



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

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *16th* day of *September* 2008

by **HARRY JAMES DUYNHOVEN**

Minister for Transport Safety

Civil Aviation Rules

Part 19, Amendment 14

Transition Rules

Docket 99/CAR/1333 & 99/CAR/1334

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Rule objective

The objective of amendment 14 to Part 19 is to revoke the transition rules prescribed in Subpart C—IFR Operations: Aerodrome Meteorological Minima and Minimum Altitudes.

Amendment 14 to Part 19 is consequential to the coming into force of new rule Part 173 - Instrument Flight Procedure Service Organisation—Certification and Operation, and new rule Part 95 Instrument Flight Procedures—Registration.

Background

Subpart C to Part 19 was established as a transition from the old Civil Aviation Regulations 1953 to provide for the continuation of instrument flight procedures and meteorological minima and minimum altitudes that were established under the old Regulations and to provide for the Director to be able to establish new instrument flight procedures and minima under the new rules.

Subpart C to Part 19 was intended to be a transitional provision until new rule Parts 173 and 95 came into force.

The original development of Part 95 and its associated Part 173 was commenced in 1998 as part of the original suite of Civil Aviation Rules that were developed under the Civil Aviation Act 1990 to replace the old 1953 Civil Aviation Regulations.

Two notices of proposed rulemaking were published in October 1998 to provide for public consultation on the proposals to certificate air navigation service organisations for the purpose of devolving the design and certification of instrument flight procedures to appropriate industry organisations.

A number of submissions on the NPRMs were received from industry and other interested persons. However after consideration of the submissions and development of proposed final rules taking into account the submissions, the project was put aside because of a higher priority for other rule development work.

The Part 173/95 rule development project was restarted in 2003 with the proposed final rules being updated to take into account the latest rule

drafting styles and standards from the Parliamentary Counsel Office, the changed international standards for instrument flight procedures, and the submissions received during the updating.

Extent of consultation

Two NPRM, 98-7 for Part 95 Visual and Instrument Procedures for Flight Under IFR, and 98-8 for Part 173 Air Navigation Service Organisations – Certification, containing the proposed rules prescribing the criteria and the processes for the establishment of visual and instrument procedures for flight under IFR and prescribing requirements for the certification of organisations providing IFR procedure design services were issued for public consultation under docket numbers 95/CAR/1107 and 95/CAR/1035 respectively on 23 October 1998.

The publication of these NPRM was notified in the Gazette on 22 October 1998 and advertised in the daily newspapers in the five main provincial centres on 31 October 1998. The NPRM were 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 further letter dated 15 November 1998 was sent to the civil aviation Swedavia Joint Consultative Group seeking their views on the provision of meteorological minima for IFR approaches to alternate aerodromes at the time of flight planning. (The Swedavia Joint Consultative Group was a joint industry/CAA group established to consult initially on the development of the Civil Aviation Act 1990, then on the programme and priorities for the rules re-write project that commenced in 1990, and then on the development of the various rules under the new Civil Aviation Act 1990.)

A period of 56 days was allowed for comment on the proposed rules.

Five submissions on NPRM 98-8 for Part 173, 9 submissions on NPRM 98-7 for Part 95, and 6 responses to the Swedavia Joint Consultative Group letter were received. The submissions and comments were considered and taken into account in the original draft final rule proposals. The docket numbers were updated in 1998 to 99/CAR/1333 for Part 95 and 99/CAR/1334 for Part 173.

The rule development project for Parts 95 and 173 was recommenced in 2003 under dockets 99/CAR/1333 for Part 95 and 99/CAR/1334 for Part 173. The Part 95 draft final rule proposals from the initial project were, between 2003 and 2007, updated to take into account current legal drafting practices, the amendments that had been made to other rules in the meantime and submissions made between 2003 and 2007.

The original NPRM 98-7 for Part 95 included the proposal to revoke Subpart C to Part 19, and also a significant number of amendments to Part 91 General Operating and Flight Rules regarding operating rules, general flight rules, instrument flight rules, and use of GPS for air navigation including equipment requirements. These amendments originally proposed for Part 91 have in some cases been addressed by other amendments to Part 91, and others may be addressed in a future amendment to Part 91.

The only amendments to Part 91, and other Parts, that are now being processed as part of the Part 95/173 rule development project are those amendments that are a direct consequence of the implementation of Parts 95 and 173.

During the finalisation and updating of updating of Parts 95 and 173, drafts of the updated rules were sent for consultation to 40 international and New Zealand organisations and individuals who were known to have, or indicated they had an interest in IFR procedure design. Twenty two of those 40 organisations and individuals responded and this consultation continued during the development of the attached final rules. The respondees who are individuals or representatives of organisations (both from within and outside New Zealand) with experience in or an interest in IFR flight procedure design, support these proposed final rules. These proposed final rules were also forwarded to those persons who responded to the original NPRM. No comment, except those responding to the redrafting process, was received from this latter group.

Summary of submissions

A total of 20 submissions were received on the original NPRM (5 on NPRM 98-8 Part 173, 9 on NPRM 98-7 Part 95, and 6 on the Swedavia Joint Consultative Group letter). None of the submissions related to the proposal to revoke Subpart C of Part 19. During this final development

of Parts 95 and 173, the rules and the changes to the rules were distributed to 40 stakeholders, interested parties, and the submitters responding to the original NPRM for their review and comment. Comments, mainly associated with Part 173, were received from 22 of the 40 persons and organisations contacted and none of the comments related to Part 19.

The amendment to Part 19 to revoke Subpart C was then referred to Parliament's Regulations Review Committee before being signed by the Minister for Transport Safety.

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 Subpart C—IFR Operations: Aerodrome Meteorological Minima and Minimum Altitudes.

Effective date of rule

Amendment 14 to Part 19 comes into force on 23 October 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 19 Amendments

Subpart C is revoked and the Subpart reserved:

Subpart C — Reserved

Consultation Details

(This statement does not form part of the rules contained in Part 19. It provides details of the consultation undertaken in making the rules.)

Revoking Subpart C of transition rules Part 19 is consequential to the introduction of new Rule Parts 173 and 95 which has made the content of Subpart C superfluous.

Parts 173 and 95 were consulted on in 2 parts as follows.

The initial consultation started in 1996 and culminated in draft rule proposals being developed from submissions on NPRM published in 1998. Due to a lack of resource no further action was taken until 2003 when the project was re-opened. During the consultation the CAA reorganised its docket files and the docket numbers and titles for each project were changed as follows:-

- Docket 95/CAR/1107 NPRM 98-7 Part 95 Visual and Instrument Procedures for Flight Under IFR became Docket 99/CAR/1333 Part 95 Instrument Flight Procedures—Registration.
- Docket 95/CAR/1035 NPRM 98-8 Part 173 Air Navigation Service Organisations – Certification became Docket 99/CAR/1334 Part 173 Instrument Flight Procedure Service Organisation—Certification and Operation.

Details of the consultation relating to the Part 95 and 173 rules are contained in the consultation details in the initial issues of Parts 173 and 95. The detail includes background and historical information.

The submissions and all background material used in developing the rules are held on the docket files and are available for public inspection at Aviation House, 10 Hutt Road Petone. Persons wishing to view the dockets should contact the Docket Clerk on Phone +64 560 9603 and ask for dockets 95/CAR/1035, 99/CAR/1334, 95/CAR/1107, and 99/CAR/1333.