

Civil Aviation Rules



Part 149

CAA Consolidation

1 February 2016

Aviation Recreation Organisations - Certification

DESCRIPTION

Part 149 prescribes rules governing the certification and operation of aviation recreation organisations.

This document is the current consolidated version of Part 149 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 web site at: www.caa.govt.nz

Bulletin

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

Amendment	Effective Date
Amendment 1	30 August 2007
Amendment 2	1 February 2016

Summary of amendments:

Amendment 1
(6/CAR/1)

Rule 149.15 is revoked.

Amendment 2
(8/CAR/1)

Rules 149.61, and 149.65 are revoked and replaced; rule 149.62 is inserted and rule 149.105 is revoked.

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Subpart A — General

149.1 Applicability

This Part prescribes rules governing the certification and operation of aviation recreation organisations.

149.3 Requirement for certificate

No aviation recreation organisation shall administer the issue of an aviation document, that is required by the Civil Aviation Rules for the certification or rating of personnel, except in accordance with the provisions of—

- (1) an aviation recreation organisation certificate issued under this Part; or
- (2) a microlight organisation certificate issued under Part 103 that was current on 1 April 1997.

149.5 Application for certificate

Each applicant for the grant of an aviation recreation organisation certificate shall complete form CAA 24149/01 and submit it to the Director with—

- (1) the exposition required by 149.65; and
- (2) payment of the appropriate application fee prescribed by regulations made under the Act.

149.7 Issue of certificate

An applicant is entitled to an aviation recreation organisation certificate if the Director is satisfied that—

- (1) any senior person or persons required by 149.51(a)(1), (2) and (3), are fit and proper persons; and
- (2) the applicant meets the requirements of Subpart B; and
- (3) the granting of the certificate is not contrary to the interests of aviation safety.

149.9 Privileges of certificate holder

The holder of an aviation recreation organisation certificate may—

- (1) administer the issue of the personnel certificates and ratings that are specified on that certificate and for which a senior person or persons hold a delegation; and
- (2) organise aviation events, in accordance with Part 91, where that privilege is specified on the certificate; and
- (3) exercise any other privileges required by CAR to be exercised by a Part 149 organisation, where that privilege is specified on the certificate.

149.11 Duration of certificate

- (a) An aviation recreation organisation certificate may be granted or renewed for a period of up to 5 years.
- (b) An aviation recreation organisation certificate remains in force until it expires or is suspended or revoked.
- (c) The holder of an aviation recreation organisation certificate that is revoked shall forthwith surrender the certificate to the Director.
- (d) The holder of an aviation recreation organisation certificate that is suspended shall forthwith produce the certificate to the Director for appropriate endorsement.

149.13 Renewal of certificate

- (a) An application for the renewal of an aviation recreation organisation certificate shall be made on form CAA 24149/01.
- (b) The application shall be submitted to the Director before the application renewal date specified on the certificate or, if no such date is specified, not less than 30 days before the certificate expires.

Subpart B — Certification Requirements

149.51 Personnel requirements

- (a) Each applicant for the grant of an aviation recreation organisation certificate shall engage, employ, or contract—

- (1) a senior person identified as the Chief Executive who has the authority within the applicant's organisation to ensure that all activities undertaken by the organisation can be carried out in accordance with the requirements prescribed by this Part;
 - (2) a senior person or persons who will hold any delegation from the Director for the issue of personnel certificates and ratings;
 - (3) a senior person or group of senior persons who are responsible for ensuring that the applicant's organisation complies with the requirements of this Part. Such nominated person or persons shall be ultimately responsible to the Chief Executive;
 - (4) sufficient personnel to carry out the activities listed in the applicant's exposition.
- (b) The applicant shall—
- (1) establish procedures to assess, and to maintain, the competence of those personnel who are responsible for carrying out the activities listed in the applicant's exposition; and
 - (2) establish procedures for the exercise of any delegation held by a senior person or persons; and
 - (3) provide personnel with responsibilities under this Rule with written authorisation to fulfil those responsibilities.

149.53 Facility requirements

Each applicant for the grant of an aviation recreation organisation certificate shall ensure the provision of facilities and resources appropriate to the activities listed in the applicant's exposition.

149.55 Documentation

(a) Each applicant for the grant of an aviation recreation organisation certificate shall hold copies of all relevant equipment manuals, technical standards and practices, technical bulletins and instructions, legislation, and any other document that is necessary to establish procedures for the activities listed in the applicant's exposition. This documentation shall include Human Factors material relevant to management and organisations.

(b) The applicant shall establish a procedure to control and amend all applicable documents required by paragraph (a).

149.57 Records

(a) Each applicant for the grant of an aviation recreation organisation certificate shall establish procedures to identify, collect, index, store, maintain, and dispose of the records that are necessary for the activities listed in the applicant's exposition.

(b) The procedures shall ensure that—

- (1) there is a record of each internal quality assurance action performed by the applicant's organisation in accordance with the procedures specified in 149.63; and
- (2) there is a record for each person who conducts activities on behalf of the applicant's organisation. The record shall include details of their experience, qualifications, training, and competence assessments; and
- (3) there is a record of each personnel certificate and rating issued by the organisation; and
- (4) all records are legible; and
- (5) all records are retained for a period of at least 3 years from the date of the last entry made on that record.

149.59 Personnel certification

(a) Each applicant for the grant of an aviation recreation organisation certificate for the issue of personnel certificates or ratings shall establish procedures for—

- (1) assessing the competency of persons, including holders of equivalent qualifications; and
- (2) issuing the certificates and ratings listed in the applicant's exposition; and

- (3) reviewing and maintaining the competency of persons holding certificates or ratings issued under delegated authority from the Director.

(b) The procedures required by paragraph (a) shall include procedures for satisfying the requirements of sections 8, 9, and 10 of the Act.

149.61 Aviation events

An applicant for the grant of an aviation recreation organisation certificate that authorises them to organise aviation events must establish procedures—

- (1) for ensuring compliance with Part 91; and
- (2) for identifying hazards to aviation safety, and ensuring that the associated risks are evaluated and managed.

149.62 Transition arrangement

(a) An applicant for the grant of an aviation recreation organisation certificate that authorises them to organise aviation events is not required to comply with rule 149.61(2) until 1 February 2018.

(b) This rule expires on 1 February 2018.

149.63 Internal quality assurance

(a) Each applicant for the grant of an aviation recreation organisation certificate shall establish an internal quality assurance system to ensure compliance with, and the adequacy of, the procedures required by this Part.

(b) The internal quality assurance system shall include—

- (1) a **safety policy** and safety policy procedures that are relevant to the applicant's organisational goals and the expectations and needs of its members; and
- (2) a procedure to ensure **quality indicators**, including personnel and member feedback, are monitored to identify existing problems, or potential causes of problems, within the system; and
- (3) a procedure for **corrective action**, to ensure existing problems that have been identified within the system are corrected; and
- (4) a procedure for **preventive action**, to ensure that potential causes of problems that have been identified within the system are remedied; and
- (5) an **internal audit** programme to audit the applicant's organisation for conformity with its safety policy; and
- (6) **management review** procedures to ensure the continuing suitability and effectiveness of the internal quality assurance system in satisfying the requirements of this Part.

(c) The safety policy procedures shall ensure that the safety policy is understood, implemented, and maintained at all levels of the organisation.

(d) The procedures for corrective action shall specify how—

- (1) existing problems are corrected; and
- (2) corrective action is followed up to ensure the action is effective; and

- (3) procedures are amended as a result of corrective action; and
 - (4) management will review the effectiveness of any corrective action taken.
- (e) The procedure for preventive action shall specify how—
 - (1) potential problems are corrected; and
 - (2) preventive action is followed up to ensure the action is effective; and
 - (3) procedures are amended as a result of preventive action; and
 - (4) management will review the effectiveness of any preventive action taken.
- (f) The internal audit programme shall—
 - (1) specify the frequency and location of the audits taking into account the nature of the activity to be audited; and
 - (2) ensure audits are performed by trained auditing personnel who are independent of those having direct responsibility for the activity being audited; and
 - (3) ensure the results of audits are reported to the personnel responsible for the activity being audited and the manager responsible for internal audits; and
 - (4) require preventive or corrective action to be taken by the personnel responsible for the activity being audited if problems are found by the audit; and
 - (5) ensure there are follow up audits to review the effectiveness of any preventive or corrective action taken.
- (g) The procedure for management review shall—
 - (1) specify the frequency of management reviews of the quality assurance system, taking into account the need for the continuing effectiveness of the system; and

- (2) identify the responsible manager who shall review the quality assurance system; and
 - (3) ensure that the results of the review are evaluated and recorded.
- (h) The senior person who has the responsibility for internal quality assurance shall have direct access to the Chief Executive on matters affecting safety.

149.65 Aviation recreation organisation exposition

- (a) An applicant for the grant of an aviation recreation organisation certificate must provide the Director with an exposition which must contain, where applicable—
- (1) a statement signed by the chief executive on behalf of the applicant's organisation confirming that the exposition and any included manuals—
 - (i) define the organisation and demonstrate its means and methods for ensuring ongoing compliance with this Part; and
 - (ii) are to be enforced at all times; and
 - (2) the titles and names of the senior person or persons required by rule 149.51(a)(1), (2), and (3); and
 - (3) the duties and responsibilities of the senior person or persons specified in rule 149.51(a)(1), (2), and (3), including matters for which they have responsibility to deal directly with the Director or the Authority on behalf of the organisation; and
 - (4) an organisation chart showing lines of responsibility of the senior person or persons specified in rule 149.51(a)(3) and extending to each location listed under paragraph (a)(6) of this rule; and
 - (5) a description of the activities to be conducted under the certificate; and

- (6) the principal locations at which each activity will be conducted; and
 - (7) a description of the facilities required by rule 149.53; and
 - (8) details of the procedures required by—
 - (i) rule 149.51(b)(1) regarding the competence of personnel; and
 - (ii) rule 149.51(b)(2) regarding the exercise of any delegation held by a senior person or persons; and
 - (iii) rule 149.55(b) regarding the control and amendment of documentation; and
 - (iv) rule 149.57(a) regarding the identification, collection, indexing storage, maintenance, and disposal of records; and
 - (v) rule 149.59(a) regarding the assessment of personnel, the issue of certificates and ratings, and the review and maintenance of competency of certificate and rating holders; and
 - (vi) rule 149.61 regarding the organisation of aviation events including the processes for hazard identification and risk management; and
 - (vii) rule 149.63 regarding the internal quality assurance of the organisation; and
 - (9) procedures to control, amend, and distribute the exposition.
- (b) The applicant's exposition must be acceptable to the Director.

Subpart C — Operating Requirements

149.101 Continued compliance

Each holder of an aviation recreation organisation certificate shall—

- (1) hold at least one complete and current copy of their exposition at each principal location specified in their exposition; and
- (2) comply with all procedures detailed in the exposition; and
- (3) make each applicable part of their exposition available to personnel who require those parts to carry out their duties; and
- (4) continue to meet the standards and comply with the requirements of Subpart B; and
- (5) forthwith notify the Director of any change of address for service, telephone number, or facsimile number required by form CAA 24149/01.

149.103 Changes to certificate holder's organisation

(a) Each holder of an aviation recreation organisation certificate shall ensure that their organisation exposition is amended so as to remain a current description of the holder's organisation.

(b) The certificate holder shall ensure that any amendments made to the holder's exposition meet the applicable requirements of this Part and comply with the amendment procedures contained in the holder's exposition.

(c) The certificate holder shall provide the Director with a copy of each amendment to the holder's exposition as soon as practicable after its incorporation into the exposition.

(d) Subject to paragraph (e), where a certificate holder proposes to make a change to any of the following, prior notification to and acceptance by the Director is required:

- (1) the Chief Executive;
- (2) the listed senior persons;
- (3) the holder or holders of any delegation made by the Director;
- (4) the activities authorised by the certificate;
- (5) the principal locations at which the activities may be carried out:

- (6) the procedures for personnel assessment and certification:
 - (7) the procedures for organising aviation events.
- (e) Where a certificate holder is a society incorporated under the Incorporated Societies Act 1908 and an election by members of the Society results in a new Chief Executive or listed senior person, the holder shall notify the Director of the change within 7 days of the election.
- (f) The Director may prescribe conditions under which a certificate holder may operate during or following any of the changes specified in paragraph (d).
- (g) A certificate holder shall comply with any conditions prescribed under paragraph (f).
- (h) Where any of the changes referred to in this rule requires an amendment to the certificate, the certificate holder shall forward the certificate to the Director as soon as practicable.
- (i) The certificate holder shall make such amendments to the holder's exposition as the Director may consider necessary in the interests of aviation safety.

149.105 [Revoked]