final date for submissions

Comments must be received by 5pm on 3 February 2020.

8.6 Availability of the NPRM:

Any person may obtain a copy of this NPRM from–

CAA web site:

or from:

Docket Clerk
Civil Aviation Authority
Asteron House
Level 15
55 Featherston Street
Wellington 6011
Phone: 64–4–560 9640 (quoting NPRM)

8.7 Further information

For further information, contact:

Salote Raiwalui
Rules Drafter
Email address:Salote.Raiwalui@caa.govt.nz

Proposed amendments:

[New wording changes from the current rules are highlighted in grey, ~~deleted text~~ is struck through and highlighted grey.]

Part 61 Pilot Licences and Ratings

61.7 Pilot licences, ratings, and permits

(a) The following pilot licence types, ratings and permits are issued by the Director under section 9 of the Act in accordance with the applicable requirements of this Part:

- (1) ~~recreational pilot licence~~ — ~~Aeroplane~~
~~Helicopter:~~
- (2) private pilot licence — Aeroplane:
 — Helicopter:
 — Glider:
- (3) commercial pilot licence — Aeroplane:
 — Helicopter:
 — Balloon:
 — Glider:
- (4) airline transport pilot licence — Aeroplane:
 — Helicopter:
- (5) instrument rating — Aeroplane:
 — Helicopter:
- (6) flight instructor rating category A, B, C, D, and E
 — Aeroplane:
 — Helicopter:
- (7) flight examiner rating — Airline:
 — General aviation:
 — Agricultural:
- (8) validation permit:
- (9) agricultural rating Grade 1 and 2 — Aeroplane:
 — Helicopter.

(aa) Despite paragraph (a)(2), a private pilot licence referred to in rule 61.35(a)(1)(ia) must not be issued for a glider.

(b) The following ratings are issued under this Part in accordance with the applicable requirements of this Part:

- (1) aircraft type rating:
- (2) aerobatic flight rating:
- (3) glider tow rating:

- (4) parachute drop rating:
- (5) [*Revoked*]:
- (6) pilot chemical rating:
- (7) aerial topdressing rating:
- (8) aerial spraying rating:
- (9) aerial vertebrate toxic agent (VTA) rating.

61.17 Written examinations – prerequisites and grades

- (a) An applicant for a written examination required under this Part must produce as evidence of the applicant's identity—
 - (1) a current New Zealand passport; or
 - (2) a current New Zealand driver licence; or
 - (3) an equivalent form of photographic identification that is acceptable to the Director.
- (b) An applicant for a written examination required under this Part must gain at least 70% of the possible marks in order to pass the examination.
- (c) An applicant for a pilot licence or instrument rating must pass all the approved written examinations that are required for the particular pilot licence or instrument rating within 3 years of taking the first examination to gain a written examination credit for the licence or rating.
- (d) The written examination credit specified in paragraph (c) is,—
 - (1) in the case of a private pilot licence, a commercial pilot licence ~~a recreational pilot licence~~, and an instrument rating, valid for 3 years; and
 - (2) in the case of an airline transport pilot licence, valid for 10 years (except that the examination pass in airline transport pilot licence aviation law must not be more than 5 years old).
- (e) A person who fails a written examination 3 times within a period of 3 months may not sit another examination in that subject for a period of 3 months following the date of the last failed examination.
- (f) [*Revoked*]

61.35 Medical requirement

- (a) A person who holds a pilot licence must not exercise the privileges of the licence unless—
 - (1) the person—
 - (i) in the case of a private pilot licence, holds at least a current class 2 medical certificate issued under the Act; or
 - (ia) in the case of a private pilot licence, holds a current medical certificate issued in accordance with section 44(1) of the Land Transport (Driver Licensing) Rule 1999 that is applicable for a class 2, 3, 4 or 5 driver licence with passenger endorsement which –
 - (A) was issued within the previous 5 years; or
 - (B) if the person is 40 years of age or older, was issued within the previous 24 months; or
 - (ii) in the case of a commercial pilot licence and an airline transport pilot licence, holds a current class 1 medical certificate issued under the Act; and
 - (iii) is complying with all the conditions, restrictions and endorsements on the medical certificate; or

- (2) if the person has been issued a private pilot licence by the Director in accordance with rule 61.153(b) on the basis of a foreign pilot licence, the person—
- (i) holds a medical certificate applying to the foreign pilot licence that the Director relied on to issue the private pilot licence and the medical certificate applying to that foreign pilot licence has not expired; and
 - (ii) is complying with all the conditions, restrictions, and endorsements on the medical certificate.

~~(b) A person who holds a recreational pilot licence must not exercise the privileges of the licence unless the person—~~

~~(1) holds a medical certificate, issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement which—~~

~~(i) was issued within the previous 5 years; or~~

~~(ii) if the person is 40 years of age or older, was issued within the previous 24 months; and~~

~~(2) is complying with all the conditions, restrictions and endorsements on the medical certificate.~~

[Paragraph reference (b) is to be reserved, to preserve the subsequent current numbering sequence.]

(c) A person who holds a validation permit for a foreign pilot licence must not exercise the privileges of that permit unless the person—

- (1) holds a current medical certificate that is associated with the foreign pilot licence for which the validation permit is issued; and
- (2) is complying with all the conditions, restrictions and endorsements on the medical certificate.

(d) A person who is required ~~under paragraph (b), or under rule 61.355(a)(2)~~ to hold a medical certificate ~~issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999~~ referred to in paragraph (a)(1)(ia) must provide the Director with a copy of the medical certificate within 7 days of ~~issue~~ the renewal of the certificate.

61.35D Medical certificate for class 2, 3, 4 or 5 driver licence with passenger endorsement recognised by the Director

A medical certificate that is referred to in rule 61.35(a)(1)(ia) is a medical certificate recognised by the Director for the purpose of the definition of medical certificate in section 27A(1) of the Act.

61.37 Recent flight experience

(a) **Airline transport pilot:** A person who holds an airline transport pilot licence must not act as pilot-in-command of an aircraft on an air operation that requires the pilot-in-command to hold an airline transport pilot licence unless, within the 90 days immediately preceding the flight—

- (1) the person has—
 - (i) carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings; or
 - (ii) satisfactorily demonstrated to an appropriately authorised flight examiner continued competency in an aircraft of the same type; or
 - (iii) satisfactorily demonstrated to an appropriately qualified flight instructor competence in take-off and landing manoeuvres during the day in an aircraft of the same type; but
- (2) one of the landings may be a monitored landing using the automatic landing facility of the autopilot.

(b) **Commercial pilot (aeroplane or helicopter), private pilot, recreational pilot – day flight:** A holder of a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation during the day, and a person who holds a commercial pilot licence or a private pilot licence ~~or a recreational pilot licence~~ must not act as pilot-in-

command of an aircraft carrying a passenger during the day unless, within the 90 days immediately preceding the flight the person has—

- (1) carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings during the day; or
- (2) satisfactorily demonstrated to an appropriately qualified Category A or B flight instructor competence in take-off and landing manoeuvres during the day in an aircraft of the same type; or
- (3) satisfactorily demonstrated competence for the issue of the appropriate pilot licence in accordance with this Part, in an aircraft of the same type.

(c) **commercial pilot, private pilot – night flight:** A holder of a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation at night, and a person who holds a commercial pilot licence or a private pilot licence must not act as pilot-in-command of an aircraft carrying a passenger at night unless, within the 90 days immediately preceding the flight the person has—

- (1) carried out (as pilot-in-command of an aircraft or an approved synthetic flight trainer of the same type) not less than 3 take-offs and 3 landings during the night; or
- (2) satisfactorily demonstrated to an appropriately qualified Category A or B flight instructor competence in take-off and landing manoeuvres during the night in an aircraft of the same type.

(ca) **Commercial pilot (balloon):** A holder of a commercial pilot licence (balloon) must not act as pilot-in-command of a balloon carrying a passenger unless, within the 90 days immediately preceding the flight the person has—

- (1) carried out, as pilot-in-command, not less than 3 take-offs and 3 landings during the day, each time ascending to a height of at least 500 feet; or
- (2) satisfactorily demonstrated to an appropriately qualified person acceptable to the Director, competence in take-off and landing manoeuvres in a balloon of the same type; or
- (3) satisfactorily demonstrated competence for the issue of the commercial pilot licence under this Part, in a balloon of the same type.

(d) To comply with paragraphs (a)(1), (b)(1), or (c)(1), a helicopter pilot must fly transition circuits between the required take-offs and landings.

(e) *[Revoked]*

(f) To comply with paragraph (b)(1), a glider pilot must perform 3 launches of the appropriate type.

(g) For the purposes of accumulating the 3 take-offs and 3 landings required in paragraphs (b)(1) and (c)(1), the holder of a current Category A flight instructor rating may count take-offs and landings whether during the day or night.

(h) A flight instructor must meet the recent flight experience requirements during the day or night, as appropriate, before giving flight instruction.

(i) If the holder of a pilot licence issued in accordance with this Part has not met the requirements of rule 61.39 for a period of 5 years or more, the privileges of that pilot licence may not be exercised again unless,—

- (1) the holder of the pilot licence passes an approved air law examination and meets the appropriate currency requirements of the licence (except if the holder has a current pilot licence for a different category of aircraft and meets the requirements of rule 61.39(a) for that category); or
- (2) in the case of an airline transport pilot licence, the holder of the pilot licence completes the appropriate operational competency checks required in Parts 121, 125, or 135 whichever is applicable.

61.41 Use of lower pilot licence or rating

(a) The holder of an airline transport pilot licence or a commercial pilot licence issued in accordance with this Part who does not hold a current class 1 medical certificate issued under the Act but who holds a current class 2 medical certificate issued under the Act, may exercise the privileges of a private pilot licence if the pilot meets the currency requirements for the private pilot licence type.

(aa) The holder of an airline transport pilot licence, a commercial pilot licence, or a private pilot licence issued under this Part who does not hold a current class 1 or class 2 medical certificate issued under the Act, but holds a current medical certificate referred to in rule 61.35(a)(1)(ia), may exercise the privileges and is subject to the limitations of, a private pilot licence referred to in rule 61.155, if the pilot meets the currency requirements for the private pilot licence.

(b) The holder of a pilot licence issued in accordance with this Part who does not meet the currency requirements of rule 61.207 or rule 61.257 for the pilot licence type, but who meets the currency requirements for a lower pilot licence, may exercise the privileges of the lower pilot licence.

Subpart D — Private Pilot Licences

61.153 Eligibility requirements

(a) Except as provided in paragraphs (b) and (c), to be eligible for the issue of a private pilot licence a person must—

(1) be at least 17 years of age; and

(2) hold —

(i) at least a current class 2 medical certificate issued under the Act; or

(ii) a current medical certificate referred to in rule 61.35(a)(1)(ia); and

(3) have the minimum of—

(i) 50 hours flight time experience as a pilot in the appropriate category of aircraft comprising solo flight time, dual flight time, instrument time, and cross-country flight time acceptable to the Director; or

(ii) if the person is not seeking to exercise private pilot privileges on a cross-country flight, 40 hours flight time experience as a pilot in the appropriate category of aircraft comprising solo flight time, instrument time, and dual flight time acceptable to the Director; and

(4) if the person seeks to exercise private pilot privileges during the night, have night flight experience acceptable to the Director and hold the medical certificate referred to in paragraph (a)(2)(i); and

(5) if the person seeks to exercise private pilot (helicopter) privileges in the carriage of sling loads, have flight training on the carriage of sling loads acceptable to the Director; and

(6) have a valid written examination credit, or approved equivalent, that covers the following private pilot licence subject areas:

(i) air law;

(ii) air navigation and flight planning;

(iii) meteorology;

(iv) aircraft technical knowledge (Aeroplane or Helicopter), as appropriate;

(v) human factors;

(vi) flight radiotelephony; and

(7) have successfully demonstrated the following to a flight examiner in a flight test:

(i) knowledge in the ground examination subjects specified in paragraph (6), including those detailed in the examination knowledge deficiency reports;

(ii) knowledge of the privileges and limitations of a private pilot licence;

(iii) technical and operational knowledge relevant to the aircraft type to be used in the flight test;

- (iv) competence to operate the aircraft within its performance capabilities and limitations in accordance with the aircraft flight manual in all normal, abnormal, and emergency conditions and procedures while exercising appropriate levels of judgement and command;
- (v) competence in radiotelephony (RTF) procedures and phraseology;
- (vi) control of the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt; and

(8) if applicable, comply with all the requirements of a notice issued under Subpart I.

(b) Under section 9 of the Act, a person who holds a current pilot licence and associated medical certificate issued by an ICAO Contracting State may have the licence and medical certificate recognised by the Director for the purpose of the Director issuing a private pilot licence to the person, for the same category of aircraft.

(c) A person who holds a current glider pilot certificate issued by a gliding organisation under delegated authority from the Director is eligible for the issue of a private pilot licence (Glider) if the person—

- (1) is at least 17 years of age; and
- (2) holds a flight radiotelephony examination credit; and
- (3) holds at least a current class 2 medical certificate issued under the Act.

(d) Qualifications held by a member of the New Zealand Defence Force who is in current flying practice as a first or second pilot may be accepted by the Director as meeting the requirements in—

- (1) paragraph (a)(6), if the person has passed the appropriate air law examination in the 5 years prior to applying for the issue of the private pilot licence; and
- (2) paragraph (a)(7).

61.155 Privileges and limitations

(a) Subject to paragraphs (b)(3) and (ba), the holder of a current private pilot licence may—

- (1) act as pilot-in-command of an aircraft of the category for which the pilot licence is granted and for which the pilot holds an aircraft type rating, and may carry passengers in the aircraft; and
- (2) act as a co-pilot of an aircraft of the category for which the pilot licence is granted and for which the pilot holds an aircraft type rating, and which is required to be operated with a co-pilot.

(b) The holder of a private pilot licence must not act as pilot-in-command or as co-pilot of an aircraft—

- (1) for remuneration; or
- (2) if the aircraft is being operated for hire or reward; or
- (3) if the aircraft is—
 - (i) being operated at night; or
 - (ii) being operated on a cross country flight; or
 - (iii) a helicopter carrying a sling load—

unless an appropriately qualified flight instructor has certified in the holder's logbook that the holder has satisfactorily completed the flight training required to perform that activity; or

- (4) if applicable, unless the holder has complied with all the requirements of a notice issued under Subpart I.

(ba) The holder of a private pilot licence who only holds a current medical certificate referred to in rule 61.35(a)(1)(ia) must not act as pilot-in-command or co-pilot —

- (1) of any multi-engine or pressurised aircraft:

(2) of any single engine aircraft with a MCTOW exceeding 2,730 kg:

(3) of an aircraft –

(i) operating outside of New Zealand:

(ii) operating under IFR:

(iii) operating into or out of a controlled aerodrome unless the holder maintains radio contact with the appropriate ATS unit at all times

(iv) performing an agricultural aircraft operation:

(v) performing a banner tow operation:

(vi) performing a drogue tow operation:

(vii) performing a parachute drop operation exceeding 10,000 feet AMSL:

(viii) while exercising the privileges of an aerobatics rating:

(ix) despite paragraph (a)(1), carrying more than 5 passengers;

(x) despite paragraph (b)(3)(i), that is being operated at night.

(bb) Despite paragraphs (a)(1) and (ba)(3)(ix), the holder of a private pilot licence who only holds a medical certificate referred to in rule 61.35(a)(1)(ia) must not carry a passenger while performing an aerobatic manoeuvre.

(c) Despite paragraph (b)(2), the holder of a current private pilot licence may act, but not for remuneration, as pilot-in-command or as a co-pilot of an aircraft that is operated for hire or reward to tow a glider in flight, but only if the operation is under the direct control of a gliding organisation, or under the authority of an adventure aviation operator certificate issued by the Director under the Act and Part 115.

61.159 Savings provision

(a) A holder of a valid recreational pilot licence for an aeroplane or a helicopter that was issued under this Part and existed immediately before [insert the date that this rule comes into force] –

(1) is deemed to have been issued a private pilot licence referred to in rule 61.35(a)(1)(ia); and

(2) is deemed to hold a medical certificate referred to in rule 61.35(a)(1)(ia).

(b) The holder of a deemed private pilot licence—

(1) may exercise the privileges prescribed for the private pilot licence; and

(2) must comply with the limitations and meet the currency requirements for the private pilot licence.

[Subpart H is revoked and the Subpart reference is reserved.]

Subpart H — Recreational Pilot Licence

61.351 Purpose

~~This Subpart prescribes the requirements for the issue of a recreational pilot licence and the privileges, limitations, and currency requirements of the pilot licence.~~

61.353 Definitions

~~Medical Certificate, in this Subpart and as referred to in rules 61.35(b) and (d) is not recognised as a medical certificate by the Director under the rules for the purpose of Part 2A of the Act.~~

61.355 Eligibility requirements

~~(a) Except as provided for in paragraph (b), to be eligible for the issue of a recreational pilot licence (aeroplane or helicopter) a person must —~~

- ~~(9) be at least 17 years of age; and~~
- ~~(10) hold a medical certificate, issued under rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement which—~~
 - ~~(i) was issued within the previous 5 years; or~~
 - ~~(ii) if the person is 40 years of age or older, was issued within the previous 24 months; and~~
- ~~(11) have a minimum of—~~
 - ~~(i) 50 hours flight time experience as a pilot in the appropriate category of aircraft comprising of solo flight time, dual flight time, instrument time, and cross-country flight time acceptable to the Director; or~~
 - ~~(ii) if the person is not seeking to exercise recreational pilot privileges on a cross-country flight, 40 hours flight time experience as a pilot in the appropriate category of aircraft comprising solo flight time, instrument time, and dual flight time acceptable to the Director; and~~
- ~~(12) have a valid written examination credit, or approved equivalent, in the subjects contained in rule 61.153(a)(6); and~~
- ~~(13) have completed terrain awareness training that is acceptable to the Director; and~~
- ~~(14) have passed a flight test for the issue for a private pilot licence under rule 61.153(a)(7) except that the person must have demonstrated knowledge of the privileges and limitations of a recreational pilot licence; and~~
- ~~(15) if applicable, comply with all the requirements of a notice issued under Subpart I.~~

~~(b) A person who holds a valid private pilot licence, commercial pilot licence, or an airline transport pilot licence, is eligible for the issue of a recreational pilot licence for the appropriate category of aircraft, if the person—~~

- ~~(1) holds a medical certificate as required by paragraph (a)(2); and~~
- ~~(2) has not met the requirements of rule 61.39 for a period of 5 years or more; and~~
- ~~(3) has passed the written examination for PPL air law.~~

~~(c) Cross country flight experience in a helicopter or aeroplane under paragraph (a)(3)(i) may be accepted by the Director as cross country flight time in the other category of aircraft.~~

61.357 — Privileges and limitations

~~(a) Subject to paragraph (b), the holder of a current recreational pilot licence~~

~~(b) —~~

~~(c) —~~

~~(d) may —~~

- ~~(1) act as pilot in command of a single engine non-pressurised aeroplane with a MCTOW of 2000kg or less, for which the pilot holds an aircraft type rating; or~~
- ~~(2) act as pilot in command of a single engine helicopter with a MCTOW of 1500kg or less, for which the pilot holds an aircraft type rating; or~~
- ~~(3) carry a passenger, provided the passenger has been informed that the pilot does not hold a medical certificate issued under the Act.~~

~~(e) The holder of a recreational pilot licence must not act as pilot in command or as co-pilot of an aircraft —~~

~~(16) operating outside New Zealand; or~~

~~(17) for remuneration; or~~

~~(18) carrying more than one passenger; or~~

~~(19) if the aircraft is being operated—~~

~~(i) for hire and reward; or~~

~~(ii) at night; or~~

~~(iii) under instrument flight rules; or~~

~~(iv) into or out of a controlled aerodrome unless the licence holder has provided the Director with evidence of a successful colour vision screening test that is acceptable to the Director; or~~

~~(v) over a congested area of a city or town, except for the purpose of take off and landing; or~~

~~(20) if the aircraft is conducting—~~

~~(i) an air operation; or~~

~~(ii) a glider tow operation, where the glider is being operated for hire or reward; or~~

~~(iii) a parachute drop operation; or~~

~~(iv) an agricultural aircraft operation; or~~

~~(v) an aerobatic flight; or~~

~~(vi) a banner tow operation; or~~

~~(vii) a drogue tow operation; or~~

~~(viii) a sling load operation; and~~

~~(21) if applicable, unless that person complies with all the requirements of a notice issued under Subpart I.~~

61.359 — Changes in medical condition of RPL holder

~~If a holder of a recreational pilot licence is aware of, or has reasonable grounds to suspect, any change in his or her medical condition or the existence of any previously undetected medical condition that may interfere with the safe exercise of the privileges of the licence, the licence holder must not exercise the privileges of the licence unless a medical practitioner confirms the licence holder is fit to hold a medical certificate referred to in rule 61.355(a)(2).~~

61.361 — Currency requirements

~~A holder of a recreational pilot licence must comply with the requirements of rules 61.35 (Medical requirements), 61.37 (Recent flight experience) and 61.39 (Biennial flight review) before exercising the privileges of the holder's recreational pilot licence.~~

Subpart L — Aerobatic Flight Rating

61.551 Eligibility requirements

(a) To be eligible for an aerobatic flight rating a pilot must—

(1) have successfully completed an aerobatics ground course conducted under the authority of—

(i) an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct the course; or

(ii) an aviation recreation organisation certificate issued in accordance with Part 149 if the certificate authorises the holder to conduct the course; and

(2) have successfully completed an aerobatics flight training course conducted under the authority of—

(i) an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct the course; or

- (ii) an aviation recreation organisation certificate issued in accordance with Part 149 if the certificate authorises the holder to conduct the course; and
- (3) have successfully demonstrated competency in aerobatics and spinning to—
 - (i) an appropriately qualified flight instructor who operates under the authority of an aviation training organisation certificate issued in accordance with Part 141 if the certificate authorises the holder to conduct the assessment; or
 - (ii) a person who operates under the authority of an aviation recreation organisation certificate issued in accordance with Part 149 if the certificate authorises the holder to conduct the assessment; and
- (4) hold a current class 1 or class 2 medical certificate issued under the Act.
- (b) A holder of the following is deemed to have met the eligibility requirements of paragraphs (a)(1) and (a)(2)—
 - (1) a current aerobatic rating issued by an ICAO Contracting State;
 - (2) a New Zealand Defence Force pilot qualification.
- (c) A pilot who holds a current pilot licence and has passed a New Zealand Defence Force aerobatic assessment in the 2 years prior to applying for an aerobatic flight rating is deemed to have met all the eligibility requirements of paragraph (a).

61.557 Currency requirements

- (a) A holder of an aerobatic flight rating must not exercise the privileges of the rating unless,—
 - (1) within the previous 24 months, the holder has successfully demonstrated competency in accordance with the requirements of rule 61.551(a)(3); and
 - (2) the flight instructor or authorised person who conducts the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29; and
 - (3) holds a current class 1 or class 2 medical certificate issued under the Act.
- (b) A pilot who successfully completes the competency demonstration within 60 days before the date on which it is required is deemed to have completed the demonstration on the required date.

Subpart O — Agricultural Ratings

61.701 Eligibility

- (a) To be eligible for the issue of a Grade 2 agricultural rating (Aeroplane or Helicopter) a person must—
 - (1) hold at least a current class 2 medical certificate issued under the Act and a private pilot licence for the appropriate category of aircraft; and
 - (2) have a minimum of 200 hours flight time experience as a pilot, including a minimum of 100 hours as pilot-in-command in the appropriate category of aircraft, before commencing training for an agricultural rating; and
 - (3) successfully complete a course of agricultural ground and flight training; and
 - (4) [Revoked]
 - (5) [Revoked]
 - (6) hold a pilot chemical rating; and
 - (7) successfully complete a training course in one or more of the following ratings:
 - (8) aerial topdressing rating;
 - (9) aerial spraying rating;
 - (10) aerial VTA rating; and

- (11) successfully demonstrate competency in agricultural aircraft operations to a flight examiner holding an appropriate current agricultural flight examiner rating.
- (b) To be eligible for the issue of a Grade 1 agricultural rating (Aeroplane or Helicopter), a person must—
- (1) hold at least a current commercial pilot licence for the appropriate category of aircraft; and
 - (2) have a minimum of 1000 hours productive flight time experience dispensing agricultural chemical or other substance directly affecting agriculture, horticulture or forest preservation, including a minimum of 200 hours as pilot-in-command of the appropriate category of aircraft; and
 - (3) successfully demonstrate competency in agricultural aircraft operations to a flight examiner holding an appropriate current agricultural flight examiner rating.
- (c) The training required by paragraph (a)(3), and the demonstration of competency required by paragraphs (a)(8) and (b)(3) must be conducted under the authority of—
- (1) an agricultural aircraft operator certificate issued under Part 137 that authorises the operator to conduct the training or competency assessment; or
 - (2) an aviation training organisation certificate issued under Part 141 that authorises the organisation to conduct the training or competency.

61.707 Currency requirements

- (a) Subject to paragraph (d), a holder of an agricultural rating must not exercise the privileges of the rating unless—
- (1) within the preceding 12 months the holder has –
 - (i) successfully demonstrated, to a holder of a category E flight instructor rating or a holder of an agricultural flight examiner rating, competency to perform an agricultural aircraft operation in an appropriate aircraft category and applicable to the agricultural ratings being exercised; and
 - (ii) holds a current class 1 or class 2 medical certificate issued under the Act.
 - (2) the flight instructor or flight examiner who conducted the competency demonstration has entered the following statement in the pilot's logbook:

I certify that on [date of assessment] [name of pilot and licence number] demonstrated competency in agricultural aircraft operations in accordance with rule 61.707(a)(1) of the Civil Aviation Rules for continued currency of a (Grade 2) (Grade 1)* agricultural rating (aeroplane)* (helicopter)* performing (aerial topdressing)* (aerial spraying)* (aerial VTA)*. Next competency demonstration due on [enter date 12 months from date of assessment or 12 months from due date in accordance with paragraph (c) whichever is later]. [enter date of log book entry, and full name, signature and licence number of flight instructor or flight examiner].*

** delete as applicable.*

- (b) A pilot who successfully completes the competency demonstration within 60 days before the date on which the demonstration is required is deemed to have completed the demonstration on the required date.
- (ba) The flight instructor or flight examiner who conducted the competency demonstration must complete the appropriate CAA form and submit a copy of the completed form to the Director and to the pilot.
- (c) A holder of a Grade 1 agricultural rating must not act as pilot-in-command of an aircraft performing an agricultural aircraft operation if, under Part 137, there is a third party risk unless—
- (1) the holder has at least 25 hours flight time experience as a pilot-in-command on the type of aircraft being used; and
 - (2) 10 of the required hours have been accumulated within the immediately preceding 12 months.
- (d) Despite paragraph (a), a holder of an agricultural rating must not dispense an agricultural chemical from an aircraft on an agricultural aircraft operation unless they hold a current pilot chemical rating.

Subpart Q — Instrument Ratings

61.801 Eligibility requirements

(a) Except as provided in paragraphs (b) and (c), to be eligible for an instrument rating (Aeroplane or Helicopter), a person must—

- (1) hold a current class 1 or class 2 medical certificate issued under the Act and a pilot licence, which includes the night flying privileges for the pilot licence, for the appropriate category of aircraft; and
- (2) have flight time experience acceptable to the Director; and
- (3) successfully complete a ground training course, in the following subject areas:
 - (i) air law: rules and regulations relevant to flight under IFR; related air traffic service practices and procedures; pre-flight preparations and checks appropriate to flight under IFR; operational flight planning; preparation and filing of flight plans under IFR; altimeter setting procedures; interpretation and use of aeronautical documentation such as AIP, NOTAM, aeronautical codes and abbreviations, and instrument procedure charts for departure, en-route, descent and approach; precautionary and emergency procedures; safety practices associated with flight under IFR; radiotelephony procedures and phraseology as applied to aircraft operations under IFR; action to be taken in case of communication failure:
 - (ii) flight navigation - IFR: practical air navigation using radio navigation aids; use, accuracy and reliability of navigation systems used in departure, en-route, approach and landing phases of flight; identification of radio navigation aids:
 - (iii) meteorology: interpretation and application of aeronautical meteorological reports, charts and forecasts; use of, and procedures for obtaining, meteorological information, pre-flight and in-flight; altimetry; aeronautical meteorology; climatology of relevant areas in respect of the elements having an effect upon aviation; the movement of pressure systems, the structure of fronts, and the origin and characteristics of significant weather phenomena which affect take-off, en-route, and landing conditions; hazardous weather avoidance:
 - (iv) instruments and navigation aids: use, limitation and serviceability of avionics and instruments necessary for the control and navigation of aircraft under IFR and in instrument meteorological conditions; use and limitations of autopilot; compasses, turning and acceleration errors; gyroscopic instruments, operational limits and precession effects; practices and procedures in the event of malfunctions of various flight instruments:
 - (v) human factors: human performance and limitations; and
- (4) successfully complete a flight training course conducted by an appropriately qualified flight instructor comprising a minimum 10 hours of dual instruction in the appropriate category of aircraft in the following subject areas:
 - (i) pre-flight procedures, including the use of the flight manual or equivalent document, and appropriate air traffic service documents in the preparation of an IFR flight plan:
 - (ii) pre-flight inspection, use of checklists, taxiing and pre-take-off checks:
 - (iii) procedures and manoeuvres for IFR operation under normal, abnormal, and emergency conditions covering at least: transition to instrument flight on take-off; standard instrument departures and arrivals; en-route IFR procedures; holding procedures; instrument approaches to specified minima; missed approach procedures; and landings from instrument approaches:
 - (iv) in-flight manoeuvres and particular flight characteristics:
 - (v) for multi-engine aircraft, the operation of the aircraft solely by reference to instruments with 1 engine inoperative or simulated inoperative; and
- (5) have a valid written examination credit, or approved equivalent, that covers approved written examinations in the subject areas described in paragraph (a)(3); and

- (6) successfully demonstrate to the Director (by undertaking a flight test in an appropriate aircraft or in an approved synthetic flight trainer) the ability to competently perform the procedures, manoeuvres, and operations described in paragraph (a)(4) that are applicable to the navigation systems on which the applicant is being tested, and the ability to—
- (i) operate the aircraft within its limitations; and
 - (ii) complete all manoeuvres with smoothness and accuracy; and
 - (iii) exercise good judgement and airmanship; and
 - (iv) apply aeronautical knowledge; and
 - (v) control the aircraft at all times in a manner that ensures the successful outcome of a procedure or manoeuvre is never in doubt.

(b) To be eligible for an instrument rating, a holder of an unrestricted equivalent rating issued by an ICAO Contracting State must—

- (1) have a valid written examination credit in the subject of air law described under paragraph (a)(3)(i); and
- (2) pass the flight test required by paragraph (a)(6).

(c) A person who holds a New Zealand Defence Force instrument rating and has passed a New Zealand Defence Force instrument flight assessment in the 3 months prior to applying for an instrument rating meets the eligibility requirements of paragraphs (a)(2) to (a)(6).

61.807 Currency requirements

(a) Except as provided in paragraph (b), the holder of an instrument rating must not exercise the privileges of the rating unless the holder has,—

- (1) within the immediately preceding 12 months,—
 - (i) successfully demonstrated to a flight examiner competency in accordance with rule 61.801(a)(6) for the appropriate category of aircraft; and
 - (ii) the person who conducts the competency demonstration certifies the successful completion of the check in the pilot's logbook in accordance with rule 61.29; and
- (2) within the immediately preceding 3 months,—
 - (i) either met the requirements of paragraph (a)(1) or completed at least 3 hours instrument time (which must have included at least 1 hour instrument flight time); and
 - (ii) carried out at least 3 published instrument approach procedures (1 of which may be performed in an approved synthetic flight trainer); and
- (3) if acting as a pilot of a non-centrelines-thrust multi-engine aircraft under IFR, demonstrated the competency required in paragraph (a)(1) in a non-centrelines-thrust multi-engine aircraft; and
- (4) if carrying out an instrument approach procedure under IFR, within the immediately preceding 3 months, performed in flight or in an approved synthetic flight trainer a published instrument approach procedure using a similar type of navigation system; or
- (5) if conducting an IFR operation under the authority of an air operator certificate issued in accordance with Part 119, satisfied the IFR competency requirements in Part 121, 125 or 135 as appropriate; and
- (6) holds a current class 1 or class 2 medical certificate issued under the Act.

(b) The holder of an instrument rating who does not comply with paragraph (a)(2) may act as support pilot of an aircraft on an IFR flight if the aircraft is not performing an air operation.

(c) A pilot who successfully completes the demonstration required by paragraph (a)(1) within 60 days before the date on which it is required is deemed to have completed the demonstration on the required date.

Appendix 1 – DL9 Medical certificate for commercial driver licence



Medical certificate for driver licence

DL9

APPLICANT TO COMPLETE THIS PAGE

Reason for medical certificate

If you already have a New Zealand driver licence, what is the licence number?

I am seeking a medical certificate because:

- I am applying to obtain or renew the licence classes and/or endorsements indicated below.
- I have been asked by the Transport Agency's medical section to provide a medical certificate confirming my fitness to hold the classes and/or endorsements indicated below.

Classes and endorsements

I am applying for or already hold:

- Any of:
Class 1 or 6, Dangerous Goods, Forklift, Rollers, Tracks or Wheels endorsement
- Any of:
Class 2, 3, 4 or 5, Passenger, Vehicle Recovery, Driving Instructor or Testing Officer endorsement

Details of applicant

Surname or family name

Full first names

Date of birth / /
Day Month Year

Physical address

Mailing address

Email address

Contact telephone numbers

Giving your email address and telephone number(s) is optional

Important privacy information for applicant

The Land Transport (Driver Licensing) Rule 1999 requires the collection of the information you provide on this form, in order to determine your medical fitness to drive.

The information is collected and held by the NZ Transport Agency. You are entitled to access, and request the correction of, any readily retrievable information held about you by the Transport Agency. You can do so by writing to NZ Transport Agency, Private Bag 11777, Palmerston North 4442 or email info@nzta.govt.nz.

Information relating to driver licence status, but not your medical certificate or any details of any medical conditions that you may have, may be released under the Land Transport Act 1998.

It's an offence to supply false information and doing so, or failing to provide the required information, may lead to your application being delayed or declined.

For more information go to www.nzta.govt.nz/medical-requirements, or you can call us on 0800 822 422.

Applicant's statement

I've presented myself to the health practitioner named on this certificate for examination for fitness to drive. I have provided truthful answers to the best of my knowledge to the health practitioner's questions related to my health, without knowingly withholding information.

I consent to the health practitioner informing the Transport Agency of the opinion reached regarding my fitness to safely drive a vehicle, and consent to the release to the Transport Agency of any medical records relating to this application if necessary.

Signature of consent of applicant

Date / /
Day Month Year

HEALTH PRACTITIONER TO COMPLETE THIS PAGE

You must consider the guidelines outlined in *Medical aspects of fitness to drive* where a patient's medical condition affects or may affect their ability to drive safely. Please pay particular attention to applicants or holders of commercial licence classes.

Medical history

Please refer to *Medical aspects of fitness to drive guidelines*.

Are you the applicant's usual health practitioner? No Yes

How long have you treated the patient/how long has the patient attended this medical practice?

Do you know the medical history of the patient? No Yes

Does your patient have:		Is this medical condition likely to affect, or does it raise concerns about, their ability to safely control a motor vehicle or perform the function of their endorsement?
Hearing problems <input type="checkbox"/> No <input type="checkbox"/> Yes	eg does the applicant have problems hearing ordinary conversation at a distance of 3 metres (with hearing aid if necessary) For passenger, vehicle recovery, driving instructor or testing officer endorsements only	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Diabetes <input type="checkbox"/> No <input type="checkbox"/> Yes	PLEASE TICK ALL BOXES THAT APPLY <input type="checkbox"/> Type 1 (Specialist reports required for commercial class) <input type="checkbox"/> Type 2 <input checked="" type="checkbox"/> Insulin <input type="checkbox"/> Oral agents <input type="checkbox"/> Diet controlled If yes, please provide copies of any relevant specialist reports and/or provide sufficient detail in the Comments section to demonstrate or confirm the degree of control.	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Cardiovascular conditions <input type="checkbox"/> No <input type="checkbox"/> Yes	(excluding controlled hypertension) If yes, refer to comments section (reports required) Please specify: <input type="text"/>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Mental disorders <input type="checkbox"/> No <input type="checkbox"/> Yes	Please specify: <input type="text"/>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Muscular/skeletal disorder/Locomotor conditions <input type="checkbox"/> No <input type="checkbox"/> Yes	eg limb loss, paralysis, arthritis. Please specify: <input type="text"/>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Neurological and related conditions <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	eg Cerebrovascular Accident, Multiple Sclerosis, Parkinson's Disease, Transient Ischaemic Attacks, Alzheimer's Disease, dementia, head injury etc. Please specify: <input type="text"/>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Visual problems <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes	eg cataracts, glaucoma, visual acuity less than 6/12, field deficits. <input type="text"/>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Medications <input type="checkbox"/> No <input type="checkbox"/> Yes	The applicant is on medication which may affect their ability to drive. (Details of medications to be recorded in comments section)	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Other disorders <input type="checkbox"/> No <input type="checkbox"/> Yes	eg Obstructive Sleep Apnoea, respiratory, syncope and/or vestibular disorders, dizziness, metabolic/endocrine, complications of alcoholism. Please specify: <input type="text"/>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes
Epilepsy/seizures or blackout <input type="checkbox"/> No <input type="checkbox"/> Yes	Refer to <i>Medical aspects of fitness to drive section 2</i> for reference to commercial licence holders. DATE OF LAST ATTACK/EVENT: <input type="text"/>	<input type="checkbox"/> No <input checked="" type="checkbox"/> Yes

Appendix 2 – Proposed Civil Aviation (Offences) Regulations

Table of Amendments to Civil Aviation (Offences) Regulations

The following amendments as set out in the table are proposed to the Civil Aviation (Offences) Regulations as a consequence of the proposed amendments to Part 61.

The proposed new offences against draft rules 61.155(ba) and 61.155(bb) are considered to be similar in nature to an offence against current rule 61.357(b)⁹. Based on the principle of similar penalty for similar offence, it is proposed that the current penalty levels against rule 61.357(b) should apply to draft rules 61.155(ba) and 61.155(bb).

Consequential amendments are made to the description of offences against rules 61.35(a), 61.37(b) to remove references to a “recreational pilot licence”. Offences and penalties against rules 61.35(b), 61.357(b), 61.359 and 61.361 are to be revoked as the recreational pilot licence is to be revoked.

Provision	Brief Description	Fines and Fees (\$)			
		Summary Conviction		Infringement Fees	
		Individual	Body Corporate	Individual	Body Corporate
Part 61	Pilot Licences and Ratings				
61.35(a)	Person must not exercise privileges of pilot licence other than recreational pilot licence unless person holds one of the prescribed medical certificates and complies with the conditions, restrictions and endorsements on medical certificate <i>Amend description of the current offence to remove reference to a recreational pilot licence. No change to the penalties.</i>	5, 000			1, 000
61.35(b)	Person must not exercise the privileges of recreational pilot licence unless holds the prescribed medical certificate and complies with the conditions, restrictions and endorsements <i>Current offence and penalties against rule 61.35(b) to be revoked.</i>	5, 000			1, 000
61.37(b)	Recent flight experience requirements for commercial pilot (aeroplane or helicopter), recreational	5, 000			1, 000

⁹ Current rule 61.357(b) prohibits the holder of a RPL from acting as pilot-in-command or as co-pilot of an aircraft under any of the circumstances specified in that rule such as operating outside New Zealand, for remuneration, operating aircraft for hire or reward, etc. See rule 61.357(b) for details. Provisions of rule 61.357(b) are to be incorporated into draft rule 61.155(ba) as appropriate.

	pilot , private pilot – day flight <i>Amend description of current offence to remove reference to a recreational pilot licence. No change to penalties.</i>				
61.155(ba)	Holder of private pilot licence must not act as pilot-in-command or co-pilot in prescribed circumstances <i>Proposed new offence and penalties against rule 61.155(ba).</i>	5,000			1,000
61.155(bb)	Holder of private pilot licence must not carry a passenger in prescribed circumstance <i>Proposed new offence and penalties against rule 61.155(bb)</i>	5,000			1,000
61.357(b)	Holder of recreational pilot licence must not act as pilot-in-command or co-pilot in prescribed circumstances <i>Current offence and penalties against rule 61.357(b) to be revoked.</i>	5,000			1,000
61.359	Holder of recreational pilot licence must not exercise privileges of licence if licence holder is aware of or has reasonable grounds to suspect change in medical condition <i>Current offence and penalties against rule 61.359 to be revoked.</i>	5,000			1,000
61.361	Responsibility of recreational pilot licence holder: complying with prescribed currency requirements	5,000			1,000

	<i>Current offence and penalties against rule 61.361 to be revoked.</i>				
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