

Civil Aviation Rules



Part 104

CAA Consolidation

1 March 2007

Gliders - Operating Rules

DESCRIPTION

Part 104 prescribes the operating rules for gliders that are additional to, or exceptions from, Parts 91 and 43.

Part 104 does not apply to hang gliders.

This document is the current consolidated version of Part 104 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Transport. Copies of the official rule and amendments as signed by the Minister of Transport may be obtained from the Civil Aviation Authority or may be downloaded from the official website at: www.caa.govt.nz/

Bulletin

This Part first came into force on 1 April 1997 and now incorporates the following amendments:

Amendment	Effective Date
Amendment 1	25 December 1997
Amendment 2	1 July 2002
Amendment 3	11 May 2006
Amendment 4	22 June 2006
Amendment 5	1 March 2007

Summary of amendments:

Amendment 1: (Docket 1259/1253)	104.115(b) is amended.
Amendment 2: (97/CAR/1255)	104.101 is revoked and substituted.
Amendment 3 (2/CAR/1)	Rule 104.5 is revoked and substituted.
Amendment 4 (3/CAR/4)	Rules 104.1, 104.3, 104.9, 104.53 and 104.59 are revoked and substituted.
Amendment 5 (1/CAR/1357)	Rules 104.7, 104.9, 104.103, 104.105, 104.107, 104.109 and 104.115 are revoked and substituted, rule 104.111 is revoked and rule number is reserved.

List of Rules

Subpart A — General

104.1	Purpose	5
104.3	Definitions and abbreviations	5
104.5	Pilot requirements	5
104.7	Test flights	6
104.9	Flight manuals.....	6
104.11	Simulated instrument flight.....	6
104.13	Ground signal.....	7

Subpart B — Flight Rules

104.51	Right of way rules.....	7
104.53	Instrument meteorological conditions	7
104.55	Clearance below cloud.....	7
104.57	Fuel requirements	7
104.59	Minimum height	8
104.61	VFR cruising altitude and flight level.....	8

Subpart C — Equipment and Maintenance Requirements

104.101	Aircraft equipment.....	8
104.103	General maintenance requirements	9
104.105	Maintenance inspections	9
104.107	Maintenance programmes	10
104.109	Authorisation and Approval of maintenance programme	10
104.111	Reserved	11
104.113	Technical log.....	11
104.115	Pilot maintenance.....	12

Subpart A — General

104.1 Purpose

- (a) This Part prescribes—
- (1) rules, additional to Part 91, for the operation of gliders; and
 - (2) rules, additional to Part 43, for the maintenance of gliders; and
 - (3) exceptions from Part 91 for the operation of gliders; and
 - (4) exceptions from Part 43 for the maintenance of gliders.
- (b) This Part does not apply to hang gliders.

104.3 Definitions and abbreviations

In this Part—

Certificate, in relation to a personnel qualification required by this Part, means a certificate or rating issued by the holder of a delegation from the Director for that purpose.

104.5 Pilot requirements

- (a) A pilot of a glider must—
- (1) hold—
 - (i) a current glider pilot certificate; or
 - (ii) a current private pilot licence (glider) issued in accordance with Part 61; or
 - (iii) a current commercial pilot licence (glider) issued in accordance with Part 61; and
 - (2) be—
 - (i) at least 16 years of age; or
 - (ii) individually authorised for each flight by an A or B category glider instructor; and

- (3) comply with the privileges and limitations of the pilot licence or pilot certificate, and any applicable rating; and
 - (4) comply with the operational standards and procedures of a gliding organisation.
- (b) Notwithstanding paragraph (a), a person may act as a pilot of a glider without complying with paragraph (a)(1), (2), and (3) if the person acts as a pilot of the glider under the direct supervision of the holder of an instructor rating issued by a gliding organisation.

104.7 Test flights

(a) Notwithstanding rule 91.101(c)(4), the holder of a current glider pilot certificate and an applicable type rating may act as pilot-in-command of a glider that is operated in accordance with rule 91.101(c) for the purpose of demonstrating the eligibility of the glider for the issue, renewal, or reinstatement of an airworthiness certificate.

(b) Notwithstanding rule 91.613(a)(1), the holder of a glider pilot certificate and an applicable type rating may perform an operational flight check of a glider under rule 91.613 if the glider requires an operational flight check.

104.9 Flight manuals

Notwithstanding rule 91.111(2), a person may operate a glider without carrying a flight manual in the glider if—

- (1) the flight manual is available to the pilot for pre-flight planning; and
- (2) cockpit decals provide the reference information necessary for a pilot to safely operate the glider.

104.11 Simulated instrument flight

Notwithstanding 91.125(a)(1), the holder a glider pilot certificate may act as a safety pilot in a glider for the purpose of simulated instrument flight.

104.13 Ground signal

If a ground signal is used to indicate that gliding operations are taking place, that signal shall consist of a large white arrow pointing in the direction of take-off and landing.

Subpart B — Flight Rules

104.51 Right of way rules

(a) Notwithstanding 91.229(b), the pilot of a glider soaring on a ridge, where the ridge is to the right of the glider, is not required to turn right when approaching another glider head on.

(b) Notwithstanding 91.229(d), the pilot of a glider overtaking another glider soaring on a ridge shall pass on the ridge side of the glider being overtaken.

(c) Notwithstanding 91.229(f), where two gliders are on final landing approach, the pilot of the higher performance glider shall give way to the lower performance glider.

104.53 Instrument meteorological conditions

Notwithstanding rule 91.301, the pilot of a glider may fly in IMC without complying with subpart F of Part 91, if the flight is conducted within—

- (1) a restricted area designated for cloud flying; or
- (2) Class G airspace and the pilot confirms with the appropriate ATS unit at intervals not exceeding 15 minutes that there is no known IFR traffic in or near the proposed area of cloud flying.

104.55 Clearance below cloud

Notwithstanding 91.301(a)(2), the pilot of a glider, above an altitude of 3000 feet and above a height of 1000 feet, but below an altitude of 11 000 feet, shall fly no closer than 500 feet below cloud within Class E or G airspace.

104.57 Fuel requirements

The requirements of 91.305(a) shall not apply to the pilot of a glider.

104.59 Minimum height

Notwithstanding rule 91.311(a)(2), the pilot of a glider may operate the glider below a height of 500 feet above the surface—

- (1) for ridge soaring, if the flight does not create a hazard to a person or property on the ground; or
- (2) if a gliding instructor is conducting launch failure training.

104.61 VFR cruising altitude and flight level

Notwithstanding 91.313, the pilot of a glider is not required to maintain the cruising altitude or flight level for their magnetic track.

Subpart C — Equipment and Maintenance Requirements**104.101 Aircraft equipment**

A person may not operate a glider unless the following equipment and operative instruments are installed—

- (1) an airspeed indicator; and
- (2) a pressure sensitive altimeter adjustable for barometric pressure; and
- (3) a magnetic compass; and
- (4) a safety harness for each seat; and
- (5) a first aid kit; and
- (6) for powered gliders—
 - (i) a quantity gauge for each main fuel tank; and
 - (ii) an oil pressure gauge or warning device for each engine other than a two-stroke engine; and
 - (iii) a tachometer, RPM indicator, or engine governor light for each engine; and

- (7) for IMC flight—
 - (i) a variometer; and
 - (ii) a turn and slip indicator or artificial horizon; and
 - (iii) a radio communications transceiver that meets the requirements of Part 91 Appendix A, A.9(c) and is capable of communication with the appropriate ATS unit.

104.103 General maintenance requirements

An operator of a glider must ensure that—

- (1) the glider is maintained in an airworthy condition; and
- (2) every applicable airworthiness directive is complied with in accordance with the requirements prescribed in Part 39; and
- (3) the glider is inspected in accordance with—
 - (i) this Subpart; and
 - (ii) the applicable requirements prescribed in Subpart G of Part 91; and
- (4) mandatory replacement times, inspection intervals, and related procedures specified in the airworthiness limitations of the manufacturer's maintenance manual or instructions for continued airworthiness issued for the glider are complied with; and
- (5) between required inspections, a defect is rectified in accordance with Part 43.

104.105 Maintenance inspections

A person must not operate a glider unless, within the preceding 12 months, the glider—

- (1) has been inspected in accordance with a maintenance programme required under rule 104.107 and has been certified for released-to-service in accordance with Part 43; or

- (2) has passed an inspection for the issue of an airworthiness certificate in accordance with Part 21.

104.107 Maintenance programmes

An operator of a glider must maintain the glider, including the airframe, any engine or propeller, component, survival equipment, and emergency equipment, in accordance with the applicable requirements prescribed in Subpart G of Part 91 and—

- (1) the current maintenance schedule recommended by the manufacturer; or
- (2) a maintenance programme—
 - (i) authorised by a gliding organisation in accordance with rule 104.109 and the applicable procedures in the gliding organisation's exposition; or
 - (ii) approved by the Director in accordance with rule 104.109.

104.109 Authorisation and Approval of maintenance programme

(a) An operator of a glider who wishes to maintain the glider in accordance with a maintenance programme under rule 104.107(2) must submit the programme in writing to a gliding organisation for authorisation or, to the Director for approval.

(b) The programme required under rule 104.107(2) must include the following information:

- (1) a statement as to whether or not the glider is to be used for a training operation;
- (2) a schedule for performing the inspections proposed by the programme expressed in terms of the time in service, calendar time, or any combination of these;
- (3) instructions and procedures for the conduct of maintenance for the particular make and model of the glider, including necessary tests and checks. The instructions and procedures must detail the

parts and areas of the airframe, engine, propeller and component, including survival and emergency equipment, required to be inspected.

(c) If the operator of a glider amends the maintenance programme that is authorised or approved under paragraph (a), the operator must apply the time-in-service or calendar times accumulated under the previous programme when determining inspection due times under the new programme.

(d) An operator of a glider who maintains the glider in accordance with a maintenance programme required under rule 104.107(2) must amend the maintenance programme in accordance with any instruction issued by the gliding organisation that authorised the programme, or the Director, if the gliding organisation or the Director determines that an amendment is required to ensure the continued adequacy of the programme.

104.111 Reserved

104.113 Technical log

(a) Each operator of a glider shall provide a technical log for the aircraft which has provision for recording—

- (1) the name and address of the operator; and
- (2) the identity of the maintenance programme to which the glider is maintained; and
- (3) a statement of the inspection status of the glider including the identity of the next due inspection and the date of that inspection; and
- (4) the date the last annual review of airworthiness was performed; and
- (5) the daily hours flown including the total time in service; and
- (6) the pilot daily inspection signature; and
- (7) the first and second control check signatures after rigging; and
- (8) any defects found by the pilot during or following a flight; and

- (9) details of rectification of defects occurring between scheduled inspections and the certificate of release to service for that rectification; and
 - (10) details of any deferred rectification including any inoperative equipment allowed to be inoperative under 91.537.
- (b) The operator shall record the information specified in paragraph (a) in the technical log and ensure that the information is current, except that the daily hours flown, and total time in service, may be recorded in daily flying sheets that are of a permanent nature.

104.115 Pilot maintenance

- (a) Notwithstanding rule 43.51(b), a person who holds a current glider pilot certificate may perform the maintenance listed in A.1 and A.2 of Appendix A of Part 43 on a glider if the person is the owner or operator of the glider.
- (b) Notwithstanding rule 43.101(a)(6), a person who performs maintenance on a glider under paragraph (a) may certify the glider for release-to-service after performing the maintenance.