



PURSUANT to Sections 28, 29 and 30 of the Civil Aviation Act 1990

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

HEREBY MAKE the following ordinary rules.

SIGNED AT

This 7 day of April 2019

by Hon

Associate Minister of Transport

A handwritten signature in black ink, appearing to read 'Julie Anne Genter', is written over the printed name of the Associate Minister of Transport.

Civil Aviation Rules

Part 125, Amendment 23

Air Operations - Medium Aeroplanes

Docket 17/CAR/2

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Rule objective

The objective of amendment 23 to Part 125 is to address four of the findings of the 2006 ICAO audit of the Civil Aviation Rules so that the rules are better aligned with the ICAO recommended standards.

The four findings addressed in this amendment to Part 125 are –

- the need to update the specifications for flight data recorders and cockpit voice recorders (mainly to extend the recording time and storage of information for a cockpit voice recorder and flight data recorder);
- the lack of a requirement for operators to establish aerodrome operating minima for each aerodrome to be used in air operations;
- the lack of a requirement for an aeroplane operated at night to be equipped with two landing lights; and
- the lack of a requirement for single pilot operations under IFR or at night to have means of displaying charts in all ambient light conditions.

Amendment 23 to Part 125 is associated with the following amendments to other rule Parts –

- amendment 31 to Part 91
- amendment 31 to Part 121
- amendment 9 to Part 129
- amendment 24 to Part 135.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 19-01, containing the proposed changes to Parts 91, 121, 125, 129 and 135 was issued for public consultation under Docket 17/CAR/2 on 21 September 2018.

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 29 days was allowed for comment on the proposed rule.

Summary of submissions

There was one written submission received on the NPRM regarding draft rule 91.413A. There was no oral comment received.

The submission has been considered and as a result draft rule 91.413A has been renumbered as rule 91.411A.

The heading of the draft rule is revised to read – *‘Pilot-in-command and operator to inform ATS unit of carriage of dangerous goods’*, to better reflect the intent of the rule.

There is no amendment to this Part as a result of the submission.

The submission 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 125.71, 125.359, 125.361, 125.367, 125.369 and appendices B.3 and B.4; and
- inserting new rule 125.159A.

Effective date of rule

Amendment 23 to Part 125 comes into force on 10 May 2019.

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 125 Air Operations – Medium Aeroplanes

Rule 125.71 is revoked and replaced with the following rule.

125.71 Flight recorder requirements

(a) Each flight crew member must ensure that, when a cockpit voice recorder is required by rule 125.367—

- (1) it is operated continuously from the start of the checklist commenced before engine start until the completion of the final checklist at the termination of flight; and
- (2) if the aeroplane is equipped to record the uninterrupted audio signals received from a boom or a mask microphone, boom microphones are used below 10 000 feet altitude; and
- (3) if the cockpit voice recorder has an erasure feature, that feature must not be used except for maintenance purposes or for a safety investigation.

(b) Each flight crew member must ensure that, when a flight data recorder is required by rule 125.369—

- (1) it is operated continuously from the instant the aeroplane begins to move under its own power until it has come to a complete stop at the termination of the flight; and
- (2) it records and stores at least the last 25 hours of its operation in digital form; and
- (3) not more than 1 hour of recorded data is erased for the purpose of testing the flight recorder system, or following a safety investigation; and
- (4) any erasure made under paragraph (b)(3) is –
 - (i) of the oldest recorded data accumulated at the time of testing or safety investigation; and
 - (ii) recorded in the appropriate maintenance documentation.

Rule 125.159A is inserted after rule 125.159.

125.159A Aerodrome operating minima to be used for each aerodrome

- (a) A holder of an air operator certificate must ensure that a pilot-in-command performing an air operation complies with the aerodrome operating minima that applies to the aerodrome, as published in the applicable AIP.
- (b) The holder of an air operator certificate may increase the aerodrome operating minima by including the increased aerodrome operating minima in the certificate holder's exposition.
- (c) A pilot-in-command who operates under an increased aerodrome operating minima in accordance with paragraph (b) must comply with any requirements specified in the certificate holder's exposition in relation to the increased aerodrome operating minima.

Rule 125.359 is revoked and replaced by the following rule.

125.359 Night flight

A holder of an air operator certificate must ensure that an aeroplane operated at night is equipped with—

- (1) two landing lights; and
- (2) a light in each passenger compartment; and
- (3) a means of displaying charts that enables them to be readable in all ambient light conditions.

Rule 125.361 is revoked and replaced with the following rule.

125.361 Instrument flight rules

- (a) Except as provided in paragraph (b), a holder of an air operator certificate must ensure that an aeroplane operated under IFR is equipped with—

- (1) the following that must be in addition to, and independent of, the instruments and equipment required under Subpart F of Part 91:
 - (i) a means of indicating airspeed, calibrated in knots, with a means of preventing malfunctioning due to either condensation or icing;
 - (ii) a means of indicating sensitive pressure altitude calibrated in feet; and
- (2) spare bulbs for flight compartment instrument illumination; and
- (3) spare fuses.

(b) An additional means of indicating aeroplane attitude, powered by a power source that is separate from the power source for the attitude indication required under Subpart F of Part 91, may be installed instead of the additional means of indicating air speed required by paragraph (a)(1)(i).

(c) A holder of an air operator certificate must ensure that an aeroplane used to conduct a SEIFR passenger operation is equipped with an emergency electrical supply system with sufficient capacity for the following in the event that all engine-powered electrical generating systems fail:

- (1) the extension of landing gear, if appropriate;
- (2) the extension of flaps;
- (3) the operation of those aeroplane systems essential for continued safe IFR flight and landing, including those required by paragraphs (d)(3), (d)(4), and (d)(5):
- (4) either of the following whichever requires the higher electrical load—
 - (i) the descent of the aeroplane from maximum operating altitude to sea level, assuming the aeroplane is configured in the optimum gliding configuration and

operated at the optimum still air range gliding speed for the descent, plus one attempt at engine restart; or

(ii) the continuation of flight for a minimum of one hour.

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

- (1) an additional independent engine-powered electrical generating system capable of supplying adequate electrical power for all the required electrically operated instruments and systems; and
- (2) an additional attitude indicator, powered by an independent source; and
- (3) an area navigation system capable of being programmed with the positions of aerodromes and emergency landing sites en-route that is—
 - (i) certified for IFR by the navigation system manufacturer; and
 - (ii) permanently installed in the aeroplane; and
 - (iii) powered by the aeroplane's emergency electrical supply system; and
- (4) a radar altimeter or radio altimeter that is powered by the aeroplane's emergency electrical supply system; and
- (5) a landing light that is powered by the aeroplane's emergency electrical supply system; and
- (6) for a pressurised aeroplane, sufficient additional oxygen for every occupant for the period that is required for the aeroplane to descend safely from its cruising level to a cabin altitude of 14,000 feet following engine failure assuming—
 - (i) the maximum cabin leak rate; and
 - (ii) the best range gliding speed for the aeroplane; and

- (iii) the best gliding configuration for the aeroplane; and
- (7) a powerplant installation that has been certificated by an ICAO Contracting State to FAR 33, Amendment 28, or equivalent airworthiness standards, and is equipped with—
- (i) an ignition system that activates automatically, or is capable of being operated manually, for take-off and landing, and during flight in visible moisture and is designed to be capable of operation for the full duration of any flight; and
 - (ii) a magnetic particle detector system that monitors the engine and reduction gearbox lubrication systems, and includes a flight deck caution indicator; and
 - (iii) an engine control system that permits continued operation of the engine through a power range sufficient to allow diversion to a suitable aerodrome and landing in the event the fuel control unit fails or malfunctions; and
 - (iv) an engine fire warning system; and
- (8) a means of displaying charts that enables them to be readable in all ambient light conditions.
- (e) If the magnetic particle detector system required by paragraph (d)(7)(ii) incorporates a method to remove detected particles without the removal of the particle detector from the engine or without examining the particles, the holder of the air operator certificate must ensure that each particle detection occurrence indicated by the particle detection system is recorded in the technical log as soon as practicable after the indication.

Rule 125.367 is revoked and replaced with the following rule.

125.367 Cockpit voice recorder

- (a) A holder of an air operator certificate must ensure that an aeroplane is equipped with a cockpit voice recorder as specified in Appendix B.3, if the aeroplane's flight manual requires 2 or more flight crew members.

(b) Despite paragraph (a), an aeroplane equipped with a cockpit voice recorder that immediately before 10 May 2019 that met the standards specified in Appendix B.3 at that time, may continue to meet those standards, until 10 May 2020.

(c) Paragraph (b) expires on 11 May 2020.

Rule 125.369 is revoked and replaced by the following rule.

125.369 Flight data recorder

(a) Except as provided in paragraph (b), a holder of an air operator certificate must ensure that a multi-engine turbine powered aeroplane is equipped with a flight data recorder as specified in Appendix B.4.

(b) Paragraph (a) does not apply to the holder of an air operator certificate in respect of the following:

- (1) a de Havilland Canada DHC - 6 aeroplanes;
- (2) an aeroplane registered on or before 31 March 1997 with a MCTOW of less than 5 700 kg;
- (3) an aeroplane with a passenger seating configuration of less than 10 seats;
- (4) an aeroplane equipped with a flight data recorder that does not meet the standards specified in Appendix B.4, until 10 May 2020.

Appendix B.3 is revoked and replaced with the following appendix.

B.3 Cockpit voice recorder

A cockpit voice recorder must —

- (1) meet the requirements of the TSO C123 series; and
- (2) be fitted with an underwater locating device that meets the requirements of the TSO C121 series; and
- (3) be capable of recording and storing at least the last 2 hours of its operation; and

- (4) have an alternate power source that is separate from the power source that normally provides power to the recorder and complies with standard 6.3.2.4.1 of ICAO Annex 6.

Appendix B.4 is revoked and replaced with the following appendix.

B.4 Flight data recorder

A flight data recorder must—

- (1) meet the requirements of the TSO C124 series; and
- (2) be fitted with an underwater locating device that meets the requirements of the TSO C121 series; and
- (3) be of a non-ejectable type and capable of recording and storing at least the last 25 hours of its operation in a digital form; and
- (4) except as provided in an MEL, record the parameters as detailed in—
 - (i) Figure 1; and
 - (ii) as applicable, Table 1 and Table 2—
of Appendix B.