



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

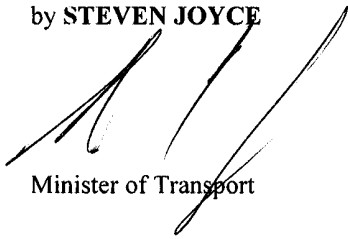
**I, STEVEN JOYCE**, Minister of Transport,

**HEREBY MAKE** the following ordinary rules.

**SIGNED AT** Wellington

This *17<sup>th</sup>* day of *February* 2010

by **STEVEN JOYCE**



Minister of Transport

**Civil Aviation Rules**

**Part 1, Amendment 42**

**Definitions and Abbreviations**

*Docket 9/CAR/1*

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### **Rule objective**

The objective of amendment 42 to Part 1 is to align existing definitions and abbreviations with the definitions and abbreviations currently published by the International Civil Aviation Organization (ICAO), as well as those contained in the Civil Aviation Act 1990.

Amendment 42 to Part 1 is constituent to NPRM 09-03 which contains amendments to the following Parts:

Part 1	Part 95	Part 140
Part 12	Part 105	Part 145
Part 19	Part 106	Part 148
Part 26	Part 119	Part 172
Part 43	Part 121	Part 173
Part 65	Part 125	Part 175
Part 77	Part 129	
Part 91	Part 135	
Part 93	Part 139	

### **Extent of consultation**

A Notice of Proposed Rulemaking, NPRM 09-03, containing the proposed changes to Part 1 and changes to other rules was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

The publication of this NPRM was notified in the Gazette on 31 July 2009 and advertised in the daily newspapers in the five main provincial centres on 31 July 2009. The NPRM was published on the CAA web site on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule.

### **Summary of submissions**

A total of 3 written submissions were received on NPRM 09-03 (1 submission related to Part 1, and 2 submissions related to Part 91). The submission to the proposed amendment to Part 1 concerns the accuracy of the definition of “component” located in Rule 1.1.

The submission was considered in detail however it failed to account for key elements embedded in the maintenance organisation certification process. Consequently, the submission did not result in any change to the proposed rule amendments.

A detailed summary of the submission and the resulting CAA comments are provided in the “Consultation Details” section of this document.

The rule was then referred to the Minister of Transport for signing.

### **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 3 existing definitions and 2 existing abbreviations, and the insertion of new definitions and abbreviations to replace them.

### **Effective date of rule**

Amendment 42 to Part 1 comes into force on 25 March 2010.

### **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 1 Amendments

### 1.1 – General Definitions

*The definition Accident is revoked and replaced by the following definition:*

**Accident** means an occurrence that is associated with the operation of an aircraft and takes place between the time any person boards the aircraft with the intention of flight and such time as all such persons have disembarked and the engine or any propellers or rotors come to rest, being an occurrence in which—

- (1) a person is fatally or seriously injured as a result of—
  - (i) being in the aircraft; or
  - (ii) direct contact with any part of the aircraft, including any part that has become detached from the aircraft; or
  - (iii) direct exposure to jet blast—

except when the injuries are self-inflicted or inflicted by other persons, or when the injuries are to stowaways hiding outside the areas normally available to passengers and crew; or
- (2) the aircraft sustains damage or structural failure that—
  - (i) adversely affects the structural strength, performance, or flight characteristics of the aircraft; and
  - (ii) would normally require major repair or replacement of the affected component—

except engine failure or damage that is limited to the engine, its cowlings, or accessories, or damage limited to propellers, wing tips, antennas, tyres, brakes, fairings, small dents, or puncture holes in the aircraft skin; or
- (3) the aircraft is missing or is completely inaccessible:

*The definition Area Navigation is revoked and replaced by the following definition:*

**Area Navigation** means a method of navigation which permits aircraft operation on any desired flight path within the coverage of ground or space-based navigation systems or within the limits of the capability of self-contained navigation systems, or a combination of these:

*The definition Component is revoked and replaced by the following definition:*

**Component** means any instrument, mechanism, equipment, part, or accessory, including an airframe, aircraft engine, or propeller, that is used, or is intended to be used, in operating or controlling an aircraft in flight, or is installed in or attached to the aircraft, that has a part number or a serial number allocated by the manufacturer, unless the manufacturer has designated such an item as a standard part:

### **1.3 – Abbreviations**

*The abbreviation LLZ is revoked and replaced by the following abbreviation:*

**LOC** means localiser:

*The abbreviation MDH is revoked and replaced by the following abbreviation:*

**MDH** means minimum descent height:

## **Consultation Details**

*(This statement does not form part of the rules contained in Part 1. It provides details of the consultation undertaken in making the rules.)*

A Notice of Proposed Rulemaking, NPRM 09-03 Omnibus 2009, containing the proposed rule amendments for Part 1, and other proposed rule amendments in various Parts, was issued for public consultation under Docket 9/CAR/1 on 30 July 2009.

A period of 37 days was allowed for comment on the proposed rule. A total of 3 responses to the NPRM were received, and 1 of the responses was directly related to a proposed amendment in Part 1.

The purpose of NPRM 09-03 was to make minor editorial and minor technical amendments to various Parts of the Civil Aviation Rules (CAR). The proposed amendments included the correction of spelling and grammatical errors, the updating of various rules in accordance with current International Civil Aviation Organization (ICAO) standards, definitions and abbreviations, and the revocation of specific transitional arrangements.

## **List of Submitters for Part 1**

- Wally Sturgeon

## **Details of Public Submissions and CAA Response**

### **Definition of “Component”**

The CAA received 1 submission concerning the definition of the term “component”.

The submitter commented that the current definition of a “component” is in conflict with the current definition of a “product”, and that the proposed amendment to the definition of a component does not resolve the conflict. The submitter stated that the reference to “an airframe, aircraft engine, or propeller” in the definition of component is “throwing a spanner in the works”, because he believes that airframes, aircraft engines and propellers are in fact products rather than components.

The submitter further stated that other countries in the Pacific region have logical and non conflicting definitions of a component, and that the CAA should adopt a similar definition.

### ***CAA Response***

*While the CAA recognises the issue presented by the submitter, the suggested resolution would require action which is outside the scope of an Omnibus rule project.*

*The CAA believes that although different words are used, the proposed definitions of component in both the submission and the NPRM state, in effect, that a component is any item with a part number or serial number that is or could be used, installed or attached to an aircraft – excluding the complete aircraft and standard parts. The CAA considers that it is important to retain the reference to an airframe, aircraft engine, and a propeller in the definition of a component, as this directly relates to the scope of activity that can be accomplished by a maintenance organisation certificated under Part 145 with a C2 rating (refer to rule 145.11(a)(5)).*

*At this stage, the New Zealand certification process for maintenance organisations and the authorisation of maintenance personnel is significantly different from the Australian requirements. This difference precludes aligning the definitions between the two States.*