



PURSUANT to Section 28 of the Civil Aviation Act 1990

I, Hon CRAIG FOSS, Associate Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This 12th day of Dec 2016

by Hon Craig Foss

Associate Minister of Transport

A handwritten signature in black ink, appearing to be 'C. Foss', is written over the printed name of the Associate Minister of Transport.

Civil Aviation Rules

Part 61, Amendment 12

Pilot Licences and Ratings

Docket 16/CAR/1

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Rule objective

The objective of amendment 12 to Part 61 is to correct a number of drafting errors and omissions.

Extent of consultation

A Notice of Proposed Rulemaking, NPRM 16-01, containing the proposed changes to Part 61 and other rules was issued for public consultation under Docket 16/CAR/1 on 2 June 2016.

The NPRM was published on the CAA website and emailed to subscribers of the automatic alert service provided by the CAA.

A period of 27 days was allowed for comment on the proposed rules.

Summary of submissions

Six written submissions and no oral comments were received on the NPRM. These submissions and comments have been considered and as a result a minor and non controversial amendment is being made to rule 91.605 and two definitions are being inserted in Part 1 to clarify the definition of “Instrument runway”.

A summary of submissions for this NPRM is available on the CAA website.

No submissions were received in relation to the proposed amendments to Part 61.

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

This Part is amended by:

- rule 61.701 was amended to correct a drafting error that left references to an applicant demonstrating competency for the rating “orally and in flight” when the other agricultural rating subparts did not do so;

- rule 61.701 was also amended to correct an incorrect reference in rule 61.701(b); and
- inserting rule 61.3 and amending rules 61.711, 61.721, 61.731 and 61.737 to correct a drafting omission and to clarify what is required to demonstrate competence for subparts O, OA, OB and OC. All applicants for ratings must sit an oral examination and conduct a test flight with the applicable flight examiner or flight instructor in order to demonstrate competence in the operations required for the ratings.

Effective date of rule

Amendment 12 to Part 61 comes into force on 10 March 2017

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 61 Pilot Licences and Ratings

Insert the following rule as rule 61.3:

61.3 Definitions

In this Part for the purposes of Subparts O, OA, OB and OC—

Successfully demonstrate competency means that the applicant for the rating or holder of the rating undertakes an oral examination by, and a flight test with, the applicable flight examiner or flight instructor qualified to check competency under rules 61.701, 61.707, 61.711, 61.717, 61.721, 61.727, 61.731 and 61.737 in order to demonstrate sufficient knowledge and skills in conducting the relevant operations permitted under the rating:

Replace rule 61.355 with the following rule:

61.355 Eligibility requirements

(a) Except as provided for in paragraph (b), to be eligible for the issue of a recreational pilot licence (aeroplane or helicopter) a person must—

- (1) be at least 17 years of age; and
- (2) hold a medical certificate, issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement which —
 - (i) was issued within the previous 5 years; or
 - (ii) if the person is 40 years of age or older, was issued within the previous 24 months; and
- (3) have a minimum of—
 - (i) 50 hours flight time experience as a pilot in the appropriate category of aircraft comprising of solo flight time, dual flight time, instrument time, and cross-country flight time acceptable to the Director; or

- (ii) if the person is not seeking to exercise recreational pilot privileges on a cross-country flight, 40 hours flight time experience as a pilot in the appropriate category of aircraft comprising solo flight time, instrument time, and dual flight time acceptable to the Director; and
 - (4) have a valid written examination credit, or approved equivalent, in the subjects contained in rule 61.153(a)(6); and
 - (5) have completed terrain awareness training that is acceptable to the Director; and
 - (6) have passed a flight test for the issue for a private pilot licence in accordance with rule 61.153(a)(7) except that the person must have demonstrated knowledge of the privileges and limitations of a recreational pilot licence.
- (b) A person who holds a valid private pilot licence, commercial pilot licence, or an airline transport pilot licence, is eligible for the issue of a recreational pilot licence for the appropriate category of aircraft, if the person—
- (1) holds a medical certificate as required by paragraph (a)(2); and
 - (2) if the person has not met the requirements of rule 61.39 for a period of 5 years or more, the person has passed the written examination for PPL air law within the last 3 years of the date of application for a recreational pilot licence.
- (c) Cross country flight experience in a helicopter or aeroplane under paragraph (a)(3)(i) may be accepted by the Director as cross country flight time in the other category of aircraft.

Replace rule 61.701 with the following rule:

61.701 Eligibility

(a) To be eligible for the issue of a Grade 2 agricultural rating (Aeroplane or Helicopter) a person must—

- (1) hold at least a current private pilot licence for the appropriate category of aircraft; and
- (2) have a minimum of 200 hours flight time experience as a pilot, including a minimum of 100 hours as pilot-in-command in the appropriate category of aircraft, before commencing training for an agricultural rating; and
- (3) successfully complete a course of agricultural ground and flight training; and
- (4) [*Revoked*]
- (5) [*Revoked*]
- (6) hold a pilot chemical rating; and
- (7) successfully complete a training course in one or more of the following ratings:
 - (i) aerial topdressing rating;
 - (ii) aerial spraying rating;
 - (iii) aerial VTA rating; and
- (8) successfully demonstrate competency in agricultural aircraft operations to a flight examiner holding an appropriate current agricultural flight examiner rating.

(b) To be eligible for the issue of a Grade 1 agricultural rating (Aeroplane or Helicopter), a person must—

- (1) hold at least a current commercial pilot licence for the appropriate category of aircraft; and

- (2) have a minimum of 1000 hours productive flight time experience dispensing agricultural chemical or other substance directly affecting agriculture, horticulture or forest preservation, including a minimum of 200 hours as pilot-in-command of the appropriate category of aircraft; and
 - (3) successfully demonstrate competency in agricultural aircraft operations to a flight examiner holding an appropriate current agricultural flight examiner rating.
- (c) The training required by paragraph (a)(3), and the demonstration of competency required by paragraphs (a)(8) and (b)(3) must be conducted under the authority of—
- (1) an agricultural aircraft operator certificate issued under Part 137 that authorises the operator to conduct the training or competency assessment; or
 - (2) an aviation training organisation certificate issued under Part 141 that authorises the organisation to conduct the training or competency assessment.

Subpart OA — Aerial Topdressing Rating

Replace rule 61.711 with the following rule:

61.711 Eligibility requirements

To be eligible for an aerial topdressing rating, a person must—

- (1) hold at least a current Grade 2 agricultural rating for the appropriate category of aircraft; and
- (2) satisfactorily complete a training course consisting of both ground training and flight instruction in aerial topdressing operations conducted under the authority of an aviation training organisation certificate issued under Part 141, or an agricultural aircraft operator certificate issued under Part 137 that authorises the holder to conduct aerial topdressing training courses; and
- (3) successfully demonstrate competency in aerial topdressing operations to a Category E flight instructor or an agricultural flight examiner operating under the authority of an aviation training organisation certificate issued under Part 141, or an agricultural aircraft operator certificate issued under Part 137 that authorises the holder to conduct aerial topdressing rating competency assessments.

Subpart OB — Aerial Spraying Rating

Replace rule 61.721 with the following rule:

61.721 Eligibility requirements

To be eligible for an aerial spraying rating, a pilot must—

- (1) hold at least a current Grade 2 agricultural rating for the appropriate category of aircraft; and
- (2) satisfactorily complete a training course consisting of both ground training and flight instruction in aerial spraying operations conducted under the authority of an aviation training organisation certificate issued under Part 141, or an agricultural aircraft operator certificate issued under Part 137 that authorises the holder to conduct aerial spraying rating training courses; and
- (3) successfully demonstrate competency in conducting agricultural aircraft operations on aerial spraying to a Category E flight instructor or agricultural flight examiner operating under the authority of an aviation training organisation certificate issued under Part 141, or an agricultural aircraft operator certificate issued under Part 137 that authorises the holder to conduct aerial spraying rating competency assessments.

Subpart OC — Aerial VTA Rating

Replace rule 61.731 with the following rule:

61.731 Eligibility requirements

To be eligible for an aerial VTA rating a pilot must—

- (1) hold at least a Grade 2 agricultural rating for the appropriate category of aircraft; and
- (2) satisfactorily complete a training course in aerial VTA operations consisting of both ground and flight instruction conducted under the authority of an aviation training organisation certificate issued under Part 141, or an agricultural aircraft operator certificate issued under Part 137 that authorises the holder to conduct aerial VTA rating training courses; and
- (3) successfully demonstrate competency in aerial VTA operations to a Category E flight instructor or agricultural flight examiner operating under the authority of an aviation training organisation certificate issued under Part 141 or an agricultural aircraft operator certificate issued under Part 137 that authorises the holder to conduct aerial VTA authorisation competency assessments.

Replace rule 61.737 with the following rule:

61.737 Currency requirements

(a) A holder of an aerial VTA rating must not exercise the privileges of the rating unless within the previous 12 months the holder has successfully demonstrated competency under rule 61.731(3) and the flight instructor or flight examiner who conducted the competency demonstration has certified the successful completion of the demonstration in the holder's logbook.

(b) A pilot who completes the competency demonstration within 60 days before the date on which it is required is deemed to have completed the demonstration on the required date.