



PURSUANT to Sections 28 and 29 of the Civil Aviation Act 1990

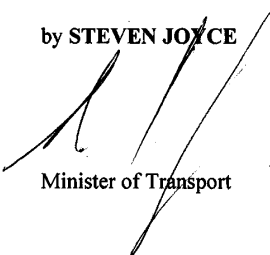
I, STEVEN JOYCE, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *2nd* day of *November* 2009

by **STEVEN JOYCE**


Minister of Transport

Civil Aviation Rules

Part 91, Amendment 20

General Operating and Flight Rules

Special Category Aircraft - Docket 5/CAR/2

Contents

Rule objective	4
Extent of consultation.....	4
Summary of submissions	4
Examination of submissions.....	5
Insertion of Amendments	5
Effective date of rule.....	5
Availability of rules.....	5
Part 91 Amendments	6
Subpart B — Operating Rules	6
91.101 Aircraft airworthiness	6
91.105 Special category airworthiness certificates – operating limitations	7
91.107 Aircraft registration	10
Subpart D — Visual Flight Rules	11
91.305 Fuel requirements for flight under VFR	11
Subpart F — Instruments and Equipment Requirements	12
91.501 General requirements.....	12
91.509 Minimum instruments and equipment	13
91.537 Inoperative instruments and equipment	15
91.545 Assigned altitude indicator	16
91.547 Ejection seats and explosive devices	17
Subpart G — Operator Maintenance Requirements	17
91.602 Maintenance requirements before flight	17
91.603 General maintenance requirements.....	17
91.605 Maintenance programmes and schedules.....	19
91.607 Approval of maintenance programmes	23
91.615 Review of airworthiness	26
Subpart H – Special Flight Operations	27
91.707 Emergency parachute assemblies	27

Appendix A — Instrument and equipment specifications	28
A.4 Restraints.....	28
Consultation Details	29

Rule objective

The objective of amendment 20 to Part 91 is to amend the operating limitations for special category aircraft to be consistent with the new sub-categories of the special category airworthiness certification that are introduced with amendment 8 to Part 21.

Amendment 20 to Part 91 is associated with the following amendments to other Parts:

- Amendment 41 to Part 1
- Amendment 8 to Part 21
- Amendment 7 to Part 43
- Amendment 3 to Part 47
- Amendment 3 to Part 66

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 07-03, containing the proposed changes to Part 21 and other consequential rule amendments was issued for public consultation under Docket 5/CAR/2 on 26 October 2006.

The publication of this NPRM was notified in the Gazette on 26 October 2006 and advertised in the daily newspapers in the five main provincial centres on 26 October 2006. The NPRM was published on the CAA web site and mailed to identified stakeholders including representative organisations who were considered likely to have an interest in the proposal.

A period of 41 days was allowed for comment on the proposed rule.

Summary of submissions

Seven written submissions were received on the NPRM. Four submissions considered that commercial agricultural and helicopter external lifting operations should be permitted with special category aircraft. These submissions have been considered but have not resulted in a change to the proposed rule, except that after further consideration

by the CAA, a provision has been inserted for the Director to approve an external load operation for the purpose of a special category – exhibition helicopter participating in an aviation event. Some editorial and drafting changes have also been made to clarify the rules and delete some redundant dates. Transitional provisions for special category aircraft that were proposed for Part 21 have been moved, with some editorial changes, into Part 91 as a final paragraph for rule 91.105.

Consequential amendments are also required to rules 91.107 and 91.537 to change the references “*special category–special flight permit* airworthiness certificate” to read “*special flight permit*”.

The rule as amended was then referred to Parliament’s Regulations Review Committee before being signed by the Minister of Transport.

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 the revocation of existing rules and the insertion of new rules.

Effective date of rule

Amendment 20 to Part 91 comes into force on 3 December 2009.

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 91 Amendments

Subpart B — Operating Rules

Rule 91.101 is revoked and replaced by the following new rule:

91.101 Aircraft airworthiness

(a) Except as provided in paragraph (c), Part 103, and Part 106, a person must not operate an aircraft unless—

- (1) the aircraft—
 - (i) has a current airworthiness certificate; and
 - (ii) is in an airworthy condition; or
- (2) the aircraft is operated in accordance with a special flight permit issued in accordance with Part 21.

(b) A person operating an aircraft that has an airworthiness certificate or a special flight permit as required in paragraph (a) must comply with—

- (1) any operating limitations issued with the airworthiness certificate or special flight permit; and
- (2) the markings and placards that are required by the Civil Aviation Rules to be displayed in the aircraft.

(c) A person may operate an aircraft that does not have a current airworthiness certificate for the purpose of demonstrating the eligibility of the aircraft for the issue, renewal, or reinstatement of an airworthiness certificate if—

- (1) a type certificate or type acceptance certificate for the aircraft type is in force in accordance with Subpart B of Part 21; and
- (2) the aircraft complies with the requirements prescribed in rule 21.191; and

- (3) a person meeting an applicable requirement in rule 43.101(a)(1) to (5) certifies that the aircraft is fit for flight; and
- (4) the pilot-in-command is the holder of an appropriate, current pilot licence and type rating or a validation permit, issued in accordance with Part 61 for the aircraft; and
- (5) no other person is carried unless that person performs an essential function in connection with the operation.

Rule 91.105 is revoked and replaced by the following new rule:

91.105 Special category airworthiness certificates – operating limitations

(a) Except as provided in paragraph (b), a person must not operate an aircraft that has a *special category* airworthiness certificate for the carriage of a person or goods for hire or reward.

(b) Paragraph (a) does not apply to a person operating an aircraft that has a *special category* airworthiness certificate if the carriage of a person is for hire or reward and the person being carried is—

- (1) the holder of a flight instructor rating issued in accordance with Part 61 and—
 - (i) subject to paragraphs (e), (f)(2)(i), (g)(1), and (j)(2)(i) as appropriate, is giving flight instruction in the aircraft; or
 - (ii) is giving conversion instruction for an aircraft type rating on the aircraft; or
- (2) required to perform a function essential to the operation of the aircraft under paragraph (e).

(c) Except if taking off or landing, a person must not operate an aircraft that has a *special category* airworthiness certificate over a congested area of a city or town unless the aircraft has been authorised to do so by the Director in writing.

(d) A person operating an aircraft that has a *special category* airworthiness certificate must inform each person carried in the aircraft of the warning specified in the placard that is required by rule 21.205 to be installed in the aircraft.

(e) Except as provided in paragraph (k), a person must not operate an aircraft that has a *special category*—***experimental*** airworthiness certificate for any purpose other than—

- (1) researching and developing new aircraft design concepts, new aircraft equipment, new aircraft installations, new aircraft operating techniques, or new uses for aircraft; or
- (2) showing that the aircraft complies with applicable airworthiness rules; or
- (3) performing a flight evaluation; or
- (4) giving conversion instruction for an aircraft type rating on the aircraft.

(f) A person must not operate an aircraft that has a *special category*—***exhibition*** airworthiness certificate—

- (1) except in accordance with the operator statement required under rule 47.55(c) to accompany the certificate of registration for the aircraft; or
- (2) for any of the following purposes:
 - (i) giving flight instruction to a person for the issue of a pilot licence or rating, except for conversion instruction for an aircraft type rating on the aircraft, unless approved by the Director:
 - (ii) performing an agricultural aircraft operation:
 - (iii) performing a helicopter external load operation under Part 133 unless the performance of an external load operation is approved by the Director for participation in an aviation event:

- (iv) the carriage of a person other than a person who is essential for the operation of the aircraft or who is carried under paragraph (2)(i).

(g) A person must not operate an aircraft that has a *special category—amateur-built* airworthiness certificate for any of the following purposes:

- (1) giving flight instruction to a person for the issue of a pilot licence or rating, except for conversion instruction for an aircraft type rating on the aircraft, if the person is not the amateur constructor or owner of the aircraft;
- (2) performing an agricultural aircraft operation;
- (3) performing a helicopter external load operation under Part 133.

(h) A person must not operate an aircraft that has a *special category—primary* airworthiness certificate for any of the following purposes:

- (1) performing an agricultural aircraft operation;
- (2) performing a helicopter external load operation under Part 133.

(i) A person must not operate an aircraft that has a *special category—LSA* airworthiness certificate to perform an agricultural aircraft operation.

(j) A person must not operate an aircraft that has a *special category—limited* airworthiness certificate—

- (1) except in accordance with the operator statement required under rule 47.55(c) to accompany the certificate of registration for the aircraft; or
- (2) for any of the following purposes:
 - (i) giving flight instruction to a person for the issue of a pilot licence or rating, except for conversion

instruction for an aircraft type rating on the aircraft, unless approved by the Director:

- (ii) performing an agricultural aircraft operation:
 - (iii) performing a helicopter external load operation under Part 133:
 - (iv) the carriage of more than the following number of persons:
 - (A) 10 persons for an aeroplane:
 - (B) 5 persons for a helicopter.
- (k) The limitations prescribed in paragraph (e) for an aircraft that has a *special category – experimental* airworthiness certificate do not apply to a person operating such an aircraft until 3 December 2010 if—
- (1) the aircraft has a current *special category – experimental* airworthiness certificate that was issued before 3 December 2009 and the aircraft is operated in accordance with any limitations specified in that airworthiness certificate; or
 - (2) the aircraft is an amateur-built aircraft that, under paragraph (g) of Appendix A to Part 21, is deemed to have a *special category – experimental* airworthiness certificate that is current and the aircraft is operated in accordance with any conditions and limitations specified in the permit to fly referred to in paragraph (g) of Appendix A of Part 21.

Rule 91.107 is revoked and replaced by the following new rule:

91.107 Aircraft registration

(a) Except as provided in paragraph (b), and Part 106, a person must not operate an aircraft unless it is registered and displays identification markings in accordance with the requirements of—

- (1) Part 47; or

- (2) the appropriate aeronautical authority of an ICAO Contracting State; or
 - (3) the appropriate authority of another State that is party to an agreement with the Government of New Zealand or the Civil Aviation Authority of New Zealand, which provides for the acceptance of each other's registrations.
- (b) Paragraph (a) does not apply to the holder of a manufacturing organisation certificate issued in accordance with Part 148 if—
- (1) the certificate holder holds a *special flight permit—continuing authorisation* issued in accordance with Part 21 for the aircraft; and
 - (2) the aircraft is a new production aircraft undergoing flight testing.

Subpart D — Visual Flight Rules

Rule 91.305 is revoked and replaced by the following new rule:

91.305 Fuel requirements for flight under VFR

- (a) A pilot-in-command of an aeroplane must not begin a flight under VFR unless, in the forecast weather conditions, the aeroplane has enough fuel to fly to the first point of intended landing at the planned normal cruising speed and to fly after that point of intended landing for at least—
- (1) a further 30 minutes during the day; or
 - (2) a further 45 minutes at night; or
 - (3) for an aeroplane that has a *special category—limited* airworthiness certificate or a *special category—exhibition* airworthiness certificate, the flying time specified for the VFR minimum fuel reserve in the operator statement required under rule 47.55(c).
- (b) A pilot-in-command of a helicopter must not begin a flight under VFR unless, in the forecast weather conditions, the helicopter has

enough fuel to fly to the first point of intended landing at the planned cruising speed, and to fly after that point of intended landing for at least —

- (1) a further 20 minutes; or
- (2) for flights of less than 20 minutes duration, for a further period equal to the anticipated flight time; or
- (3) for a helicopter that has a *special category—limited* airworthiness certificate or a *special category—exhibition* airworthiness certificate, the flying time specified for the VFR minimum fuel reserve in the operator statement required under rule 47.55(c).

Subpart F — Instruments and Equipment Requirements

Rule 91.501 is revoked and replaced by the following new rule:

91.501 General requirements

A person must not operate an aircraft unless—

- (1) the aircraft is equipped with the type and number of instruments and equipment required by this Subpart; and
- (2) the instruments and equipment installed in the aircraft comply with—
 - (i) the applicable specifications and airworthiness design standards listed in the following:
 - (A) Appendix A to this Part:
 - (B) Appendix C to Part 21:
 - (C) Part 26:
 - (D) for an aircraft that has a *special category* airworthiness certificate, the aircraft manufacturer's design specifications; or

- (ii) an alternative specification and design standard—
 - (A) approved by the Director; or
 - (B) for an aircraft that has a *special category* airworthiness certificate, that is acceptable to the Director following a flight evaluation; and
- (3) the instruments and equipment installed in the aircraft have been installed in accordance with the aircraft manufacturer's instructions or other equivalent instructions acceptable to the Director; and
- (4) except as provided in rule 91.537, the instruments and equipment installed in the aircraft are in an operable condition.

Rule 91.509 is revoked and replaced by the following new rule:

91.509 Minimum instruments and equipment

- (a) A powered aircraft with an airworthiness certificate, except a powered glider, must be equipped with a means of—
 - (1) indicating airspeed; and
 - (2) indicating Mach number, if the speed limitation specified in the aircraft flight manual is expressed in terms of Mach number; and
 - (3) indicating altitude in feet; and
 - (4) indicating magnetic heading; and
 - (5) indicating fuel tank contents, other than auxiliary fuel tank contents; and
 - (6) indicating engine revolutions of each engine; and
 - (7) indicating oil pressure of each engine using a pressure lubricating system; and

- (8) indicating coolant temperature of each liquid-cooled engine; and
 - (9) indicating oil temperature of each engine rated at over 250 brake horsepower using a pressure lubricating system; and
 - (10) indicating manifold pressure of each supercharged or turbocharged piston engine, and each piston engine fitted with a constant speed propeller; and
 - (11) indicating cylinder head temperature of each air-cooled piston engine rated at over 250 brake horsepower; and
 - (12) indicating flap position, if flaps are fitted, unless the position of the flaps can be determined visually by the flight crew member; and
 - (13) indicating landing gear position, if the aircraft has retractable undercarriage; and
 - (14) indicating the correct functioning of electrical power generating equipment; and
 - (15) indicating the presence of carbon monoxide in the cabin if the aircraft is fitted with an exhaust manifold cabin heater or a combustion cabin heater.
- (b) Subject to paragraph (c), the following New Zealand registered aircraft issued with an airworthiness certificate must be equipped with a means of automatically recording and accumulating the time-in-service for the aircraft:
- (1) a helicopter that is used for agricultural aircraft operations conducted in accordance with Part 137:
 - (2) a helicopter that is used for air operations conducted in accordance with Part 135:
 - (3) a helicopter, except a helicopter that has a *special category—experimental* airworthiness certificate or a *special category—amateur-built* airworthiness certificate, that is used for any other type of operation:

- (4) an aeroplane that is used for agricultural aircraft operations conducted in accordance with Part 137.

(c) Paragraph (b) comes into force on a date to be appointed by the Minister by notice in the *Gazette*; and 1 or more notices may be made bringing different provisions of paragraph (b) into force on different dates.

(d) An aircraft equipped with a lockable door leading to any compartment normally accessible to passengers must be equipped with a means for a crew member to unlock the door.

Rule 91.537 is revoked and replaced by the following new rule:

91.537 Inoperative instruments and equipment

(a) An aircraft with inoperative instruments or equipment may be operated if—

- (1) an MEL has been approved for the aircraft in accordance with rule 91.539; and
- (2) the aircraft is certified for release-to-service with the inoperative instruments or equipment in accordance with the requirements of rule 43.107; and
- (3) the aircraft is operated in accordance with every applicable condition and limitation contained in the MEL.

(b) An aircraft that does not exceed 5700 kg MCTOW and does not have a MEL approved under rule 91.539 may be operated under this Part with inoperative instruments and equipment if—

- (1) the inoperative instruments and equipment are—
 - (i) not instruments and equipment prescribed for VFR day certification in the applicable airworthiness requirements under which the aircraft was type certificated; and
 - (ii) not required by this Subpart for specific operations; and

- (iii) not required by an airworthiness directive to be in operable condition; and
 - (2) the aircraft is certified for release-to-service with the inoperative instruments or equipment in accordance with the requirements of rule 43.107.
- (c) An aircraft that does not meet the requirements of paragraphs (a) or (b) may be operated with inoperative instruments and equipment if a *special flight permit* has been issued in respect of the aircraft in accordance with Subpart I of Part 21.

Rule 91.545 is revoked and replaced by the following new rule:

91.545 Assigned altitude indicator

- (a) Except as provided in paragraph (c), an aeroplane operating under IFR that is not equipped with an altitude alerting system or device must be equipped with a means of indicating an altitude assigned by ATC.
- (b) The means of indicating assigned altitude required by paragraph (a) must—
- (1) be located so that it may be readily adjusted for setting from each pilot station; and
 - (2) display assigned altitude information that is clearly visible to every flight crew member whose duty involves altitude assignment monitoring; and
 - (3) enable use of preselected altitudes in increments that are commensurate with the altitudes at which the aeroplane can be operated.
- (c) An aeroplane that has a *special category—exhibition* airworthiness certificate or a *special category—limited* airworthiness certificate is not required to be equipped with a means of indicating assigned altitude.

New rule 91.547 is inserted after rule 91.545:

91.547 Ejection seats and explosive devices

An ejection seat or associated egress or jettison system containing an explosive device, and fitted to an aircraft that has a special category airworthiness certificate must comply with rule 91.501(2)(i)(D) or rule 91.501(2)(ii)(B).

Subpart G — Operator Maintenance Requirements

Rule 91.602 is revoked and replaced by the following new rule:

91.602 Maintenance requirements before flight

(a) Except as provided in paragraph (b) and rule 91.611, a person must not operate an aircraft unless the requirements prescribed in rules 91.603, 91.605, and 91.615 have been complied with.

(b) Paragraph (a) does not apply to a person operating an aircraft if a *special flight permit* has been issued for the aircraft in accordance with Part 21.

Rule 91.603 is revoked and replaced by the following new rule:

91.603 General maintenance requirements

- (a) The operator of an aircraft must ensure that—
- (1) the aircraft is maintained in an airworthy condition; and
 - (2) every applicable airworthiness directive is complied with in accordance with the requirements of Part 39; and
 - (3) the aircraft is inspected in accordance with this Subpart; and
 - (4) except for instruments and equipment that are permitted to be inoperative under rule 91.537, every defect is rectified before flight; and
 - (5) any inoperative instrument or item of equipment that is permitted to be inoperative under rule 91.537, is repaired, replaced, removed, or inspected at the next inspection

required by the maintenance programme under which the aircraft is maintained; and

- (6) maintenance on the aircraft is performed in accordance with the requirements prescribed in this Subpart, Part 43, and any other applicable rule; and
- (7) the aircraft is certified for release-to-service in accordance with the requirements prescribed in Part 43 after the performance of any maintenance on the aircraft; and
- (8) every system that is required under Subpart F for indicating the presence of carbon monoxide in the cabin of the aircraft is serviceable and within any applicable life limit for the system.

(b) The operator of an aircraft must ensure compliance with the airworthiness limitations mandated by the airworthiness authority of the State of Design in the instructions for continued airworthiness issued for the aircraft.

(c) Except as provided in paragraphs (d) to (f), the operator of an aircraft must ensure compliance with—

- (1) the manufacturer's recommended overhaul intervals; and
- (2) for an aircraft that has a *special category—exhibition* airworthiness certificate or a *special category—limited* airworthiness certificate, the replacement of lifed components as specified in the maintenance programme for the aircraft.

(d) Products and components may be operated beyond the manufacturer's recommended TBO if the operator complies with TBO escalation procedures that are detailed in a maintenance programme that is approved under Part 119 or approved under rule 91.607.

(e) In spite of paragraph (d), a piston engine fitted to an aircraft that is not used for hire or reward operations may be operated beyond the manufacturer's recommended TBO if the piston engine is maintained in

accordance with an engine TBO escalation programme that is acceptable to the Director.

(f) In spite of paragraph (d), a propeller fitted to an aircraft that is not used for air operations may be operated beyond the manufacturer's recommended calendar TBO if the propeller is inspected in accordance with methods acceptable to the Director at 5 yearly intervals, except that propellers must be overhauled at the manufacturer's recommended operating hours TBO.

Rule 91.605 is revoked and replaced by the following new rule:

91.605 Maintenance programmes and schedules

(a) Subject to paragraphs (b), (c), and (d), the operator of an aircraft must maintain the aircraft in accordance with—

- (1) a maintenance programme approved under Part 119; or
- (2) a maintenance programme approved under rule 91.607; or
- (3) the manufacturer's maintenance schedule; or
- (4) if the aircraft is powered by a piston engine and has a MCTOW of 2730 kg or less, a maintenance programme that is acceptable to the Director and includes at least the following:
 - (i) details of the responsibilities and standards for maintenance of the aircraft in accordance with the applicable rule requirements;
 - (ii) details of pre-flight checks;
 - (iii) details of scheduled maintenance checks and inspections.

(b) The operator of an aircraft that is—

- (1) used for air operations under the authority of an air operator certificate issued in accordance with Part 119 must maintain the aircraft in accordance with the maintenance programme

that is required under Part 119 for the issue of the air operator certificate; or

- (2) issued with a *special category* airworthiness certificate must maintain the aircraft in accordance with a valid maintenance programme approved under rule 91.607 for the holder of the certificate of registration for the aircraft.

(c) If the manufacturer's maintenance schedule referred to in paragraph (a)(3) does not provide for an aircraft that operates for less than 100 hours of time in service per year, the operator must ensure that the manufacturer's 100-hour inspection, or an equivalent inspection, is completed within the preceding 12 months.

(d) If the Director determines that a manufacturer's maintenance schedule referred to in paragraph (a)(3) is deficient, the Director may require the operator to submit a maintenance programme for approval under rule 91.607.

(e) Except as provided in paragraph (f) and rule 91.611, the operator of an aircraft must not operate the aircraft unless—

- (1) every aircraft radio station that is required to be installed in the aircraft under Subpart F for operations under IFR has been tested and inspected in accordance with Part 43, Appendix B within the preceding 24 months; and
- (2) every static pressure system, altimeter instrument, or automatic pressure altitude reporting system that is required to be installed in the aircraft under Subpart F, or required for an SSR transponder installed in the aircraft, has been tested and inspected in accordance with Part 43, Appendix D—
 - (i) within the preceding 24 months; and
 - (ii) following any opening and closing of the static pressure system, except for the use of system drain and alternate static pressure valves, or where self-sealing disconnect coupling is provided; and

- (iii) following installation of, or maintenance on, the automatic pressure altitude reporting system where data correspondence error could be introduced; and
- (3) every SSR transponder that is required to be installed in the aircraft under Subpart F has been tested and inspected, in accordance with Part 43, Appendix E within the preceding 24 months; and
- (4) every emergency locator transmitter that is required to be installed in the aircraft under Subpart F—
- (i) for a 406 MHz emergency locator transmitter, has been tested and inspected in accordance with Part 43, Appendix F within the previous 12 months or 100 hours of aircraft time in service, whichever is the sooner; and
 - (ii) for a 406 MHz emergency locator transmitter, has been tested in accordance with the manufacturer's instructions within the previous 24 months; and
 - (iii) for a 406 MHz emergency locator transmitter, has its batteries replaced in accordance with the manufacturer's instructions, when the life of the battery, as established by the manufacturer, has expired; and
 - (iv) for a 121.5/243 MHz emergency locator transmitter, has been tested and inspected in accordance with Part 43, Appendix F within the previous 12 months; and
 - (v) for a 121.5/243 MHz emergency locator transmitter, has its batteries replaced after the ELT has been in use for more than 1 cumulative hour; and
 - (vi) for a 121.5/243 MHz emergency locator transmitter, has its batteries replaced when the useful life of the battery, as established by the manufacturer, has expired; and

- (5) every compass that is required to be installed in the aircraft under Subpart F has been calibrated—
 - (i) within the preceding 24 months; and
 - (ii) following any out of phase event that may affect the calibration of the compass unless the aircraft manufacturer specifies otherwise; and
- (6) every first aid kit that is required to be installed in the aircraft under Subpart F has been inspected—
 - (i) within the preceding 12 months to ensure that appropriate quantities of items are included and time-expired items are replaced; and
 - (ii) after every reported use to ensure that appropriate quantities of items are included; and
- (7) every portable fire extinguisher that is required to be installed in the aircraft under Subpart F has been inspected for condition and tested in accordance with the manufacturer's instructions or other equivalent instructions acceptable to the Director within the preceding 12 months; and
- (8) all flotation equipment that is required to be installed in the aircraft under Subpart F has been inspected for condition and tested in accordance with the manufacturer's instructions or other equivalent instructions acceptable to the Director within the preceding 12 months; and
- (9) the aircraft's empty weight and centre of gravity is re-established if—
 - (i) changes have been made to the aircraft that could affect the empty weight and centre of gravity; or
 - (ii) the operator has any reason to suspect that the information in the aircraft's flight manual is no longer accurate; and

- (10) for a powered aircraft with a maximum certificated seating capacity of 4 or more seats, the aircraft has been weighed within the preceding 10 years.
- (f) The operator of an aircraft that is maintained in accordance with a maintenance programme referred to in paragraphs (a)(1) or (a)(2) is not required to comply with any particular requirement in paragraph (e) if the maintenance programme for the aircraft includes a test, inspection, or other action that is equivalent to the particular requirement in paragraph (e).
- (g) The operator of an aircraft must—
- (1) identify in the maintenance logbook for the aircraft which maintenance option under paragraph (a) is to be used for the aircraft; and
 - (2) if the maintenance programme is one that is approved under Part 119 or approved under rule 91.607, identify in the maintenance programme the person who is responsible for scheduling the maintenance that is required in the programme; and
 - (3) if changing from the maintenance programme or option identified under paragraph (g)(1) to another programme or option under paragraph (a), schedule the inspections required by the new programme or schedule to provide for the continued airworthy condition of the aircraft; and
 - (4) provide a copy of the applicable maintenance programme or schedule to the person who performs maintenance on the aircraft, and upon request to the Director.

Rule 91.607 is revoked and replaced by the following new rule:

91.607 Approval of maintenance programmes

- (a) An applicant for the approval of a maintenance programme referred to in rule 91.605(a)(2) must complete form CAA 24091/02, and submit it to the Director together with the document required by paragraph (b) and a payment of the appropriate application fee prescribed by Regulations made under the Act.

(b) The applicant for the approval of a maintenance programme must provide the Director with a document containing—

- (1) a description of the maintenance programme; and
- (2) procedures for maintenance control; and
- (3) procedures for the compilation and retention of records, reports, and technical reference material; and
- (4) instructions and procedures for the conduct of the maintenance for the particular aircraft type, including required inspections and tests; and
- (5) an inspection schedule that is consistent with—
 - (i) the manufacturer's recommendations; and
 - (ii) the operator's service experience; and
 - (iii) the type of operation in which the aircraft is engaged; and
- (6) procedures for extending inspection intervals in accordance with rule 91.611, if applicable; and
- (7) procedures for assessing and controlling engine, propeller and component TBO escalations, if applicable; and
- (8) procedures for changing an inspection interval on the basis of service experience, if applicable; and
- (9) sample inspection forms, and instructions for their use; and
- (10) sample reports and records, and instructions for their use.

(c) The Director may approve a maintenance programme for an applicant if the Director is satisfied that—

- (1) the programme meets the requirements of paragraph (b); and

- (2) the approval of the maintenance programme is not contrary to the interests of aviation safety.

(d) An applicant for approval of a maintenance programme for an aircraft that has a *special category—exhibition* airworthiness certificate or a *special category—limited* airworthiness certificate must, in addition to paragraph (b), provide the Director with a document containing—

- (1) details of a pre-flight inspection that must be carried out before the first flight of the day for the aircraft; and
- (2) details of a post-flight inspection if a post-flight inspection is specified by the manufacturer or recognised military authority for the aircraft type; and
- (3) details of an annual maintenance inspection; and
- (4) if applicable, a schedule of lifed components and their associated life as specified by—
 - (i) the aircraft manufacturer; or
 - (ii) a military authority acceptable to the Director; or
 - (iii) the Director; and
- (5) provisions for ensuring the continuing airworthiness of the aircraft; and
- (6) additional inspections consistent with—
 - (i) the manufacturer’s recommendations; and
 - (ii) service experience, including military operations; and
 - (iii) the type of operations in which the aircraft is engaged; and
 - (iv) the complexity of the aircraft.

(e) A maintenance programme required by rule 91.605(b)(2) to which paragraph (d) applies must include the airframe, engines, propellers, rotors, appliances, survival equipment and emergency equipment.

(f) Subject to any change that the Director may require under rule 91.609, a maintenance programme approved under paragraph (c) for an aircraft that has a *special category* airworthiness certificate is only valid for the period that the certificate of registration remains valid under rule 47.65.

Rule 91.615 is revoked and replaced by the following new rule:

91.615 Review of airworthiness

(a) Except as provided in paragraphs (b) and (c), a person must not operate an aircraft unless—

(1) a review of airworthiness for the aircraft has been certified as completed in accordance with Subpart D of Part 43 within—

- (i) the preceding 365 days; or
- (ii) for an aircraft that has a *special category* airworthiness certificate that is not operated for hire or reward, the preceding 730 days; or

(2) the aircraft has been issued with an airworthiness certificate in accordance with Part 21 within the preceding 365 days.

(b) Paragraph (a) does not apply to an aircraft that is operated in accordance with the following Parts under the authority of an air operator certificate issued in accordance with Part 119:

- (1) Part 121:
- (2) Part 125:
- (3) Part 135 if the aircraft is subject to a maintenance review in accordance with rule 135.415(a).

(c) A person may operate an aircraft after the date at which a review of airworthiness is required under paragraph (a)—

- (1) for a period of not more than 36 days to allow for maintenance planning purposes if a new extended date, within the 36 day period, for the review of airworthiness is recorded in the technical log; or
- (2) if the sole purpose of operating the aircraft is to enable the review of airworthiness to be completed.

Subpart H – Special Flight Operations

Rule 91.707 is revoked and replaced by the following new rule:

91.707 Emergency parachute assemblies

A pilot-in-command of an aircraft must not allow a parachute assembly that is available for emergency use to be carried in the aircraft unless the parachute assembly—

- (1) meets the requirements of Appendix A.25; and
- (2) has been adequately protected from damage from any condition or substance that may be harmful to the materials from which the parachute assembly has been constructed; and
- (3) has been maintained in accordance with the manufacturer's instructions and packed within the preceding calendar year by—
 - (i) the holder of a parachute technician rating issued by a parachute organisation; or
 - (ii) the parachute manufacturer; or
 - (iii) a New Zealand Defence Force parachute technician; or
 - (iv) a person otherwise approved by the Director; and
- (4) is accompanied by a packing card containing certification of serviceability by the person who maintained or packed the parachute.

Appendix A — Instrument and equipment specifications

A.4 Restraints is revoked and replaced by the following new specifications:

A.4 Restraints

- (a) A safety belt must—
 - (1) meet the requirements of—
 - (i) TSO C22; or
 - (ii) ISO/FIA 8853; or
 - (iii) FIA 8854; or
 - (iv) for ex-military aircraft, a military drawing and order number or any other appropriate military designation or specification number; or
 - (2) be proof-loaded to 50% of the rated strength required by those standards every 12 months if the identification labels required by the standards in paragraph (a)(1) are missing.
- (b) A torso restraint—
 - (1) must meet the requirements of—
 - (i) TSO C114; or
 - (ii) for ex-military aircraft, a military drawing and order number or any other appropriate military designation or specification number.
- (c) If a shoulder harness is fitted with an inertia reel, the inertia reel must meet the requirements of US Military Specification MIL-R-8236.

Consultation Details

(This statement does not form part of the rules contained in Part 91. It provides details of the consultation undertaken in making the rules.)

A Notice of Proposed Rulemaking, NPRM 07-03 Special Category Aircraft, containing the proposed rules for Part 21 and other consequential rule amendments was issued for public consultation under Docket 5/CAR/2 on 26 October 2006.

A period of 41 days was allowed for comment on the proposed rule. A total of seven responses to the NPRM were received.

The Summary of submissions is attached to Amendment 8 to Part 21.