



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

I, HARRY JAMES DUYNHOVEN, Minister for Transport Safety,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *22nd* day of *November* 2006

by **HARRY JAMES DUYNHOVEN**

A handwritten signature in black ink, appearing to read 'Harry James Duynhoven', is written over a large, stylized, abstract graphic element that resembles a wing or a checkmark.

Minister for Transport Safety

Civil Aviation Rules

Part 103, Amendment 6

Microlight Aircraft - Operating Rules

Docket 1/CAR/1357

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Rule objective

The objective of amendment 6 to Part 103 is to amend and update the airworthiness and maintenance requirements for microlight aircraft consistent with the amendments to the airworthiness and maintenance requirements prescribed in Part 91 including the Part 91 test and inspection requirements for SSR transponder equipment and associated automatic pressure altitude reporting system, and flotation equipment.

Amendment 6 to Part 103 is associated with the following amendments to other Parts:

- Amendment 5 to Part 43
- Amendment 15 to Part 91
- Amendment 7 to Part 119
- Amendment 5 to Part 104
- Amendment 1 to Part 106
- Amendment 15 to Part 121
- Amendment 11 to Part 125
- Amendment 15 to Part 135
- Amendment 4 to Part 137

Extent of consultation

In 1999 the Civil Aviation Industry Rules Advisory Group (CIRAG) Executive established a Technical Study Group (TSG) to participate in a rule making project to amend and update various rules relating to the airworthiness and maintenance requirements for aircraft. A number of the issues to be addressed arose from an investigation carried out by the CAA in 1997 into the concerns about maintenance standards and practices for aircraft less than 5,700 kg maximum certified take-off weight (MCTOW). Other issues to be addressed arose from various petitions for amendments to be made to airworthiness and maintenance rules.

The TSG was made up of representatives from general aviation (fixed wing operators), aircraft maintenance organisations, helicopter operators, and the Aircraft Owners and Pilots Association. The TSG met 4 times and concluded its work in early 2002. The CAA continued to refine the draft rule proposals during 2002 and 2003 and released the draft rules to a representative industry group for comment before they were published for public consultation.

A Notice of Proposed Rulemaking, NPRM 05-06, containing the proposed rule amendments to Parts 119, 103, 104, 121, 125, 135, and 137 was issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

Two other associated Notices of Proposed Rulemaking, NPRM 05-04 dealing with amendments to Parts 1, 43, 91, and 145, and NPRM 05-05 dealing with amendments to Parts 21, 26, 39, 146, and 148, were also issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

The publication of these NPRMs was notified in the Gazette on 5 May 2005 and advertised in the daily newspapers in the 5 main provincial centres on 7 May 2005. The NPRMs 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 period of 46 days was initially allowed for comment on the proposed amendments to the rules and this was extended upon industry request for a further 10 days.

New Zealand Transport Strategy

The development of the NPRM and the proposed rule changes took into account the objectives of the New Zealand Transport Strategy (NZTS) and the provisions of the Civil Aviation Amendment Act (No 2) 2004.

Amendment 6 to Part 103 has been assessed as follows against the NZTS:

Assisting Economic Development— the rule amendment is unlikely to affect economic development:

Assisting safety and personal security— the rule amendment contributes to aviation safety by clarifying the microlight operator’s responsibilities for the airworthiness and maintenance of a microlight aircraft and requires SSR transponder and automatic pressure altitude reporting equipment installed on a microlight aircraft to be maintained in the same manner as for other certificated aircraft:

Improving access and mobility—the rule amendment is unlikely to affect access and mobility issues:

Protecting and promoting public health— the rule amendment is unlikely to affect public health:

Ensuring environmental sustainability—the rule amendments are unlikely to affect environmental sustainability.

Summary of submissions

Eighty written submissions were received on the 3 NPRM. These submissions and comments have been considered and 1 submission related to Part 103. As a result the rule relating to maintenance and inspection requirements has been clarified to only require altimeter inspections in accordance with Part 91 if the microlight aircraft is equipped with an automatic pressure altitude reporting system as part of the SSR transponder installation.

During the final drafting of rule 91.101 as part of amendment 15 to Part 91 it became apparent that a consequential amendment to rule 103.203 is required to retain the existing airworthiness requirement for microlight aircraft.

The rule as amended was then referred to Parliament’s Regulations Review Committee before being signed by the Minister for Transport Safety.

The title of the Rule Part was also amended to incorporate the change that came into force on 22 June 2006 before amendment 6 to Part 103 was signed by the Minister.

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 some existing rules and replacing them with new rules.

Effective date of rule

Amendment 6 to Part 103 comes into force on 1 March 2007.

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 103 - Amendments

Subpart G — Airworthiness and maintenance

Rule 103.201 is revoked and replaced by the following new rule:

103.201 Definitions

Class 2 microlight aircraft in this Subpart includes a Class 1 microlight helicopter.

Rule 103.203 is revoked and replaced by the following new rule:

103.203 Requirement for flight permit

- (a) The requirements of rule 91.101(a)(1)(i) do not apply to a person operating a microlight aircraft.
- (b) A person must not fly a Class 2 microlight aircraft unless there is in force for the aircraft, a flight permit or a temporary flight permit issued in accordance with this Part.

Rule 103.207 is revoked and replaced by the following new rule:

103.207 Issue of flight permit

- (a) The Director may issue a microlight flight permit in accordance with section 9 of the Act for a Class 2 microlight aircraft if—
- (1) the applicant for the flight permit provides documented evidence that—
 - (i) a microlight flight permit, or equivalent document acceptable to the Director, has been issued for the type by the competent authority of an ICAO Contracting State; or
 - (ii) the aircraft conforms to a type design that complies with 1 of the following standards:
 - (A) British Civil Airworthiness Requirements Section S (CAP 482 dated March 1983 and amended October 1988) issued by the Civil Aviation Authority of the United Kingdom:

- (B) Civil Aviation Orders 95.32 (Issue 1 dated 28 February 1990 and Amendment 57 dated 1 August 1990) and 101.55 (Issue 1 dated 7 January 1988 and amendment 90 dated 28 August 1991) issued by the Civil Aviation Safety Authority of Australia:
 - (C) Document TP10141E issued by Transport Canada:
 - (D) any other equivalent standard acceptable to the Director; or
- (iii) 6 or more aircraft of the type have been operated and the aircraft type has achieved a documented satisfactory airworthiness history of at least 150 hours of flight including at least 50 hours of flight on one aircraft; or
 - (iv) a temporary flight permit has been issued for the aircraft under paragraph (b) and the aircraft has completed an endurance test in accordance with rule 103.211; and
- (2) the applicant provides—
 - (i) satisfactory evidence that the aircraft complies with every applicable requirement prescribed under Parts 47, 91, and 103; and
 - (ii) a statement of hours flown by the aircraft both in total and since any previous flight permit or equivalent document was issued; and
 - (iii) a statement that any inspection, replacement, overhaul, or other maintenance of the microlight aircraft or its engine or engine components that is considered mandatory by the manufacturer has been complied with; and
 - (3) the aircraft has been inspected by a person authorised by the Director and that person has certified in the applicable

aircraft maintenance record required by rule 91.617 that the aircraft has no hazardous design features.

(b) The Director may issue a temporary microlight flight permit for a New Zealand designed and manufactured prototype Class 2 microlight aircraft that does not comply with the requirements in paragraphs (a)(1)(i), (ii), or (iii) if the prototype aircraft has passed a wing static limit load test and a landing gear drop test in accordance with British Civil Airworthiness Requirements Section ‘S’.

(c) A temporary microlight flight permit issued under paragraph (b) must—

- (1) contain operating limitations that the Director considers necessary in the interests of aviation safety; and
- (2) not be issued for a period of more than 6 months.

(d) The pilot of a Class 2 microlight aircraft that is operated under the authority of a temporary microlight flight permit must comply with the operating limitations contained in the temporary flight permit.

(e) A microlight flight permit remains in force until it expires or it is suspended or revoked.

Rule 103.213 is revoked and replaced by the following new rule:

103.213 Statement of airworthiness

A pilot-in-command of a microlight aircraft who completes the endurance testing in accordance with rule 103.211, must enter in the applicable maintenance record required by rule 91.617—

- (1) details of every manoeuvre completed during the testing together with details of the demonstrated flight speeds; and
- (2) the following statement (which must include the flight time hours completed) followed by the pilot’s name, licence or certificate number, signature and the date of the final test:

I certify that this aircraft has satisfactorily completed hours flight time in compliance with Part 103 and the aircraft

has adequate performance, is controllable through its normal range of speeds and throughout all manoeuvres completed, and is airworthy.

Rule 103.215 is revoked and the rule number is reserved:

103.215 Reserved

Rule 103.217 is revoked and replaced by the following new rule:

103.217 Maintenance and inspection requirements

- (a) An operator of a microlight aircraft must ensure that—
- (1) the aircraft is maintained in an airworthy condition; and
 - (2) every applicable airworthiness directive is complied with in accordance with the requirements prescribed in Part 39; and
 - (3) between required inspections, every defect is rectified.
- (b) An operator of a microlight aircraft that meets a type design standard listed in rule 103.207(a)(1), must ensure that the aircraft is maintained in accordance with the designer or kitset manufacturer maintenance requirements.
- (c) Subject to paragraphs (d) and (g), a person must not operate a microlight aircraft unless—
- (1) an annual inspection of the conditions of the aircraft has been carried out within the preceding 12 months; and
 - (2) the requirements of rule 103.217(a)(2) are complied with; and
 - (3) except as provided in paragraph (h), any applicable tests and inspections required under the following rules have been complied with:
 - (i) rule 91.605(e)(2) regarding test and inspection of automatic pressure altitude reporting system if the microlight aircraft is equipped with a SSR transponder:

- (ii) rule 91.605(e)(3) if the microlight aircraft is equipped with a SSR transponder:
 - (iii) rule 91.605(e)(8) if the microlight aircraft is equipped with flotation equipment.
- (d) The annual condition inspection required by paragraph (c)(1) must be—
 - (1) performed by—
 - (i) a person authorised by a microlight organisation to perform annual condition inspections; or
 - (ii) the Director; or
 - (iii) a person who holds a current aircraft maintenance engineer licence with appropriate aircraft and engine group ratings issued in accordance with Part 66; and
 - (2) acceptable to the Director with regard to the items and components inspected.
- (e) The person who performs the annual condition inspection required by paragraph (c)(1) must, if the person finds the aircraft to be in an airworthy condition,—
 - (1) certify in an inspection form that the aircraft is airworthy; and
 - (2) permanently affix the inspection form required under paragraph (e)(1) to the aircraft in a prominent place adjacent to the point of entry; and
 - (3) retain a copy of the inspection form required under paragraph (e)(1) as a record of the certification; and
 - (4) for a class 2 microlight aircraft, enter the details of the certification in the applicable maintenance record required under rule 91.617.

(f) The aircraft inspection form required under paragraph (e)(1) must include the—

- (1) aircraft registration markings; and
- (2) aircraft type; and
- (3) due date for the next annual condition inspection; and
- (4) date, signature, and licence or certificate number of the engineer or inspector who carried out the annual condition inspection.

(g) If the annual condition inspection that is required under paragraph(c)(1) shows that the aircraft is not airworthy, the operator of the aircraft must not permit the aircraft to be flown until it has been re-inspected and certified as airworthy in accordance with paragraphs (d), (e), and (f).

(h) A person operating a microlight aircraft is not required to comply with—

- (1) the test and inspection requirements in rules 91.605(e)(2) and (3) until the date of the first annual condition inspection that is carried out after 1 March 2007; and
- (2) the test and inspection requirement in rule 91.605(e)(8) until 1 March 2008.

Consultation Details

(This statement does not form part of the rules contained in Part 103. It provides details of the consultation undertaken in making the rules.)

A review of the continuing airworthiness and maintenance requirements for New Zealand aircraft has been under development since 1998 following a review of the state of aircraft maintenance that was carried out in 1997. The changes to Part 43 are the central part of a package of changes that update rules relating to the maintenance of aircraft. The package was developed under docket 1/CAR/1357 and published in May 2005 as 3 separate Notices of Proposed Rule Making, NPRM 05-04 dealing with Part 43 and related rule Parts 91, and 145, NPRM 05-05 dealing with Part 21 and related Parts 26, 39,146, and 148, and NPRM 05-06 dealing with Part 119 and related Parts 103, 104, 121, 125, 135, and 137. The changes to the various rules are based on the 1997 review of aircraft maintenance and proposals arising from a CAA-Industry Technical Study Group set up in 1999.

The 3 Notices of Proposed Rulemaking, NPRM 05-04 Part 43 General Maintenance Rules, NPRM 05-05 Part 21 Certification of Products and Parts, and NPRM 05-06 Part 119 Air Operator – Certification, containing the proposed rules were issued for public consultation under Docket 1/CAR/1357 on 5 May 2005.

Comments arising from the NPRM

A total of eighty written submissions were received on the three NPRM's, mostly in relation to the Part 43 and 91 changes. One submission related to Part 103. The CAA has worked through these submissions and as a result has amended the rules where appropriate.

The structure of some rules have been amended and editorial changes have been made to provide clarity and, in some cases, to maintain consistency in the terminology used.

The consultation details relating to amendment 6 to Part 103 are contained in the consultation details of amendment 5 to Part 43. The submissions and all background material used in developing the rules are held on the docket file and are available for public inspection at Aviation House, 10 Hutt Road Petone. Persons wishing to view the docket should contact the Docket Clerk on Phone +64 560 9603 and ask for docket 1/CAR/1357.