



Civil Aviation (Offences) Amendment Regulations 2016

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 7th day of March 2016

Present:

His Excellency the Governor-General in Council

These regulations are made under section 100 of the Civil Aviation Act 1990 on the advice and with the consent of the Executive Council.

Contents

	Page
1 Title	1
2 Commencement	1
3 Principal regulations	2
4 Schedule 1 amended	2

Schedule

3

Amendments to Schedule 1

Regulations

1 Title

These regulations are the Civil Aviation (Offences) Amendment Regulations 2016.

2 Commencement

These regulations come into force on 15 April 2016.

3 Principal regulations

These regulations amend the Civil Aviation (Offences) Regulations 2006 (the **principal regulations**).

4 Schedule 1 amended

- (1) In Schedule 1, replace the items relating to Part 61 with the items set out in the Schedule of these regulations.
- (2) In Schedule 1, revoke the item relating to rule 119.165(c).

Schedule Amendments to Schedule 1

r 4(1)

Provision	Brief description	Fines and fees (\$)			
		Conviction	Body corporate	Individual	Body corporate
Part 61	Pilot licences and ratings				
Rule 61.5(a)	Pilot of New Zealand registered aircraft operating in New Zealand must hold prescribed pilot licence.	10,000		2,000	
Rule 61.5(b)	Pilot of New Zealand registered aircraft operating outside New Zealand must hold prescribed pilot licence.	10,000		2,000	
Rule 61.5(c)	Pilot of foreign aircraft operating in New Zealand must hold prescribed pilot licence.	10,000		2,000	
Rule 61.5(d)	Pilot of New Zealand registered aircraft, or foreign aircraft operating in New Zealand, must hold prescribed current type rating for aircraft.	5,000		1,000	
Rule 61.5(j)	Pilot of New Zealand registered aircraft, or foreign aircraft in New Zealand, operating under IFR, must hold prescribed current instrument rating.	5,000		1,000	
Rule 61.5(k)	Person exercising privileges of flight instructor must hold appropriate current flight instructor rating.	5,000		1,000	
Rule 61.5(1)	Person exercising privileges of flight examiner must hold appropriate current flight examiner rating.	5,000		1,000	
Rule 61.19(a)	Person must not perform prescribed act of unauthorised conduct in relation to written examination.	5,000		1,000	
Rule 61.25(b)	Dual flight instruction or flight testing must be carried out in aircraft equipped with prescribed controls, instruments, safety harness, and equipment.	5,000	30,000	1,000	6,000

Provision	Brief description	Fines and fees (\$)			
		Conviction	Infringement fee		Body corporate
		Individual	Individual	Individual	Body corporate
Rule 61.25(c)	Responsibilities of pilot when accumulating instrument flight experience in VMC toward required instrument flight time.	5,000	1,000	1,000	
Rule 61.25(d)	Responsibilities of pilot when accumulating instrument flight experience in IMC toward required instrument flight time.	5,000	1,000	1,000	
Rule 61.27	Responsibility of flight examiner to be pilot-in-command in prescribed circumstances.	2,500	1,000	1,000	
Rule 61.29	Responsibility of pilot to maintain accurate logbook with prescribed information and in prescribed manner.	2,500	500	500	
Rule 61.35(a)	Person must not exercise privileges of pilot licence other than recreational pilot licence unless person holds prescribed medical certificate and complies with conditions, restrictions, and endorsements on medical certificate.	5,000	1,000	1,000	
Rule 61.35(b)	Person must not exercise privileges of recreational pilot licence unless person holds prescribed medical certificate and complies with conditions, restrictions, and endorsements on medical certificate.	5,000	1,000	1,000	
Rule 61.35(c)	Person must not exercise privileges of validation permit unless person holds prescribed medical certificate and complies with conditions, restrictions, and endorsements on medical certificate.	5,000	1,000	1,000	
Rule 61.37(a)	Recent flight experience requirements for airline transport pilot.	5,000	1,000	1,000	
Rule 61.37(b)	Recent flight experience requirements for commercial pilot (aeroplane or helicopter), recreational pilot, private pilot—day flight.	5,000	1,000	1,000	
Rule 61.37(c)	Recent flight experience requirements for commercial pilot, private pilot—night flight.	5,000	1,000	1,000	

Provision	Brief description	Fines and fees (\$)			
		Conviction		Infringement fee	
		Individual	Body corporate	Individual	Body corporate
Rule 61.37(ca)	Recent flight experience requirements for commercial pilot (balloon).	5,000		1,000	
Rule 61.37(h)	Flight instructor must meet recent flight experience requirements before giving flight instructions.	5,000		1,000	
Rule 61.37(i)	Prescribed requirements for pilot who has not met biennial flight review requirements for 5 years or more.	5,000		1,000	
Rule 61.39(a)	Pilot must not exercise privileges of licence without biennial flight review.	10,000		2,000	
Rule 61.43(c)	Holder of licence or rating must take prescribed examination or test when required by Director.	2,500		500	
Rule 61.103(a)	Person who does not hold current pilot licence must not manipulate controls of an aircraft unless prescribed requirements are met.	10,000		2,000	
Rule 61.105(a)	Person who does not hold current pilot licence must not fly aircraft solo unless prescribed requirements are met.	10,000		2,000	
Rule 61.105(b)	Flight instructor who authorises pilot for solo flight must monitor actions of pilot during solo flight.	5,000		1,000	
Rule 61.107(a)	Person who does not hold current pilot licence must not act as pilot-in-command of aircraft in prescribed circumstances.	10,000		2,000	
Rule 61.107(b)	Person who holds medical certificate under rule 61.105(a)(2)(ii) must not act as pilot-in-command of aircraft in prescribed circumstances.	10,000		2,000	
Rule 61.155(b)	Holder of private pilot licence must not act as pilot-in-command or co-pilot in prescribed circumstances.	5,000		1,000	
Rule 61.157	Responsibilities of private pilot licence holder: complying with prescribed currency requirements.	5,000		1,000	

Provision	Brief description	Fines and fees (\$)			
		Conviction	Body corporate	Individual	Body corporate
Rule 61.205(b)	Holder of commercial pilot licence must not act as pilot-in-command or co-pilot of aircraft at night unless prescribed requirements are met.	5,000		1,000	
Rule 61.207	Responsibilities of commercial pilot licence holder: complying with prescribed currency requirements.	5,000		1,000	
Rule 61.257	Responsibilities of airline transport pilot licence holder: complying with prescribed currency requirements.	5,000		1,000	
Rule 61.305(b)	Holder of Category E flight instructor rating must not exercise specified privileges unless prescribed requirements are met.	5,000		1,000	
Rule 61.305(f)	Holder of Category D flight instructor rating must not give instrument flight instruction unless prescribed requirements are met.	5,000		1,000	
Rule 61.305(g)	Holder of Category D flight instructor rating must not instruct at night, in multi-engine aircraft, or in instrument flight unless prescribed requirements are met.	5,000		1,000	
Rule 61.305(j)	Holder of Category C flight instructor rating must not exercise Category C flight instructor privileges for first 6 months or 100 hours of instructional flying unless prescribed requirements are met.	5,000		1,000	
Rule 61.305(k)	Holder of Category C flight instructor rating must not give instrument flight instruction under prescribed conditions unless prescribed requirements are met.	5,000		1,000	
Rule 61.305(l)	Holder of Category C flight instructor rating must not instruct at night, in multi-engine aircraft, or in aeroplane spinning or aerobatics unless prescribed requirements are met.	5,000		1,000	
Rule 61.305(p)	Holder of Category B flight instructor rating must not instruct at night, in multi-engine aircraft, or in aeroplane	5,000		1,000	

Provision	Brief description	Fines and fees (\$)			
		Conviction Individual	Body corporate	Infringement fee Individual	Body corporate
Rule 61.305(s)	spinning or aerobatics unless prescribed requirements are met. Holder of Category A flight instructor rating must not give instrument flight instruction under prescribed conditions unless prescribed requirements are met.	5,000		1,000	
Rule 61.305(t)	Holder of Category A flight instructor rating must not instruct in multi-engine aircraft unless prescribed requirements are met.	5,000		1,000	
Rule 61.307(a)	Holder of Category E flight instructor rating must not give agricultural flight instruction unless prescribed requirements are met.	5,000		1,000	
Rule 61.307(b)	Holder of Category D flight instructor rating must not give instrument flight instruction unless prescribed requirements are met.	5,000		1,000	
Rule 61.307(c)	Holder of Category A, B, C, or D flight instructor rating must not give IFR cross-country navigation instruction unless prescribed requirements are met.	5,000		1,000	
Rule 61.307(d)	Holder of Category B or C flight instructor rating must not give flight instruction unless prescribed requirements are met.	5,000		1,000	
Rule 61.307(e)	Holder of Category A or E flight instructor rating must not give flight instruction unless prescribed requirements are met.	5,000		1,000	
Rule 61.357(b)	Holder of recreational pilot licence must not act as pilot-in-command or co-pilot in prescribed circumstances.	5,000		1,000	
Rule 61.359	Holder of recreational pilot licence must not exercise privileges of licence if licence holder is aware of or has reasonable grounds to suspect change in medical condition.	5,000		1,000	

Provision	Brief description	Fines and fees (\$)			
		Conviction		Infringement fee	
		Individual	Body corporate	Individual	Body corporate
Rule 61.361	Responsibility of recreational pilot licence holder: complying with prescribed currency requirements.	5,000		1,000	
Rule 61.557(a)	Holder of aerobatic flight rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	
Rule 61.607(a)	Holder of glider tow rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	
Rule 61.657(a)	Holder of parachute drop rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	
Rule 61.705(b)	Holder of Grade 2 agricultural rating must not act as pilot-in-command of aircraft performing agricultural aircraft operation if, under Part 137, there is third party risk.	5,000		1,000	
Rule 61.707(a)	Holder of agricultural rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	
Rule 61.707(c)	Holder of Grade 1 agricultural rating must not act as pilot-in-command of aircraft performing agricultural aircraft operation if, under Part 137, there is third party risk, unless prescribed requirements are met.	5,000		1,000	
Rule 61.707(d)	Holder of an agricultural rating must not dispense an agricultural chemical without meeting prescribed requirements.	5,000		1,000	
Rule 61.717(a)	Holder of an aerial topdressing rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	
Rule 61.727(a)	Holder of an aerial spraying rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	

	Brief description	Fines and fees (\$)			
		Conviction	Body corporate	Individual	Body corporate
Rule 61.737(a)	Holder of an aerial Vertebrate Toxic Agent (VTA) rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	
Rule 61.757(a)	Holder of pilot chemical rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	
Rule 61.807(a)	Holder of instrument rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	
Rule 61.907(a)	Holder of flight examiner rating must not exercise privileges of that rating unless prescribed requirements are met.	5,000		1,000	

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 15 April 2016, amend Schedule 1 of the Civil Aviation (Offences) Regulations 2006 (the **principal regulations**). The principal regulations prescribe the breaches of the Civil Aviation Rules (the **rules**) that are summary offences and the breaches of those rules that are infringement offences, and prescribe the fines and infringement fees in respect of those offences.

These regulations replace the items in Schedule 1 relating to Part 61 of the rules, which specifies offences and penalties relating to pilot licences and ratings, as a consequence of a reissue of Part 61 of the rules. The main changes are—

- references to “senior commercial pilot” in various items are replaced with references to “commercial pilot” to align with the drafting of the rule:
- references to “may not” in various items are replaced with references to “must not” to also align with the drafting of the rule:
- new items relating to rules 61.35(c), 61.37(ca), 61.105(a), 61.107(a) and (b), 61.305(b), 61.707(d), 61.717(a), 61.727(a), and 61.737(a) are inserted into Schedule 1, which has the effect of creating new offences relating to the breach of those provisions in the rules:
- the items relating to rules 61.105, 61.107, and 61.305(c) are omitted from Schedule 1, which has the effect of revoking the offences relating to a breach of those provisions in the rules.

These regulations also revoke from Schedule 1 the item relating to rule 119.165(c), which specifies an offence and penalty relating to a breach of the responsibilities relating to general aviation air operator certificates, as a consequence of an amendment to Part 119 of the rules.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 10 March 2016.

These regulations are administered by the Ministry of Transport.