

# Part 149 Aviation Recreation Organisations - Certification: Summary of changes

Alongside the standard changes outlined in Section 3.1 of the Overview of Rules Realignment for the Civil Aviation Act 2023 document, this Rule Part also contains the following changes.

## 149.13 **Renewal of certificate**

To improve sentence clarity and readability, rule 149.13 has been reworded:

(a) ~~An application for the renewal of an aviation recreation organisation certificate shall be made on form CAA 24149/01.~~ **If the holder of an aviation recreation organisation certificate wishes to apply for renewal of their certificate, they must use the approved CAA form.**

## 149.59 **Personnel certification**

Rules 19.409, 19.411, 19.413 have been relocated to a new Table in rule 149.59 ('Personnel certification') which sets out the eligibility and currency requirements for personnel certification issued by aviation recreation organisations. This is because those Part 19 rules which have become permanent parts of the Civil Aviation Rules have been transferred to rule parts to which their content better applies. This will ensure these rules are not overlooked by participants and are easily recognisable as standards which apply to them.

Table 1 Eligibility and currency requirements for personnel certification issued by aviation recreation organisations

Personnel	Qualification	Eligibility and currency requirements, privileges and limitations
Glider personnel (pilot)	<ul style="list-style-type: none"> <li>(a) student glider:</li> <li>(b) qualified glider pilot:</li> <li>(c) additional launch endorsements:</li> <li>(d) authority to carry passengers:</li> <li>(e) category C glider instructor:</li> <li>(f) category B glider instructor:</li> <li>(g) category A glider instructor:</li> <li>(h) Additional launch instructions endorsements</li> <li>(i) authority to give instruments flight instruction</li> <li>(j) authority to fly IFR.</li> </ul>	Civil Aviation Safety Order 17, Part 4, sections 2 and 4, and Appendices I to VII inclusive, that were in force on 31 March 1997:

<p>Glider Personnel (engineer)</p>	<ul style="list-style-type: none"> <li>(a) class 2 approval:</li> <li>(b) class 3 approval, with subdivisions W, M, and P:</li> <li>(c) class 4 approval, with subdivisions W, M, and P:</li> <li>(d) C rating:</li> <li>(e) S rating:</li> <li>(f) R rating:</li> <li>(g) E rating, with subdivisions E2, E3, and E4.</li> </ul>	<p>New Zealand Civil Airworthiness Requirements, section J, J.4 that were in force on 31 March 1997:</p>
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<p>Hang Glider Personnel</p>	<ul style="list-style-type: none"> <li>(a) beginner rating:</li> <li>(b) novice rating:</li> <li>(c) intermediate rating:</li> <li>(d) advanced rating:</li> <li>(e) paraglider 1 rating:</li> <li>(f) paraglider 2 rating:</li> <li>(g) paraglider 3 rating:</li> <li>(h) paraglider instructor rating:</li> <li>(i) paraglider passenger rating:</li> <li>(j) hang glider instructor rating class 1:</li> <li>(k) hang glider instructor rating class 2:</li> <li>(l) special skills clearances.</li> </ul>	<p>Civil Aviation Safety Order 18, Part 4, section 2 and Appendix I, that were in force on 31 March 1997:</p>
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Microlight personnel	<ul style="list-style-type: none"> <li>(a) novice pilot certificate:</li> <li>(b) novice pilot ratings, group A, B, C:</li> <li>(c) intermediate pilot certificate:</li> <li>(d) intermediate pilot ratings group A, B, C:</li> <li>(e) advanced pilot certificate:</li> <li>(f) advanced pilot ratings group A, B, C:</li> <li>(g) microlight flying instructor certificate (provisional):</li> <li>(h) microlight flying instructor:</li> <li>(i) microlight flying instructor ratings group A, B, C:</li> <li>(j) authorised testing officer.</li> </ul>	Civil Aviation Safety Order 19, Part 2, 2.4.1, Part 4, section 2, and Appendices I to VII inclusive, that were in force on 31 March 1997
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### **149.101 Continued compliance**

To allow for modern technology, rule 149.101(5) has been updated to remove references to facsimile, and be neutral as to the type of contact information.

- (5) ~~forthwith~~ notify the Director **as soon as practicable** of any change of address for service, telephone number, or **to the contact details supplied** ~~facsimile number required by form CAA 24149/01~~ **with the original application.**

### **149.103 Changes to certificate holder's organisation**

To improve sentence clarity and readability, rule 149.103(d) has been rewritten:

(d) Subject to paragraph (e), ~~where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required~~ **a certificate holder must obtain the approval of the Director before changing any of the following:**

- (1) the Chief Executive:
- (2) the listed senior persons:
- (3) the holder or holders of any delegation made by the Director:
- (4) the activities authorised by the certificate:
- (5) the principal locations at which the activities may be carried out:
- (6) the procedures for personnel assessment and certification:
- (7) the procedures for organising aviation events.

**Part 149**  
**Aviation Recreation Organisations - Certification**

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## Subpart A — General

### 149.1 Applicability

This Part prescribes rules governing the certification and operation of aviation recreation organisations.

### 149.3 Requirement for certificate

No aviation recreation organisation may administer the issue of an aviation document, that is required by the Civil Aviation Rules for the certification or rating of personnel, except in accordance with the provisions of—

- (1) an aviation recreation organisation certificate issued under this Part; or
- (2) a microlight organisation certificate issued under Part 103 that was current on 1 April 1997.

### 149.5 Application for certificate

An applicant for the grant of an aviation recreation organisation certificate must complete the approved CAA form and submit it to the Director with—

- (1) the exposition required by rule 149.65; and
- (2) payment of the appropriate application fee prescribed by regulations made under the Act.

### 149.7 Issue of certificate

An applicant is entitled to an aviation recreation organisation certificate if the Director is satisfied that—

- (1) any senior person or persons required by rule 149.51(a)(1), (2) and (3), are fit and proper persons; and
- (2) the applicant meets the requirements of Subpart B; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

### **149.9 Privileges of certificate holder**

The holder of an aviation recreation organisation certificate may—

- (1) administer the issue of the personnel certificates and ratings that are specified on that certificate and for which a senior person or persons hold a delegation; and
- (2) organise aviation events, in accordance with Part 91, where that privilege is specified on the certificate; and
- (3) exercise any other privileges required by CAR to be exercised by a Part 149 organisation, where that privilege is specified on the certificate.

### **149.11 Duration of certificate**

- (a) An aviation recreation organisation certificate may be granted or renewed for a period of up to 5 years.
- (b) An aviation recreation organisation certificate remains in force until it expires or is suspended or revoked.
- (c) The holder of an aviation recreation organisation certificate that is revoked must as soon as practicable surrender the certificate to the Director.
- (d) The holder of an aviation recreation organisation certificate that is suspended must as soon as practicable produce the certificate to the Director for appropriate endorsement.

### **149.13 Renewal of certificate**

- (a) If the holder of an aviation recreation organisation certificate wishes to apply for renewal of their certificate, they must use the approved CAA form.
- (b) The application must be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.



## Subpart B — Certification Requirements

### 149.51 Personnel requirements

(a) An applicant for the grant of an aviation recreation organisation certificate must engage, employ, or contract—

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be carried out in accordance with the requirements prescribed by this Part;
- (2) a senior person or persons who will hold any delegation from the Director for the issue of personnel certificates and ratings;
- (3) a senior person or group of senior persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons must be ultimately responsible to the Chief Executive;
- (4) sufficient personnel to carry out the activities listed in the applicant's exposition.

(b) The applicant must—

- (1) establish procedures to assess, and to maintain, the competence of those personnel who are responsible for carrying out the activities listed in the applicant's exposition; and
- (2) establish procedures for the exercise of any delegation held by a senior person or persons; and
- (3) provide personnel with responsibilities under this Rule with written authorisation to fulfil those responsibilities.

### 149.53 Facility requirements

An applicant for the grant of an aviation recreation organisation certificate must ensure the provision of facilities and resources appropriate to the activities listed in the applicant's exposition.

**149.55 Documentation**

(a) An applicant for the grant of an aviation recreation organisation certificate must hold copies of all relevant equipment manuals, technical standards and practices, technical bulletins and instructions, legislation, and any other document that is necessary to establish procedures for the activities listed in the applicant's exposition. This documentation must include Human Factors material relevant to management and organisations.

(b) The applicant must establish a procedure to control and amend all applicable documents required by paragraph (a).

**149.57 Records**

(a) An applicant for the grant of an aviation recreation organisation certificate must establish procedures to identify, collect, index, store, maintain, and dispose of the records that are necessary for the activities listed in the applicant's exposition.

(b) The procedures must ensure that—

- (1) there is a record of each internal quality assurance action performed by the applicant's organisation in accordance with the procedures specified in 149.63; and
- (2) there is a record for each person who conducts activities on behalf of the applicant's organisation. The record must include details of their experience, qualifications, training, and competence assessments; and
- (3) there is a record of each personnel certificate and rating issued by the organisation; and
- (4) all records are legible; and
- (5) all records are retained for a period of at least 3 years from the date of the last entry made on that record.

**149.59 Personnel certification**

(a) An applicant for the grant of an aviation recreation organisation certificate for the issue of personnel certificates or ratings must establish procedures for—

- (1) assessing the competency of persons, including holders of equivalent qualifications; and
  - (2) issuing the certificates and ratings listed in the applicant's exposition; and
  - (3) reviewing and maintaining the competency of persons holding certificates or ratings issued under delegated authority from the Director.
- (b) The procedures required by paragraph (a) must include—
- (1) procedures for satisfying the requirements of sections 55, 73, 75, and 78 of the Act; and
  - (2) the applicable eligibility and currency requirements specified in Table 1 below.

Table 1 Eligibility and currency requirements for personnel certification issued by aviation recreation organisations

<b>Personnel</b>	<b>Qualification</b>	<b>Eligibility and currency requirements, privileges and limitations</b>
Glider personnel (pilot)	<ul style="list-style-type: none"> <li>(a) student glider:</li> <li>(b) qualified glider pilot:</li> <li>(c) additional launch endorsements:</li> <li>(d) authority to carry passengers:</li> <li>(e) category C glider instructor:</li> <li>(f) category B glider instructor:</li> <li>(g) category A glider instructor:</li> <li>(h) Additional launch instructions endorsements</li> <li>(i) authority to give instruments flight instruction</li> <li>(j) authority to fly IFR.</li> </ul>	Civil Aviation Safety Order 17, Part 4, sections 2 and 4, and Appendices I to VII inclusive, that were in force on 31 March 1997:

<b>Personnel</b>	<b>Qualification</b>	<b>Eligibility and currency requirements, privileges and limitations</b>
Glider Personnel (engineer)	<ul style="list-style-type: none"><li>(a) class 2 approval:</li><li>(b) class 3 approval, with subdivisions W, M, and P:</li><li>(c) class 4 approval, with subdivisions W, M, and P:</li><li>(d) C rating:</li><li>(e) S rating:</li><li>(f) R rating:</li><li>(g) E rating, with subdivisions E2, E3, and E4.</li></ul>	New Zealand Civil Airworthiness Requirements, section J, J.4 that were in force on 31 March 1997:

<b>Personnel</b>	<b>Qualification</b>	<b>Eligibility and currency requirements, privileges and limitations</b>
Hang Glider Personnel	<ul style="list-style-type: none"> <li>(a) beginner rating:</li> <li>(b) novice rating:</li> <li>(c) intermediate rating:</li> <li>(d) advanced rating:</li> <li>(e) paraglider 1 rating:</li> <li>(f) paraglider 2 rating:</li> <li>(g) paraglider 3 rating:</li> <li>(h) paraglider instructor rating:</li> <li>(i) paraglider passenger rating:</li> <li>(j) hang glider instructor rating class 1:</li> <li>(k) hang glider instructor rating class 2:</li> <li>(l) special skills clearances.</li> </ul>	Civil Aviation Safety Order 18, Part 4, section 2 and Appendix I, that were in force on 31 March 1997:

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#### **149.61 Aviation events**

An applicant for the grant of an aviation recreation organisation certificate that authorises them to organise aviation events must establish procedures—

- (1) for ensuring compliance with Part 91; and

- (2) for identifying hazards to aviation safety, and ensuring that the associated risks are evaluated and managed.

### 149.63 Internal quality assurance

(a) An applicant for the grant of an aviation recreation organisation certificate must establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system must include—

- (1) a **safety policy** and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its members; and
- (2) a procedure to ensure **quality indicators**, including personnel and member feedback, are monitored to identify existing problems, or potential causes of problems, within the system; and
- (3) a procedure for **corrective action**, to ensure existing problems that have been identified within the system are corrected; and
- (4) a procedure for **preventive action**, to ensure that potential causes of problems that have been identified within the system are remedied; and
- (5) an **internal audit** programme to audit the applicant's organisation for conformity with its safety policy; and
- (6) **management review** procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The safety policy procedures must ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

(d) The procedures for corrective action must specify how—

- (1) existing problems are corrected; and
- (2) corrective action is followed up to ensure the action is effective; and



- (3) procedures are amended as a result of corrective action; and
  - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action must specify how—
- (1) potential problems are corrected; and
  - (2) preventive action is followed up to ensure the action is effective; and
  - (3) procedures are amended as a result of preventive action; and
  - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal audit programme must—
- (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
  - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
  - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
  - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
  - (5) ensure there are follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review must—
- (1) specify the frequency of management reviews of the quality assurance system, taking into account the need for the continuing effectiveness of the system; and

- (2) identify the responsible manager who will review the quality assurance system; and
  - (3) ensure that the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance must have direct access to the Chief Executive on matters affecting safety.

#### **149.65 Aviation recreation organisation exposition**

(a) An applicant for the grant of an aviation recreation organisation certificate must provide the Director with an exposition which must contain, where applicable—

- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
  - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
  - (ii) are to be enforced at all times; and
- (2) the titles and names of the senior person or persons required by rule 149.51(a)(1), (2), and (3); and
- (3) the duties and responsibilities of the senior person or persons specified in rule 149.51(a)(1), (2), and (3), including matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
- (4) an organisation chart showing lines of responsibility of the senior person or persons specified in rule 149.51(a)(3) and extending to each location listed under paragraph (a)(6) of this rule; and
- (5) a description of the activities to be conducted under the certificate; and
- (6) the principal locations at which each activity will be conducted; and

- (7) a description of the facilities required by rule 149.53; and
  - (8) details of the procedures required by—
    - (i) rule 149.51(b)(1) regarding the competence of personnel; and
    - (ii) rule 149.51(b)(2) regarding the exercise of any delegation held by a senior person or persons; and
    - (iii) rule 149.55(b) regarding the control and amendment of documentation; and
    - (iv) rule 149.57(a) regarding the identification, collection, indexing storage, maintenance, and disposal of records; and
    - (v) rule 149.59(a) regarding the assessment of personnel, the issue of certificates and ratings, and the review and maintenance of competency of certificate and rating holders; and
    - (vi) rule 149.61 regarding the organisation of aviation events including the processes for hazard identification and risk management; and
    - (vii) rule 149.63 regarding the internal quality assurance of the organisation; and
  - (9) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

## **Subpart C — Operating Requirements**

### **149.101 Continued compliance**

A holder of an aviation recreation organisation certificate must—

- (1) hold at least one complete and current copy of their exposition at each principal location specified in their exposition; and
- (2) comply with all procedures detailed in the exposition; and

- (3) make each applicable part of their exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B; and
- (5) notify the Director as soon as practicable of any change to the contact details supplied with the original application.

### **149.103 Changes to certificate holder's organisation**

- (a) A holder of an aviation recreation organisation certificate must ensure that their organisation exposition is amended so as to remain a current description of the holder's organisation.
- (b) The certificate holder must ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.
- (c) The certificate holder must provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.
- (d) Subject to paragraph (e), a certificate holder must obtain the approval of the Director before changing any of the following:
  - (1) the Chief Executive;
  - (2) the listed senior persons;
  - (3) the holder or holders of any delegation made by the Director;
  - (4) the activities authorised by the certificate;
  - (5) the principal locations at which the activities may be carried out;
  - (6) the procedures for personnel assessment and certification;
  - (7) the procedures for organising aviation events.
- (e) Where a certificate holder is a society incorporated under the Incorporated Societies Act 1908 or 2022 and an election by members of the

Society results in a new Chief Executive or listed senior person, the holder must notify the Director of the change within 7 days of the election.

(f) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).

(g) A certificate holder must comply with any conditions prescribed under paragraph (f).

(h) Where any of the changes referred to in this rule requires an amendment to the certificate, the certificate holder must forward the certificate to the Director as soon as practicable.

(i) The certificate holder must make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.