
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 101
Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets
– Operating Rules.

I, Hon Henry Puna Minister of Civil Aviation of the Cook Islands, make the following Rule:

Cook Island Civil Aviation Rule (CICAR): Part 101 Gyrogliders and Parasails, Unmanned Aircraft (including Balloons), Kites, and Rockets – Operating Rules.

Content of Rule Incorporated by Reference

In accordance with section 39 of the Civil Aviation Act 2002 this Rule Part, incorporates by way of reference, the Rules contained in **New Zealand Civil Aviation Rule Part 101** in force as at April 2018 as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule covers the operating procedures for:

- unmanned aircraft, including;
- moored balloons
- free balloons
- remotely piloted aircraft
- control line model aircraft
- free flight model aircraft
- kites,
- rockets,
- gyrogliders, and
- parasails.

Commencement of Rule into Force

This Rule, as modified below, comes into force on the 1st July 2018.

Availability of Rules

A copy of Part 101 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport
Port of Avatiu
Avatiu
Rarotonga
Cook Islands

Copies of the New Zealand Civil Aviation Rules are available from:

- CAA web site: <http://www.caa.govt.nz/>
- NZ +64 0800 GET RULES (0800 438 785)

Extent of Consultation

In addition to public notification of proposed Rule-making, targeted notification of the intention to make this Rule was made to:

- All key document holders including holders of Foreign Air Operator Certificates
- Relevant Ministries
- Mayors and Executive Officers of the Outer Islands (Pa Enea)

The Ministry of Transport met on request with:

- The Office of the Public Service Commission
- Air Rarotonga
- Infrastructure Cook Islands (including representatives from the Pa Enea)
- Airport Authority Cook Islands
- Cook Islands Police Service
- Ministry of Finance and Economic Management (Customs)
- Pacific Island Energy PTE Ltd
- Cook Island Meteorological Service
- Cook Islands Tourism

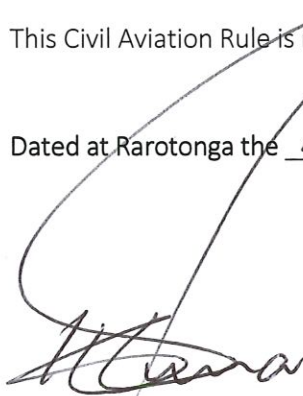
The Ministry of Transport received written submissions from:

- Airport Authority Cook Islands
- Air Rarotonga Ltd
- Pacific Islands Energy PTE Ltd.

Copies of the written submissions are available from the Ministry of Transport.

This Civil Aviation Rule is made pursuant to section 29 of the Civil Aviation Act 2002.

Dated at Rarotonga the 28th day June 2018.

A large, stylized handwritten signature in black ink, appearing to read 'H. Puna', is written over the date line.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 101

(1) Words and numbers to be substituted. Unless otherwise stated, all references to civil aviation legislation are to be read as referring to the Cook Islands Civil Aviation Act 2002.

Throughout

- For "New Zealand" substitute "the Cook Islands" or "Cook Islands" as appropriate
- For "Act" or "Civil Aviation Act" substitute "2002 Act"
- For "regulation(s)" substitute "regulations made under the Civil Aviation Act 2002"
- For "Authority" or "Civil Aviation Authority of New Zealand" substitute "Cook Islands Ministry of Transport"
- For "CAA of NZ" or CAA substitute "Ministry of Transport – Civil Aviation Division of Cook Islands"
- For "CAA Consolidation" substitute "Cook Islands Incorporated Consolidation".
- For "Form CAA" substitute "Form MOT"
- For "AIPNZ" substitute "AIPCI"

Below, "NZCAR" means New Zealand Civil Aviation Rule

NZCAR 101.57 (b)(6); and 101.117(a); and 101.117(c); and 101.161; and 101.207(c)9(2); and 101.255(3)	
Delete:	Insert:
"the New Zealand NOTAM office"	"The Rarotonga ATS Authority for transmission to the NOTAM provider service for the Cook Islands"
Explanation of Change: The New Zealand references are changed to Cook island references.	

(ii) Any subpart, Rule or appendix of the adopted Rule Part which shall not apply in the Cook Islands.

NZCAR Part 101.7 Restricted, military operating and danger areas
Delete: "military operating" and 101.7(b)
(b) "A person must not operate an unmanned aircraft, kite, rocket, gyroglider, or parasail within a military operating area designated under Part 71 unless the person has approval to do so from the administering authority responsible for the military operating area."

Explanation of Change:

Not applicable in the Cook Islands as the CI has not designated any military operating areas.

NZCAR Part 101.9 Low Flying Zones**Delete: 101.9**

“A person must not operate any of the following within a low flying zone designated under Part 71:

- (1) an unmanned aircraft:
- (2) a kite:
- (3) a rocket:
- (4) a gyroglider:
- (5) a parasail. “

Explanation of Change:

Not applicable in the Cook Islands as the CI has not designated any low flying areas.

(iii) Any general exemptions which will apply in the Cook Islands

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in the Cook Islands

Nil

(v) Any direction as to the application or non-application to the Cook Islands of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part adopts all New Zealand amendments in force as at 18th April 2018, including:

- Part 101 Original Issue: 1 April 1997
- Amendment 1; 5 August 2004
- Amendment 2; 22 June 2006
- Amendment 3; 30 August 2007
- Amendment 4; 10 November 2011

-
- Amendment 5; 1 April 2014
 - Amendment 6; 1 August 2015
 - Amendment 7; 24 September 2015
 - Amendment 8; 10 March 2017

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in the Cook Islands.

Unless the Director issues specific acceptable means of compliance for this Cook Island Rule Part, the standards, practices and procedures that the Director has found to be acceptable are those published in the associated Advisory Circulars issued by the Civil Aviation Authority of New Zealand. Interpretative or explanatory material for this Rule Part may also be found in New Zealand Advisory Circulars.

In this Rule, "CAA Advisory Circulars" means Advisory Circulars issued by the Civil Aviation Authority of NZ.

If further guidance regarding acceptable means of compliance for this Cook Island Rule Part is required, the Director shall issue such guidance on request.

Any references to other Rule Parts is intended to refer to the applicable Cook Island Civil Aviation Rule (for example "Part 12" refers to Part 12 of the Cook Islands Civil Aviation Rules, which adopts by way of reference, with modifications, the New Zealand Civil Aviation Rule Part 12).

If no relevant Cook Island Civil Aviation Division form exists, the relevant New Zealand form may be used.

[Ends]