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**NOTICE OF RULE MAKING**  
**COOK ISLANDS CIVIL AVIATION RULE PART 121**  
**Air Operations – Large Aeroplanes**

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

Cook Island Civil Aviation Rule (CICAR): Part 121 Air Operations – Large Aeroplanes

**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 121** in force as at **18<sup>th</sup> April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

**Objective of the Rule**

This Rule prescribes the operating requirements for air operations conducted by a holder of an Airline Air Operator Certificate issued in accordance with Part 119 using an aeroplane that has—

- 1) a seating configuration of more than 30 seats, excluding any required crew member seat;  
or
- 2) a payload capacity of more than 3410 kg.

The objective is to standardise the rules applicable to:

- a person performing an air operation
- a holder of an air operator certificate conducting an air operation
- a pilot-in-command performing an air operation
- additional aircraft equipment, instrument, and certification requirements and specifications
- aircraft maintenance
- crew training and competency
- management of flight crew fatigue

**Commencement of Rule into Force**

This Rule, as modified below, comes into force on

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### Availability of Rules

A copy of Part 121 of the New Zealand Civil Aviation Rule (Consolidated version dated 30 October 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

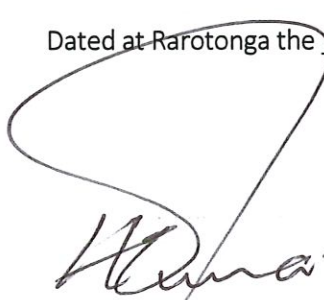
The Ministry of Transport received written submissions from:

- 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 28<sup>th</sup> day June 2018.



Hon Henry Puna  
Minister of Civil Aviation

### Interpretation and Modification Statement for Part 121

(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 “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “New Zealand Register of Aircraft” substitute “The Cook Islands Register of Aircraft”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 121.209 –Table 1	
Delete:	Insert:
The reference to “metal”	“gravel”
Explanation of Change: The surface of the relevant runways in the Cook Islands are gravel not metal.	

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

NZCAR 121.15 Applicability to air operations conducted under an Australian AOC with ANZA privileges
Delete:
121.15 “Applicability to air operations conducted under an Australian AOC with ANZA privileges. The following rules do not apply in the case of air operations conducted in New Zealand under an Australian AOC with ANZA privileges: (1) 121.79:

- (2) 121.81:  
 (3) 121.83:  
 (4) 121.89:  
 (5) 121.91(a):  
 (6) 121.91(b):  
 (7) 121.803:  
 (8) 121.805.”

**Explanation of Change:**

The Rule is not applicable to the Cook Islands as it relates to arrangements between Australia and New Zealand.

**NZCAR 121.71 Use of Aerodromes****Delete: 121.71 (i)(2)**

“(2) a lesser minimum runway width was prescribed in the certificate holder’s air service certificate, issued under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993, for the aeroplane.”

**Explanation of Change:**

The Rule is not applicable to the Cook Islands, as it refers to legislation in New Zealand that is not applicable in the Cook Islands.

**NZCAR 121.403 Responsibility for Airworthiness****Delete: 121.403 (b)(2)**

“i) for maintenance that is performed in another State that is party to a technical arrangement, a maintenance organisation that is certificated or appropriately authorised by the State to perform maintenance on the aircraft type in accordance with the conditions specified in the technical arrangement.”

**Explanation of Change:**

The Rule is not applicable to the Cook Islands as it relates to technical arrangements. The legislation in the Cook Islands does not provide for technical arrangements.

**NZCAR 121.541 Transitional arrangements**

121.579 Transitional arrangements

121.615 Transitional arrangements

**Delete: 121.541.121.579 and 121.615**

121.541

“(a) The following rules do not apply to the holder of an air operator certificate until 6



September 2014:

(1) rule 121.517(4):

(2) rule 121.523(a)(4):

(3) rule 121.525(2):

(4) rule 121.529(2):

(b) Rule 121.519(4) does not apply to the holder of an air operator certificate until 6 September 2014 provided that the holder continues to comply with rule 121.585(4) that was in force on 5 September 2012.

(c) Rule 121.521(4) does not apply to the holder of an air operator certificate until 6 September 2014 provided that the holder continues to comply with rule 121.583(5) that was in force on 5 September 2012.”

#### 121.579

“The following rules do not apply to the holder of an air operator certificate until 6 September 2014:

(1) 121.553(d):

(2) 121.555(b)(8):

(3) 121.557(c):

(4) 121.559(b)(3):

(5) 121.561(b)(1):

(6) 121.563(d).

(7) 121.573(2).”

#### 121.615

121.615 Transitional arrangements

“(a) The following rules do not apply to the holder of an air operator certificate until 6 September 2014:

(1) rule 121.607(3)(ii):

(2) rule 121.609(2):

(3) rule 121.611(4).

(b) Rule 121.607(2)(iii) does not apply to the holder of an air operator certificate until 6 September 2014, provided that the holder continues to comply with rule 121.607(2) that was in force on 5 September 2012.

(c) Rule 121.607(5) does not apply to the holder of an air operator certificate until 6 September 2014, provided that the holder continues to comply with rule 121.607(5)

(i) that was in force on 5 September 2012.”

#### Explanation of Change:

These Rules are out of date.

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

NZCAR 121.357 Additional equipment
Exemption in respect of the requirement in 121.357(2)
<p>In accordance with the requirements in section 40 of the Civil Aviation Act 2002 A general exemption from the requirement for: "121.357(a) the holder of an air operator certificate must ensure that an aeroplane operated under the authority of the certificate is equipped with –</p> <p>(2) a door between the passenger and flight crew compartments with a means of locking that prevents a person from opening it without the permission of the pilot-in-command;" is given in respect of any Saab SF 340 aircraft at any time on the Cook Islands Civil Aviation Registry . This is conditional upon the holder of the appropriate air operator certificate having established procedures that are acceptable to the Director in respect to detecting suspicious behaviour or a potential threat, and managing the risk of unauthorised entry to the flight deck."</p> <p>This exemption expires on 1 May 2023</p>
<p><b>Explanation of Change:</b></p> <p>The coming into force of this Rule would be clearly unreasonable in respect of the Saab SF 340 operating in the Cook Islands which is not equipped with compartment doors.</p> <p>The risk to safety has been mitigated by the conditions applied to the exemption.</p>

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

Nil

## (v) Any direction as to the application or non-application to Cook Island 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 18<sup>th</sup> April 2018, including:

- Part 121 Original Issue: 14 November 1995
- Amendment 1; 14 November 1995
- Amendment 2; 1 April 1997
- Amendment 3; 23 April 1998
- Amendment 4; 3 November 1998
- Amendment 5; 30 April 1999

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- Amendment 6; 1 July 2000
  - Amendment 7; 24 January 2002
  - Amendment 8; 1 July 2002
  - Amendment 9; 1 August 2003
  - Amendment 10; 1 August 2003
  - Amendment 11; 25 November 2004
  - Amendment 12; 11 May 2006
  - Amendment 13; 22 June 2006
  - Amendment 14; 12 October 2006
  - Amendment 15; 1 March 2007
  - Amendment 16; 30 March 2007
  - Amendment 17; 25 October 2007
  - Amendment 18; 22 November 2007
  - Amendment 19; 23 October 2008
  - Amendment 20; 25 March 2010
  - Amendment 21; 1 November 2010
  - Amendment 22; 6 September 2012
  - Amendment 23; 16 January 2013
  - Amendment 24; 1 April 2014
  - Amendment 25; 1 August 2015
  - Amendment 26; 24 September 2015
  - Amendment 27; 1 February 2016
  - Amendment 28; 10 March 2017
  - Amendment 29; 30 October 2017

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

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 Island 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]