



**17/EXE/28 (Amendment #1)**  
**Exemption from the Requirement in Civil Aviation Rule**  
**CAR 135.369**

**PURSUANT TO** Section 37(2)(c) of the Civil Aviation Act 1990,

I, **Keith Manch**, Director of Civil Aviation, being satisfied that—

(a) the requirement in CAR 135.369 that a holder of an air operator certificate must ensure that each of its helicopters with a certificated seating capacity of 10 seats or more excluding any crew member seat is equipped with a flight data recorder (FDR) in accordance with paragraph B.4 of Appendix B is unreasonable in the case of the BK117 aircraft type, for which a FDR that would meet the requirement of the rule is not available; and

(b) the risk to safety will not be significantly increased by the granting of this exemption;

**HEREBY EXEMPT—**

any holder of a Part 119/135 Air Operator Certificate operating a BK117 aircraft type under the authority of the certificate;

**FROM—**

the requirement in CAR 135.369 that an holder of an air operator certificate must ensure that each of its helicopters with a certificated seating capacity of 10 seats or more excluding any crew member seat is equipped with a flight data recorder in accordance with paragraph B.4 of Appendix B;

**ONLY WITH RESPECT TO—**

all New Zealand registered Airbus Helicopters Deutschland MBB-BK117 Series and Kawasaki BK117 Series with a certificated seating capacity of 10 seats or more, excluding any crew member seat, which are operated under the authority of a Part 119/135 Air Operator Certificate;

**PROVIDED THAT—**

- a) the aircraft has never been fitted with a flight data recorder that meets the requirements defined in Part 135 Appendix B, paragraph B.4; and
- b) the aircraft was first issued with an Airworthiness Certificate, by an ICAO Contracting State, prior to 1 January 2016; and
- c) the aircraft is not used in air operations for the carriage of more than 9 passengers.



This exemption shall remain in effect until 30<sup>th</sup> April 2027, unless withdrawn earlier in writing by the Director.

**SIGNED** at Wellington )

This 27<sup>th</sup> day of April 2022 )

by **Keith Manch** )  
Director of Civil Aviation )

A handwritten signature in black ink, appearing to be 'Keith Manch', is written above a solid horizontal line. The signature is stylized and cursive.