
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 91
General Operating and Flight Rules

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

Cook Island Civil Aviation Rule (CICAR): Part 91, General Operating and Flight 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 91** 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 sets the general operating and flight rules for the Cook Islands aviation environment. The intent is to ensure that the safe operation of aircraft is possible with the minimum endangerment to persons and property

The Rules apply to all operators of aircraft as well as passengers by establishing:

- general rules applicable to operators and passengers
- operating and general flight rules
- rules for VFR and IFR operations
- instruments and equipment requirements for aircraft
- operator maintenance requirements
- special flight operating requirements such as aerobatics, air displays, towing gliders and aircraft used for parachuting
- operating foreign registered aircraft
- limitations on aircraft noise

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 91 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

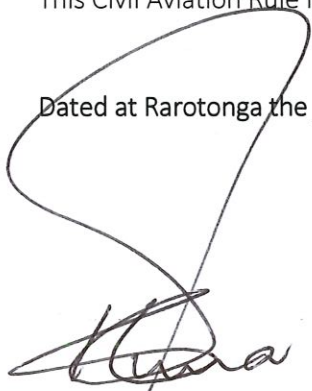
The Ministry of Transport received written submissions from:

- 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 28th day June 2018.



Hon Henry Puna
Minister of Civil Aviation

Interpretation and Modification Statement for Part 91

(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 “Government of New Zealand” substitute “Government of the Cook Islands”
- For “Authority” or “Civil Aviation Authority of New Zealand” substitute “Cook Islands Ministry of Transport”
- For “AIPNZ “ substitute “AIPCI”
- 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 the “New Zealand FIR” substitute the “Cook island sovereign airspace”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 91.15 Fuelling of aircraft	
Delete:	Insert:
“(1) fuelling or defuelling of the aircraft is performed in compliance with the applicable requirements of the regulations made under the Hazardous Substances and New Organisms Act 1996; and”	“(1) fuelling or defuelling of the aircraft is performed in compliance with the requirements in place in the Cook Islands for the regulation of hazardous substances; and ”
Explanation of Change: Removal of reference to NZ legislation.	
NZCAR A 12 First Aid Kits	
Delete: 4(1)	Insert: 4(1)
“(i) in accordance with regulation 28 of the Misuse of Drugs Regulations 1977; and”	(i) in accordance with the Narcotics and Misuse of Drugs Act 2004; and”
Explanation of Change:	

Removal of reference to NZ legislation.

NZCAR 91.111 Documents to be carried

Delete: 91.1114(1)

“(i) the General User Radio Licence for Aeronautical Purposes issued by the Ministry of Business, Innovation and Employment:”

Insert: 91.1114(1)

“(i) the General User Radio Licence for Aeronautical Purposes issued by Bluesky Cook Islands on behalf of the Government of the Cook Islands;”

Explanation of Change:

Changed the referencing to make it applicable in the Cook islands. Bluesky Cook Islands is the agency assigned to Radio Licences in the Cook Islands.

NZCAR 91.313 VFR cruising altitude and flight level

Delete: 91.313(a)

“(a) A pilot-in-command of an aircraft operating within the New Zealand FIR under VFR in level cruising flight at more than 3000 feet AMSL or 1000 feet AGL (whichever is the higher) must, unless otherwise authorised by an ATC unit, maintain the following altitudes or flight levels:
 (1) when operating at or below 13 000 feet AMSL and—
 (i) on a magnetic track of 270° clockwise to 089°, any odd thousand foot altitude AMSL plus 500 feet; or
 (ii) on a magnetic track of 090° clockwise to 269°, any even thousand foot altitude AMSL plus 500 feet:
 (2) when operating at or above flight level 150, up to and including flight level 275 and—
 (i) on a magnetic track of 270° clockwise to 089°, any odd flight level plus 500 feet beginning at and including flight level 155;

Insert: 91.313(a)

“(a) A pilot-in-command of an aircraft operating within the Cook Islands sector of the Oceanic FIR and for flight levels above that sector to FL460 under VFR in level cruising flight at more than 3000 feet AMSL or 1000 feet AGL (whichever is the higher) must, unless otherwise authorised by an ATC unit, maintain the following altitudes or flight levels:
 (1) when operating at or below 13 000 feet AMSL and—
 (i) on a magnetic track of 000° clockwise to 179°, any odd thousand foot altitude AMSL plus 500 feet; or
 (ii) on a magnetic track of 180° clockwise to 359°, any even thousand foot altitude AMSL plus 500 feet:
 (2) when operating at or above flight level 150, up to and including flight level 235 and—
 (i) on a magnetic track of 000° clockwise to 179°, any odd flight level plus 500 feet

or (ii) on a magnetic track of 090° clockwise to 269°, any even flight level plus 500 feet beginning at and including flight level 165.	beginning at and including flight level 155; or (ii) on a magnetic track of 180° clockwise to 359°, any even flight level plus 500 feet beginning at and including flight level 165.
Explanation of Change: Changed the referencing to make it applicable in the Cook Islands.	

NZCAR 91.425 IFR cruising altitude or flight level	
Delete: 91.425(a)	Insert: 91.425(a)
<p>“ (a) A pilot-in-command of an aircraft within the New Zealand FIR operating under IFR in level cruising flight must, unless otherwise authorised by an ATC unit for flights in controlled airspace, maintain the following altitude or flight levels:</p> <p>(1) when operating at or below 13 000 feet AMSL and—</p> <p>(i) on a magnetic track of 270° clockwise to 089°, any odd thousand foot altitude AMSL; or (ii) on a magnetic track of 090° clockwise to 269°, any even thousand foot altitude AMSL:</p> <p>(2) when operating at or above flight level 150 up to and including flight level 410 and—</p> <p>(i) on a magnetic track of 270° clockwise to 089°, any odd flight level beginning at and including flight level 150; or (ii) on a magnetic track of 090° clockwise to 269°, any even flight level beginning at and including flight level 160:</p> <p>(3) when operating above flight level 410 and—</p> <p>(i) on a magnetic track of 270° clockwise to 089°, any odd flight level, at 4000 foot intervals beginning at and including flight</p>	<p>“ (a) A pilot-in-command of an aircraft within the New Zealand FIR operating under IFR in level cruising flight must, unless otherwise authorised by an ATC unit for flights in controlled airspace, maintain the following altitude or flight levels:</p> <p>(1) when operating at or below 13 000 feet AMSL and—</p> <p>(i) on a magnetic track of 000° clockwise to 179°, any odd thousand foot altitude AMSL; or (ii) on a magnetic track of 180° clockwise to 359°, any even thousand foot altitude AMSL:</p> <p>(2) when operating at or above flight level 150 up to and including flight level 410 and—</p> <p>(i) on a magnetic track of 000° clockwise to 179°, any odd flight level beginning at and including flight level 150; or (ii) on a magnetic track of 180° clockwise to 359°, any even flight level beginning at and including flight level 160:</p> <p>(3) when operating above flight level 410 and—</p> <p>(i) on a magnetic track of 000° clockwise to 179°, any odd flight level, at 4000 foot intervals beginning at and including flight</p>

level 450; or (ii) on a magnetic track of 090° clockwise to 269°, any odd flight level at 4000 foot intervals beginning at and including flight level 430.	level 450; or (ii) on a magnetic track of 180° clockwise to 359°, any odd flight level at 4000 foot intervals beginning at and including flight level 430.”
Explanation of Change: Changed the referencing to make it applicable in the Cook Islands.	

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

NZCAR Sub Part A – General 91.1 Purpose
Delete: 91.1(b) and (c) (1) and (d) Note: 91(c) 2),(2A) and (3) still apply
<p>91.1(b) “Subject to paragraphs (c)(1) and (d), the following rules also apply to members of the New Zealand Defence Force and any aircraft operated by the New Zealand Defence Force within the territorial limits of New Zealand:</p> <p>(1) Rule 91.129: (2) Rules 91.223 to 91.225, when operating in the vicinity of civil aircraft: (3) Rule 91.229, when operating in the vicinity of civil aircraft: (4) Rule 91.233: (5) Rule 91.241: (6) Rules 91.245 to 91.247: (7) Rule 91.309: (8) Rule 91.313: (9) Rules 91.407 to 91.411: (10) Rules 91.425 to 91.427: (11) Rule 91.431: (12) Rule 91.541.”</p> <p>91.1(c) “This Part does not apply to—</p> <p>(1) any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force acting in connection with—</p> <p>(i) any war or other like emergency; or (ii) the defence of New Zealand and other New Zealand interests; or (iii) aid to the civil power in time of emergency; or (iv) the provision of any public service; or (v) any operation performed within a restricted, danger, or military operating area designated under Part 71 for military purposes; and”</p>

91.(1)(d) "The following rules do not apply to any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force performing training for an operation specified in paragraph (c)(1) if that training cannot be performed in accordance with the rule:

(1) Rule 91.225(b):

(2) Rule 91.233:

(3) Rule 91.313, if training outside controlled airspace:

(4) Rule 91.407, if training outside controlled airspace:

(5) Rule 91.427, if training outside controlled airspace.

(e) The following rules do not apply in the case of air operations conducted in New Zealand under an Australian AOC with ANZA privileges:

(1) 91.111(1):

(2) 91.112:

(3) 91.115:

(4) 91.121:

(5) 91.123:

(6) 91.201(1)(i):

(7) 91.201(3):

(8) 91.205:

(9) 91.207:

(10) 91.209:

(11) 91.211:

(12) 91.213:

(13) 91.215:

(14) 91.221:

(15) 91.401:

(16) 91.501:

(17) 91.503:

(18) 91.505:

(19) 91.507:

(20) 91.509:

(21) 91.511:

(22) 91.513:

(23) 91.515:

(24) 91.517:

(25) 91.519:

(26) 91.521:

(27) 91.523:

(28) 91.525:

(29) 91.527:

(30) 91.529:

- (31) 91.531:
 (32) 91.533:
 (33) 91.537:
 (34) 91.539:
 (35) 91.543:
 (36) 91.545:
 (37) 91.707.”

Explanation of Change:

Not applicable to the Cook Islands.

NZCAR 91.9 Carriage and discharge of firearms**Delete:**

Remove all reference to “law enforcement agency, “military service” And “Chief of Defence Force.”

Explanation of Change:

No longer required.

NZCAR 91.107 Aircraft registration**Delete: 91.107(3)**

(3) the appropriate authority 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.

Explanation of Change:

Removes the references to New Zealand agreements.

NZCAR 91.131 Low Flying Zones**Delete: 91.131****“ 91.131 Low flying zones**

(a) A pilot must not operate an aircraft within a low flying zone designated under Part 71 —

(1) during the night; or

(2) during the day unless—

(i) the pilot—

(A) is receiving dual flight instruction; or

- (B) holds an instructor rating issued under Part 61; or
 (C) is briefed on the boundaries of the low flying zone and the method of entry and exit from the low flying zone and is authorised for that flight by the holder of an instructor rating issued under Part 61; and
 (ii) the pilot has been briefed by the using agency on the conditions of operation for flight within the low flying zone; and
 (iii) the pilot complies with the conditions of operation for flight within the low flying zone; and
 (iv) before entering the low flying zone, the pilot broadcasts on the appropriate VHF frequency details of the flight and the proposed duration in the low flying zone; and
 (v) the pilot maintains a listening watch on the appropriate VHF frequency while in the low flying zone and broadcasts or reports on vacating the low flying zone.
 (b) A pilot operating an aircraft within a low flying zone designated under Part 71 must ensure that the aircraft is operated without hazard to persons or property on the surface.
 (c) A pilot operating an aircraft within a low flying zone designated under Part 71 must not carry a passenger on the aircraft.”

Explanation of Change:

There are no low flying zones in the Cook Islands (see Part 71)

NZCAR Part 91.133 Military operating areas**Delete: 91.133 Military operating areas****91.133 “Military operating areas**

A pilot must not operate an aircraft within a military operating area designated under Part 71 unless the pilot—

- (1) has the approval of the administering authority responsible for the military operating area—
 (i) to operate a New Zealand registered aircraft within the military operating area; or
 (ii) to operate a foreign aircraft within any portion of the military operating area that is within the territorial limits of New Zealand; and
 (2) complies with any conditions promulgated for operation within the military operating area; and
 (3) complies with any conditions imposed by the administering authority for operation within the military operating area.”

Explanation of Change:

Not relevant in 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

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 91 Original Issue: 1 April 1997
- Amendment 1; 25 December 1997
- Amendment 2; 25 December 1997
- Amendment 3; 1 January 1998
- Amendment 4; 23 April 1998
- Amendment 5; 15 July 1999
- Amendment 6; 24 January 2002
- Amendment 7: 1 July 2002
- Amendment 8; 28 July 2003
- Amendment 9; 1 August 2003
- Amendment 10; 1 June 2004
- Amendment 11; 5 August 2004
- Amendment 12; 25 November 2004
- Amendment 13; 11 May 2006
- Amendment 14; 22 June 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; 3 December 2009
- Amendment 21; 25 March 2010
- Amendment 22; 10 November 2011
- Amendment 23; 1 April 2014
- Amendment 24; 1 August 2015
- Amendment 25; 24 September 2015

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- Amendment 26; 15 April 2016
 - Amendment 27; 10 March 2017
 - Amendment 28; 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 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 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]