



WELLINGTON NEW ZEALAND

PURSUANT to Section 28 of the Civil Aviation Act 1990

I, MAURICE WILLIAMSON, Minister of Transport,

HEREBY MAKE the following ordinary rules.

SIGNED AT Wellington

This *13* day of *November* 1995

by **MAURICE WILLIAMSON**

Maurice Williamson
Minister of Transport

Civil Aviation Rules
Part 137 Amendment No 1
Agricultural Aircraft Operations
Docket Nr. 1160

**Civil Aviation Rules
Part 137 Amendment No 1**

Agricultural Aircraft Operations

RULE OBJECTIVE, EXTENT OF CONSULTATION AND COMMENCEMENT

The objective of Amendment No. 1 to Part 137 of the Civil Aviation Rules is to amend the Part to harmonise with structural changes made to all of the rules Parts that certificate organisations and to better reflect the procedural requirements of the Civil Aviation Act 1990.

In May 1990 the Air Transport Division of the Ministry of Transport published a notice of intention to carry out a complete review of the aviation regulatory system. This notice, in Civil Aviation Information Circular Air 3, listed the areas in which rules would be made and invited interested parties to register their wish to be part of the consultative process. The Register was identified as the Regulatory Review Consultative Group.

A draft of the amendment to Part 137 was developed by the rules rewrite team in consultation with members of the consultative group. A Notice of Proposed Rulemaking was issued under Docket 1160 on 3 May 1995.

The publication of this notice was advertised in the daily newspapers in the five main provincial centres on 4 May 1995. The notice was mailed to members of the Regulatory Review Consultative Group and to other parties, including overseas Aviation Authorities and organisations, who were considered likely to have an interest in the proposal.

A period of 30 days was allowed for comment on the proposed rule.

The submissions were considered and where appropriate the proposed rules amended to take account of the comments made.

The rules as amended were then referred to and signed by the Minister of Transport.

Part 137, Amendment No.1 comes into force 28 days after notification in the Gazette.

Part 137**137.151**

Revoke 137.151 and substitute the following new rule:

“137.151 Application for Certificate

Each applicant for the grant of an agricultural aircraft operator certificate shall complete form CAA 24137/01 and submit it to the Director with a payment of the appropriate application fee prescribed by regulations made under the Act.”

137.153

Revoke 137.153 and substitute the following new rule:

“137.153 Issue of Certificate

An applicant is entitled to an agricultural aircraft operator certificate if the Director is satisfied that—

- (1) the applicant has identified—
 - (i) a senior person as the Chief Executive who has the authority to ensure that all activities can be financed and carried out in accordance with this Part; and
 - (ii) a senior person as the Chief Pilot who holds a Grade 1 agricultural rating issued under Part 61, Subpart I; and
- (2) the applicant, and the applicant's senior person or persons required by subparagraph (1) are fit and proper persons; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.”

137.155

Revoke 137.155.

137.161

Revoke 137.161 and insert the following rule 137.211 in Subpart E:

“137.211 Safety Inspections and Audits

(a) The Director may in writing require the holder of an agricultural aircraft operator certificate to undergo or carry out such inspections and audits of the holder's aircraft, facilities, documents, and records as the Director considers necessary in the interests of civil aviation safety and security in accordance with section 15 of the Act.

(b) The Director may require the holder of an agricultural aircraft operator certificate to provide such information as the Director considers relevant to the inspection or audit."

137.163

Revoke 137.163 and substitute the following new rule:

"137.161 Exemptions

The Director may exempt any person from any requirement in this Part following the procedure prescribed in Part 11 and in accordance with section 37 of the Act."

137.207

Amend the rule number to 137.209.

Insert the following new rule 137.207 before the renumbered 137.209:

"137.207 Personnel Requirements

Each holder of an agricultural aircraft operator certificate shall continue to employ, engage or contract the senior persons specified in 137.153(1)."