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## NOTICE OF RULE MAKING

### COOK ISLANDS CIVIL AVIATION RULE PART 174 Aviation Meteorological Service Organisations - Certification

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

Cook Island Civil Aviation Rule (CICAR): Part 174 Aviation Meteorological Service Organisations - Certification

#### 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 174** 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

The purpose of the Rule is to prescribe:

- rules governing the certification and operation of organisations providing meteorological services for aviation; and
- requirements governing the provision of basic weather reports for aviation.

#### Commencement of Rule into Force

This Rule, as modified below, comes into force on

#### Availability of Rules

A copy of Part 174 of the New Zealand Civil Aviation Rule (Consolidated version dated 10 March 2017) will be attached to this document and physically filed at:

The Ministry of Transport  
Port of Avatiu  
Avatiu  
Rarotonga  
Cook Islands

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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

Interpretation and Modification Statement for Part 174

(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 “regulations” 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 “AIP” or “AIPNZ” or “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Cook Islands (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 “section 15 of the Act” substitute “section 10 of the 2002 Act”

Below, “NZCAR” means New Zealand Civil Aviation Rule

NZCAR Subpart D — Transition Provisions Transition for meteorological service certificate holders and applicants	
Delete: 174.151(c)	Insert: : 174.151(c)
<p><b>174.151</b> “(c) A completed CAA form and implementation plan must be submitted to the Director—</p> <p>(1) after 1 February 2016 for an applicant for the grant of a meteorological service certificate under subparagraph (a)(2); and</p> <p>(2) by 30 July 2016 for a holder of a meteorological service certificate under subparagraph (a) (1).”</p>	<p><b>174.151</b> “(c) A completed CAA form and implementation plan must be submitted to the Director—</p> <p>(1) after 1 February 2018 for an applicant for the grant of a meteorological service aviation document under subparagraph (a)(2); and</p> <p>(2) by 30 July 2018 for a holder of a meteorological service aviation document under subparagraph (a) (1).”</p>
<p><b>Explanation of Change:</b> Transition arrangements need to be put in place for SMS in the Cook Islands Rules</p>	

NZCAR Subpart D — Transition Provisions Transition for meteorological service certificate holders and applicants	
Delete: 174.151 (f)(6) and (h)	Insert: 174.151 (f) (6) and (h)
<p>“(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:</p> <p>...</p> <p>(6) the date for implementation must not be later than 1 February 2018.”</p> <p>and</p> <p>(h) This rule expires on 1 February 2019</p>	<p>“(f) In setting the date under subparagraph (e)(2), the Director must have regard to the following:</p> <p>...</p> <p>(6) the date for implementation must not be later than 1 February 2019.”</p> <p>(h) This rule expires on 1 February 2019”</p>
<p><b>Explanation of Change:</b> Transition arrangements need to be put in place for SMS in the Cook Islands</p>	

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

Nil

(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 adopts all New Zealand amendments in force as at 18<sup>th</sup> April 2018, including:

- Part 174 Original Issue: 10 February 1994
- Amendment 1; 8 February 1996
- Amendment 2; 30 August 2007
- Amendment 3; 30 August 2007

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- Amendment 4; 1 February 2016
  - Amendment 5; 10 March 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 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]