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**NOTICE OF RULE MAKING**  
**COOK ISLANDS CIVIL AVIATION RULE PART 63**  
**Flight Engineer Licences and Ratings**

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

**Cook Island Civil Aviation Rule (CICAR): Part 63 Flight Engineer Licences and Ratings**

**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 63** 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 requirements to hold flight engineer licences and ratings; the prerequisites for those qualifications; and their privileges and limitations. This Part covers student flight engineer licences and flight engineer licences. It also covers type ratings; instructor ratings; and examiner ratings.

**Commencement of Rule into Force**

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

**Availability of Rules**

A copy of Part 63 of the New Zealand Civil Aviation Rule (Consolidated version dated 22 June 2006) 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:

- 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

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Interpretation and Modification Statement for Part 63

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(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" unless it is specifically included.
- 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 "sections 18,19 and 20 of the Act" substitute "sections 11,12 and 13 of the Act"

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

Below, "NZCAR" means New Zealand Civil Aviation Rule

NZCAR 63.7 (a) and (b)
Delete: 63.7 Exchange of Terminating licence for lifetime licence
63.7 Exchange of terminating licence for lifetime licence (a) Cadet flight engineer licences and flight engineer licences issued under the Civil Aviation Regulations 1953 are deemed to be licences issued under this Part. They may be exchanged for a new licence under this Part without any further examination or test. (b) Ratings held on a licence issued under the Civil Aviation Regulations 1953 carry over to a licence issued under this Part and are deemed to have been issued under this Part.
Explanation of Change: Not applicable to the Cook Islands.

## (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

In this Rule in 63.19, 63.21, 63.25, 63.27, 63.29, 63.157 reference to cadet flight engineer licence or flight engineer licence is deemed to include reference to the appropriate validation permit.

NZCAR 63.3 Requirement for licence and ratings	
<b>Delete:</b> 63.3(2)	<b>Insert:</b> 63.3(2)
(2) a current foreign cadet flight engineer licence or flight engineer licence validated by the Director	2) a foreign cadet flight engineer licence or flight engineer licence issued by a foreign state and a validation permit issued in accordance with rule 63.10
<b>Explanation of Change:</b> Under the NZCAR's there is no process for the validation of a foreign licence. This allows for a process to be set up in the CICAR's	

CICAR 63.10
<b>Insert: Validation permit for a cadet flight engineer licence or flight engineer licence</b>
(a) To be eligible for the issue of a validation permit, a person must— (1) be the holder of cadet flight engineer licence or flight engineer licence issued by an ICAO Contracting State; and (2) hold an appropriate current medical certificate relating to the foreign licence required under paragraph (a)(1); and (3) have sufficient ability in reading, speaking, understanding and communicating in the English language to enable the applicant to adequately carry out the responsibilities of a flight engineer exercising the privileges of a validation permit; and (4) pass any written examination and test that the Director may require. (b) A validation permit must specify— (1) an expiry date for the permit which must not exceed 3 years from the date of issue; and (2) the privileges that the holder may exercise which must not be greater than the privileges associated with the holder's foreign licence. (c) A validation permit remains in force until the expiry date specified in the permit unless—

(1) it is suspended or revoked by the Director; or (2) the pilot's foreign licence expires, or is suspended, or revoked by the issuing State.
<b>Explanation of Change:</b> This allows for the validation of an overseas cadet flight engineer licence or flight engineer licence.
<b>NZCAR 63.23 Medical Requirements</b>
<b>Insert: 63.23(3)</b>
“(c) A person who holds a validation permit for a foreign licence must not exercise the privileges of that permit unless the person— (1) holds a current medical certificate that is associated with the foreign licence for which the validation permit is issued; and (2) is complying with all the conditions and endorsements on that medical certificate; and “(3) advises the Director of any medical condition which might affect their ability to undertake the privilege of their licence; (4) advise the Director immediately if any additional condition, restriction or endorsement has been placed on their medical certificate that was not present on the granting of the validation permit.”
<b>Explanation of Change:</b> Not applicable to the Cook Islands.

(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 18<sup>th</sup> April 2018, including:

- Part 63 Original Issue: 15 February 1996
- Amendment 1; 1 April 2002
- Amendment 2; 22 June 2006

(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.

The intention of the amendments to the NZCAR'S in this rule is to ensure there is a process for the Director to validate a foreign contracting State's licence and also to provide for sufficient oversight. The Cook Islands does not have the capacity or capability provide a medical certification process.

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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.

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