



PURSUANT to Section 30 of the Civil Aviation Act 1990

I, Hon Julie Anne Genter, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED at Wellington

This 24th day of August 2020

A handwritten signature in black ink, which appears to read 'Julie Anne Genter', is written over the printed name.

by Hon Julie Anne Genter

Associate Minister of Transport

Civil Aviation Rules

Part 121, Amendment 32

Air Operations-Large Aeroplanes

Docket 17/CAR/1

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Rule objective

The objective of amendment 32 to Part 121 is to –

- make minor editorial and grammatical amendments to rules 121.59 and 121.71;
- make editorial amendments to the headings of rules 121.67, 121.171, 121.173, and 121.175;
- remove expired dates from rules 121.71, 121.171, and 121.383, and
- revoke rules 121.541, 121.579, and 121.615.

Extent of consultation

A Notice of Proposed Rule Making NPRM 19-03, containing the proposed amendments to Part 121 and 13 other rule Parts was issued for public consultation under Docket 17/CAR/1 on 17 May 2019.

The NPRM was published on the CAA web site on 17 May 2019 and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 21 days was allowed for comment on the proposed rule.

Summary of submissions

Three written submissions were received on the NPRM, none relating to the proposed amendments to Part 121. These submissions and comments have been considered.

No changes were made to Part 121 as a result of the submissions.

Although not part of the original suite of amendments, further editorial amendments have been made to rule 121.71 by removing references to paragraph “(a)(2)”, in paragraphs (a)(2)(ii) and (iv). Such paragraph references cited within the same paragraph are redundant.

A summary of submissions for this NPRM is available on the CAA website.

Examination of submissions

Submissions may be examined by application to the Docket Clerk at the Civil Aviation Authority between 8:30 am and 4:30 pm on weekdays, except statutory holidays.

Insertion of Amendments

The amendments to the rules in this Part are reflected by-

- revoking and replacing rules 121.59, 121.67, 121.171, 121.173, 121.175, 121.383, 121.541, and 121.579; and
- revoking rule 121.615 as the dates specified in the rule have passed.

Effective date of rule

Amendment 32 to Part 121 comes into force on 1 December 2020

Availability of rules

Civil Aviation Rules are available from–

CAA web site: <http://www.caa.govt.nz/>

Freephone: 0800 GET RULES (0800 438 785)

Part 121 Air Operations—Large Aeroplanes

Subpart B—Flight Operations

Rule 121.59 is revoked and replaced with the following rule:

121.59 Flight preparation

- (a) The holder of an air operator certificate must ensure that for each air operation conducted under the authority of the certificate, appropriate information is available to the pilot-in-command to complete the preparation for the intended operation.
- (b) The holder of an air operator certificate must ensure that before an air operation is conducted under the authority of that certificate, a flight plan meeting the requirements of rule 91.307(c) or 91.407 as appropriate for the type of operation is prepared, and if the flight plan is not prepared by the pilot-in-command, the pilot-in-command is informed of the contents of the flight plan before the intended operation.
- (c) A VFR flight plan prepared under paragraph (b) and meeting the requirements of rule 91.307(c) may incorporate multiple route segments provided that the SARTIME is amended for the next aerodrome of intended landing as the flight proceeds.
- (d) Where operations personnel prepare an operational flight plan, the holder of the air operator certificate must ensure that the personnel—
- (1) are trained and competent to perform the task; and
 - (2) are notified as soon as practicable of each change in equipment and operating procedure or facilities.
- (e) For the purpose of paragraph (d)(2), notifiable changes include changes to the use of navigation aids, aerodromes, ATC procedures and regulations, local aerodrome traffic control rules, and known hazards to flight including potentially hazardous meteorological conditions and irregularities in ground and navigation facilities.

(f) Despite rule 91.307(a), the holder of the air operator certificate must ensure that prior to any air operation the flight plan required by paragraph (b) is submitted to an appropriate ATS unit.

(g) Despite rules 91.307(a) and 91.407(a)(1), the flight plan required to be submitted to an ATS unit under paragraph (f) may be submitted by the holder of the air operator certificate and the pilot-in-command must be informed of the contents of the flight plan.

Rule 121.67 is revoked and replaced with the following rule:

121.67 Ditching certification

A holder of an air operator certificate must ensure that an aeroplane used on an extended over-water operation is certified for ditching.

Rule 121.71 is revoked and replaced with the following rule:

121.71 Use of aerodromes

(a) A holder of an air operator certificate must ensure that an aeroplane performing an air operation under the authority of the certificate does not use an aerodrome for landing or take-off unless—

- (1) the aerodrome has physical characteristics, obstacle limitation surfaces, and visual aids that meet the requirements of—
 - (i) the characteristics of the aeroplane being used; and
 - (ii) the lowest meteorological minima to be used; and
- (2) if the operation is a regular air transport service operating to, from, or outside of New Zealand—
 - (i) a runway at an aerodrome within New Zealand that is used for the operation has a RESA at each end of the runway as required by Part 139 Appendix A.1; or
 - (ii) if the runway does not have a RESA as required in paragraph (i), the certificate holder must ensure that the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate

declared distances for the runway to provide the equivalent of a 90 m RESA at the overrun end of the runway strip; and

- (iii) a runway at an aerodrome outside of New Zealand that is used for the operation has a RESA that extends to at least 150 m from the overrun end of the runway, or an engineered equivalent that is acceptable to the Director; or
 - (iv) if the runway does not have a RESA or an engineered equivalent as required by paragraph (iii), the certificate holder must ensure that the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of the RESA required by paragraph (iii) at the overrun end of the runway.
- (b) The certificate holder must ensure that an aeroplane performing an air operation under the authority of the certificate does not use an aerodrome for landing or taking off unless the aerodrome has—
- (1) rescue fire equipment that is appropriate to the aeroplane type and is acceptable to the Director; and
 - (2) for turbojet and turbofan powered aeroplanes, an operating visual approach slope indicator system, except when the aeroplane is performing a precision instrument approach that includes glideslope guidance.
- (c) The certificate holder must ensure that an aeroplane performing an air operation under the authority of the holder's certificate does not use an aerodrome for landing or taking off unless the aerodrome is specified individually or by grouping in the certificate holder's exposition.
- (d) The certificate holder must ensure that the following matters are specified for each of the aerodromes or groups of aerodromes specified in the certificate holder's exposition under paragraph (c)—

- (1) the route or segment of a route:
 - (2) the necessary level of flight crew training:
 - (3) the minimum flight crew experience:
 - (4) the flight crew pairing restrictions:
 - (5) the type of authorised flight operations.
- (e) Despite paragraph (f)(1), an aerodrome specified under paragraph (c) that is to be used as an alternate aerodrome by an aeroplane that has a certificated seating capacity of more than 30 passengers and is engaged on domestic air operations may be a non-certificated aerodrome.
- (f) An aerodrome specified in the certificate holder's exposition under paragraph (c) that is to be used by an aeroplane that has a certificated seating capacity of more than 30 passengers and is engaged on a regular air transport passenger service must be an aerodrome that—
- (1) for New Zealand aerodromes, is associated with an aerodrome operator certificate issued under the Act and Part 139; or
 - (2) for aerodromes outside New Zealand, is associated with a certificate that meets a standard that is equivalent to that required under Part 139 and issued by an ICAO Contracting State.
- (g) The certificate holder must maintain a register, as part of the route guide, of aerodromes that are to be used in accordance with paragraphs (e) and (f), containing—
- (1) the aerodrome data; and
 - (2) procedures for ensuring that the condition of the aerodrome is safe for the operation; and
 - (3) procedures for ensuring that the condition of any required equipment, including safety equipment, is safe for the operation; and

- (4) details of any limitations on the use of the aerodrome.
- (h) Except as provided in paragraph (i), the certificate holder must ensure that an aeroplane performing an air operation under the authority of the certificate does not land on or take off from a runway unless—
- (1) the width of the runway to be used is at least that width determined in accordance with Appendix C for the aeroplane; and
 - (2) the width of the runway strip for the runway to be used is at least that width determined in accordance with Table C-1 of Appendix C of Part 139 for the aeroplane and the runway type.
- (i) A runway that has a width that is less than that required under paragraph (h) may be used by an aeroplane performing an air operation under the authority of the certificate if—
- (1) a lesser minimum runway width is determined by certificated flight testing, is prescribed in the aeroplane's flight manual; or
 - (2) a lesser minimum runway width was prescribed in the certificate holder's air service certificate, issued under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993, for the aeroplane.

Rule 121.95 is revoked and replaced with the following rule:

121.95 Emergency situation action plans

- (a) A holder of an air operator certificate must ensure that action plans are developed for handling in-air and on-ground emergency situations and minimising risk of injury to persons.
- (b) The certificate holder's emergency situation action plan must be based upon data including but not restricted to—
- (1) type and length of routes over which operations are carried out; and

- (2) aerodrome ground facilities; and
 - (3) local emergency services; and
 - (4) ATC facilities; and
 - (5) type, seating configuration, and payload of the aeroplane likely to be involved.
- (c) The certificate holder's in-air emergency plan must include the following—
- (1) if management personnel become aware of an emergency situation arising on an aeroplane during flight that requires immediate decision and action, procedures to be followed by those personnel to ensure that—
 - (i) the pilot-in-command is advised of the emergency; and
 - (ii) the decision of the pilot-in-command is ascertained; and
 - (iii) the decision is recorded; and
 - (2) if management personnel are unable to communicate with the pilot-in-command under paragraph (1), procedures to be followed by those personnel to ensure that—
 - (i) an emergency is declared; and
 - (ii) any action considered necessary under the circumstances is taken.
- (d) The certificate holder must ensure that appropriate staff are trained and competent to perform during emergencies in accordance with the emergency situation action plan.

Subpart C—Operating Limitations and Weather Requirements

Rule 121.171 is revoked and replaced with the following rule:

121.171 Requirement for air operations in a polar area

A holder of an air operator certificate must not conduct an air operation within a polar area unless authorised by the Director.

Rule 121.173 is revoked and replaced with the following rule:

121.173 Application for air operations in a polar area

A holder of an air operator certificate applying for authorisation to conduct an air operation in a polar area must provide the Director with the following information at least 90 days before the intended air operation, or a lesser period acceptable to the Director:

- (1) details of the aerodromes in the polar area that meet the criteria for an EDTO alternate aerodrome and any special operational requirement that must be met at the time of a diversion to the aerodrome; and
- (2) a recovery plan at any aerodrome nominated under paragraph (1) as an alternate; and
- (3) a fuel freeze strategy and procedures for monitoring fuel freezing; and
- (4) a plan for ensuring that the communication capability required by rule 121.957(b)(2)(ii) is met during an air operation in a polar area; and
- (5) a training plan for an air operation in a polar area; and
- (6) a procedure for mitigating exposure of crew members to radiation during periods of solar flare activity; and
- (7) procedures for ensuring that at least 2 cold weather anti-exposure suits to protect crew members during outside activity at an aerodrome during severe climatic conditions are carried

in any aeroplane operating in a polar area unless the Director determines that, due to seasonal weather conditions, anti-exposure suits are not required.

Rule 121.175 is revoked and replaced with the following rule:

121.175 Authorisation for air operations in a polar area

The Director may amend the operations specifications required by rule 119.15 to authorise a holder of an air operator certificate to conduct an air operation in a polar area if the Director is satisfied that the details of the aerodromes and the information and procedures provided by the certificate holder under rule 121.173 are adequate for assuring the safety of the operation.

Subpart H—Crew Member Requirements

Rule 121.541 is revoked.

121.541 [Revoked]

Subpart I—Training

Rule 121.579 is revoked.

121.579 [Revoked]

Subpart J—Crew Member Competency Requirements

Rule 121.615 is revoked.

121.615 [Revoked]