
NOTICE OF RULE MAKING
COOK ISLANDS CIVIL AVIATION RULE PART 95
Instrument Flight Procedures - Registration

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

Cook Island Civil Aviation Rule (CICAR): Part 95 Instrument Flight Procedures -
Registration

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 95** 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 governs the promulgation of instrument flight procedures for use by aircraft operating under instrument flight rules (IFR) in the airspace within the territorial limits of the Cook Islands.

Commencement of Rule into Force

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

Availability of Rules

A copy of Part 95 of the New Zealand Civil Aviation Rule (Consolidated version dated 25 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 Enuā)

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 Enuā)
- 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 95

(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 Ministry of Transport”
- For “section 9 of the Act” substitute “section 28 of the 2002 Act”
- For “New Zealand Air Navigation Register” or “NZANR” substitute “Cook Island Air Navigation Register “ or “CIANR”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR 95.53 Entry of details into NZ Air Navigation Register	
Delete: 95.53(a)	Insert: 95.53(a)
<p>“Subject to paragraph (b) the following details of every instrument flight procedure that is intended for use by aircraft operating under IFR in the New Zealand FIR or the Auckland Oceanic FIR must be entered into the NZANR by the Director”</p>	<p>“Subject to paragraph (b) the following details of every instrument flight procedure that is intended for use by aircraft operating under IFR in the airspace within the Cooks Sector of the Auckland Oceanic FIR must be entered into the CIANR by the Director”</p>
<p>Explanation of Change: This makes reference to the correct area of airspace relevant to the Cook Islands. Whilst in other Parts there has been reference to the sovereign airspace of the Cook islands this wider reference is applicable here when it is making reference to the entry in the navigation register.</p>	

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

NZCAR 95.51 Promulgation of Instrument Flight Procedures
Delete: 95.51(b)
“(b) In this Part reference to the Auckland Oceanic FIR excludes those portions of airspace within the Auckland Oceanic FIR where an individual State has an agreement with New Zealand to regulate the State’s IFR flight procedures.
Explanation of Change: Not applicable to the Cook Islands.

NZCAR Appendix A –Transitional arrangements
Delete: 95.59 Transition
95.59 “Transition (a) Subject to paragraph (b), the requirements of rules 95.51 and 95.53(a) do not apply to an instrument flight procedure which is used for IFR flight and is published in the AIPNZ as of the 23 October 2008 until 23 October 2009. (b) An instrument flight procedure which is published in the AIPNZ as of the 23 October 2008 is deemed to have been notified in the Gazette in accordance with rule 95.55(a) (2). “
Explanation of Change: No longer required.

(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 95 Original Issue: 23 October 2008
- Amendment 1; 25 March 2010

(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]