
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 47
Aircraft Registration and Marking

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

Cook Island Civil Aviation Rule (CICAR): Part 47 Aircraft Registration and Marking

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 47** in force as at **18th April 2018** as modified hereunder and shall be read subject to the following Interpretation and Modification Statement.

Objective of the Rule

This Rule provide the framework and administrative machinery necessary for keeping the Cook Islands Register of Aircraft established under section 79 of the Civil Aviation Act 2002.

The Rules flow from the requirement in section 25 of the Act to register an aircraft and to hold a valid certificate of registration, and from the requirements in Annex 7 to the International Convention on Civil Aviation regarding marking of aircraft.

Commencement of Rule into Force

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

Availability of Rules

A copy of Part 47 of the New Zealand Civil Aviation Rule (Consolidated version dated 1 August 2015) will be attached to this document and physically filed at:

The Ministry of Transport
Avatiu Port
Avatiu
Rarotonga
Cook Islands

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

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- 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 Eua)

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 Eua)
- 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 and extends upwards into the text area.

Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 47

(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 "regulations" 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 6 of the Civil Aviation Act 1990" substitute "section 25 of the 2002 Act"
- For "section 9 of the Act" substitute "section 28 of the 2002 Act"
- For section 20 of the Act substitute "section 14 of the 2002 Act"
- For "section 73 of the Act" substitute "79 of the 2002 Act"
- For "ZK" substitute "E5"

Below, "NZCAR" means New Zealand Civil Aviation Rule

NZCAR 47.51 Requirement for aircraft registration and certificate	
Delete: 47.51 (a)(3)	Insert: 47.51(a)(3)
"the appropriate aeronautical authorities of another State that is party to an agreement with the Government of New Zealand or the Civil Aviation Authority of New Zealand which provides for the acceptance of each other's registrations."	"the appropriate aeronautical authorities of another State that is party to an agreement with the Government of the Cook Islands or the Cook Islands Ministry of Transport which provides for the acceptance of each other's registrations."
Explanation of Change: Removes reference to NZ and allows recognition of arrangements with other countries including New Zealand.	

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

NZCAR 47.69 Cancellation of Registration
Delete: 47.69(c)
“(c) Despite paragraph (a)(1), the holder of a certificate of registration may not request the Director to revoke the certificate of registration for the aircraft if the Authority has recorded an irrevocable de-registration and export request authorisation submitted under section 109 of the Act in relation to the aircraft.”
<p>Explanation of Change:</p> <p>The Cook islands has not signed up to the Capetown Convention, nor introduced provisions around irrevocable deregistration in the Act.</p>

NZCAR Subpart C – Aircraft Marking; 47.121 Obscuring identification
Delete: 47.101(d) and 47.109(c); and part 47.121
<p>47.101 “(d) A New Zealand registered aircraft operating within New Zealand on a police operation authorised by the Commissioner of Police is not required to display its nationality mark or registration mark allocated under 47.103, if the aircraft displays a police mark allocated under 47.102.”</p> <p>47.109 “(c) Police marks must be affixed to the aircraft by a means that will ensure the marks are displayed in accordance with the other requirements of this subpart for the duration of the police operation authorised by the Commissioner of Police.”</p> <p>47.121 the words “or the police mark,”</p>
<p>Explanation of Change:</p> <p>Not applicable in the Cook Islands.</p>

NZCAR Appendix A – Transitional arrangements
Delete: Appendix A
<p>(a) Any holder of a certificate of registration who, prior to the coming into effect of Amendment 2 to Part 47, holds an exemption granted in accordance with section 37 of the Act to display an identifiable paint scheme and markings instead of the registration marks required under 47.101, is deemed to have that identifiable paint scheme and markings approved under 47.104(d) or (e) as appropriate.</p> <p>(b) A holder of a certificate of registration who holds an exemption referred to in paragraph (a) must, in accordance with 47.104(f), provide the Director with a three-view set of photographs of the aircraft displaying the approved identifiable paint scheme and markings within 120 days of this Amendment coming into effect.</p> <p>(c) Any holder of a certificate of registration, whose aircraft did not display the nationality mark and registration mark in the manner prescribed in 47.111 to 47.117 on 9 January 1998, must ensure that the marks displayed on the aircraft meet the requirements of 47.111 to 47.117 when the aircraft is painted, repainted or remarked</p>
<p>Explanation of Change:</p> <p>No longer required.</p>

(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 47 Original Issue: 28 November 1996
- Amendment 1; 25 December 1997
- Amendment 2; 24 January 2002
- Amendment 3; 3 December 2009
- Amendment 4; 1 November 2010
- Amendment 5; 1 August 2015

(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 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]