



Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 1st day of October 2012

Present:

His Excellency the Governor-General in Council

Pursuant to sections 38 and 100 of the Civil Aviation Act 1990, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council, makes the following regulations.

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Regulations

- 1 Title**
 These regulations are the Civil Aviation Charges Regulations (No 2) 1991 Amendment Regulations 2012.
- 2 Commencement**
 These regulations come into force on 1 November 2012.
- 3 Principal regulations**
 These regulations amend the Civil Aviation Charges Regulations (No 2) 1991 (the **principal regulations**).

4 Regulation 2 amended (Interpretation)

- (1) In regulation 2(1), replace the definition of **air operator certificate** with:
“**air operator certificate** means an airline air operator certificate or a general aviation air operator certificate”.
- (2) In regulation 2(1), replace the definition of **domestic operator** with:
“**domestic operator** means an operator carrying on in New Zealand 1 or more of the following flight operations:
“(a) air transport operations between aerodromes in New Zealand, and air transport operations that leave from and return to the same aerodrome in New Zealand without an intermediate stop:
“(b) commercial transport operations:
“(c) flight training operations”.
- (3) In regulation 2(1), revoke the definitions of **goods, grant** (including the definition of **issue**), **gross weight** or **MCTOW**, and **hirer**.
- (4) In regulation 2(1), definition of **international operator**, delete “; and includes any person who as owner or hirer is making use of the aircraft, either personally or through servants or agents, in respect of such operations”.
- (5) In regulation 2(1), insert in their appropriate alphabetical order:
“**maximum certificated take-off weight**, in relation to an aircraft, means the weight specified as the maximum take-off weight of the aircraft in a flight manual or airworthiness certificate relating to the aircraft
“**MCTOW** means maximum certificated take-off weight”.
- (6) In regulation 2(1), replace the definition of **Minister** with:
“**Minister** has the same meaning as in section 2(1) of the Act”.
- (7) In regulation 2(1), replace the definition of **Ministry** with:
“**Ministry** has the same meaning as in section 2(1) of the Act”.
- (8) In regulation 2(1), definition of **monitoring**, after “other than”, insert “any investigation under section 15A of the Act or”.
- (9) In regulation 2(1), replace the definition of **operator** with:

“operator means any person that flies or uses an aircraft, or causes or permits an aircraft to fly, be used, or be in any place, whether or not the person is present with the aircraft”.

- (10) In regulation 2(1), insert in its appropriate alphabetical order: “**Register** means the New Zealand Register of Aircraft established under section 73 of the Act”.
- (11) In regulation 2(1), replace the definition of **Secretary** with: “**Secretary** has the same meaning as in section 2(1) of the Act.”
- (12) In regulation 2(3), replace—
- (a) “Civil Aviation Regulations 1953 (SR 1953/108)” with “rules made under Part 3 of the Act”; and
 - (b) “those regulations” with “those rules”.

5 Regulation 3 amended (Application)

- (1) In regulation 3(1), replace “civil aviation services and work provided or carried out by the Authority” with “the functions and duties performed, powers exercised, and services provided by the Authority”.
- (2) Revoke regulation 3(2)(b).

6 Regulation 4 amended (Fees and charges for personnel licensing)

In regulation 4, replace “section A” with “Part 1”.

7 Regulation 5 revoked (Examination fees)

Revoke regulation 5.

8 Regulation 6 revoked (Priority licensing transaction surcharge)

Revoke regulation 6.

9 Regulation 7 amended (Flight tests unable to be completed)

In regulation 7, replace “Secretary” with “Authority”.

- 10 Regulation 8 revoked (Refund of examination recount and review fees)**
Revoke regulation 8.
- 11 Regulation 9 amended (Refund for withdrawal from test)**
In regulation 9,—
(a) replace “technical examination, practical test, or flight test,” with “practical test or flight test”; and
(b) delete “examination or” in each place.
- 12 Regulation 10 amended (Aircraft fees and other charges)**
In regulation 10(1), replace “sections B to I” with “Parts 2 to 9”.
- 13 Regulation 11 amended (Payment of fees and charges under this Part)**
In regulation 11(2), after “Part”, insert “, including arrangements for payment in advance”.
- 14 Regulation 12 revoked (Authority may decline to process application if prescribed fees and charges not paid)**
Revoke regulation 12.
- 15 Regulation 21 amended (Services provided outside New Zealand)**
Replace regulation 21(b)(ii) with:
“(ii) in any other case,—
“(A) for the period from 1 November 2012 to 30 June 2013, at the rate of \$208 per person hour:
“(B) for the period from 1 July 2013 to 30 June 2014, at the rate of \$244 per person hour:
“(C) from 1 July 2014, at the rate of \$284 per person hour.”
- 16 Regulation 22 revoked (Services provided away from scheduled venues)**
Revoke regulation 22.

- 17 Regulation 23 amended (Provision of advice or aeronautical information)**
- (1) Replace regulation 23(1)(b) with:
- “(b) in any other case,—
- “(i) for the period from 1 November 2012 to 30 June 2013, a charge calculated at the rate of \$208 per person hour:
- “(ii) for the period from 1 July 2013 to 30 June 2014, a charge calculated at the rate of \$244 per person hour:
- “(iii) from 1 July 2014, a charge calculated at the rate of \$284 per person hour.”
- (2) After regulation 23(1), insert:
- “(1A) A charge payable under subclause (1) for advice or consultation in relation to a document, an approval, or monitoring is payable irrespective of whether the document or approval is granted or the monitoring is carried out.”
- (3) Revoke regulation 23(2).
- 18 Regulation 26 amended (Refund or waiver of fee or charge)**
- In regulation 26(2)(c), after “application”, insert “or matter”.
- 19 Regulation 28 amended (Minimum payments to be credited towards total fee or charge payable)**
- (1) Replace the heading to regulation 28 with “**Payments in advance to be credited towards total fee or charge payable**”.
- (2) In regulation 28, replace “charge, these regulations require the payment in advance of any specified minimum amount” with “charge payable under these regulations, any payment is made in advance”.
- 20 Regulation 29 revoked (Aggregation of small fees and charges)**
- Revoke regulation 29.
- 21 Regulations 31 and 32 revoked**
- Revoke regulations 31 and 32.

22 Transitional fee for maintenance of Register

- (1) Despite clauses 3 and 4 of the Schedule, a transitional fee of \$78 for the maintenance of the Register is payable for every aircraft that was registered on 1 July 2012 and which remains registered on 1 November 2012.
- (2) The transitional fee is payable—
- in respect of the financial year ending on 30 June 2013; and
 - on or before 30 November 2012.
- (3) Any payment of the annual fee for maintenance of the Register for an aircraft in respect of the financial year ending on 30 June 2013 that was made before 1 November 2012 must be credited towards the transitional fee.

23 Schedule replaced

Replace the Schedule with the Schedule set out in the Schedule of these regulations.

Schedule

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Schedule replaced**Schedule**

rr 4, 10

Fees and charges**Definition**

- 1 In this schedule, **standard rate** means,—
- for the period from 1 November 2012 to 30 June 2013, **\$208** per person hour;
 - for the period from 1 July 2013 to 30 June 2014, **\$244** per person hour;
 - from 1 July 2014, \$284 per person hour.

Part 1**Fees for personnel licensing**

- 2 The following fees are payable in respect of personnel licensing:

1 Charges =
\$244 hr
1 July

Schedule—*continued*
Part 1—*continued*

	(\$)
<i>Training, examining, flight testing, and conducting organisation</i>	
Issue of certificate of approval	Standard rate
A minimum fee equal to 1 hour at the standard rate is payable on application for issue of certificate of approval	
Renewal of, or amendment to, certificate of approval	Standard rate
Monitoring of, or carrying out checks in relation to, certificate of approval holder	Standard rate
<i>Air traffic service personnel licences and ratings (Part 65 of Civil Aviation Rules)</i>	
Air traffic trainee licence	197
Air traffic controller licence	197
Flight service trainee licence	197
Flight service operator licence	197
Air traffic service instructor rating	131
Air traffic service examiner rating	131
<i>Aircraft maintenance personnel licences and ratings (Part 66 of Civil Aviation Rules)</i>	
Aircraft maintenance engineer licence (includes issue plus 1 category)	299
Aircraft maintenance engineer licence—additional category	200
Aircraft maintenance engineer licence—rating	200
Aircraft maintenance engineer licence—maintenance approval	266
Aircraft maintenance engineer licence—certificate of inspection authorisation	266
Exchange aircraft maintenance engineer licence (old type to lifetime equivalent)	197
<i>Flight crew licensing (Part 61 of Civil Aviation Rules)</i>	
Recreational pilot licence	230
Private pilot licence	230
Commercial pilot licence	230
Airline transport pilot licence	230

Schedule—*continued*
Part 1—*continued*

	(\$)
Instrument rating	131
Flight instructor rating—A category	131
Flight instructor rating—B category	131
Flight instructor rating—C category	131
Flight instructor rating—D category	131
Flight instructor rating—E category	131
Flight examiner rating	197
Validation of foreign pilot licence	197
Replacement of licence, certificate, or rating	99
Amendment to face of document	131
<i>Flight testing</i>	
Airline transport pilot licence (aeroplane)—issue flight test	2,759
Airline transport pilot licence (helicopter)—issue flight test	2,759
Airline flight examiner rating—issue and renewal test	Standard rate
General aviation flight examiner rating	
— issue	Standard rate
— renewal	1,379
Flight tests for which a fee is not otherwise prescribed	Standard rate
<i>Medical</i>	
Medical certificate application	313
<i>Trans-Tasman Mutual Recognition Agreement</i>	
Registration of licensees recognised under the Trans-Tasman Mutual Recognition Agreement	197

Part 2

Aircraft-related fees and charges

- 3 The following fees are payable in respect of the registration of aircraft:

	(\$)
Initial registration	296

Schedule—*continued*
Part 2—*continued*

	(\$)
Annual fee for maintenance of the Register	99
Change of registration	394
Change of ownership	263
Allocation of a particular registration mark	197
Reservation of a particular registration mark	197
Registration of irrevocable deregistration and export request authorisation (“Cape Town registration”)	279
Foreign owner deregistration	440
4 Subject to clause 5, the annual fee for maintenance of the Register is payable in advance on 1 July in respect of the financial year beginning 1 July in one year and ending on 30 June the following year.	
5 No annual fee for maintenance of the Register is payable in respect of the financial year ending on 30 June in which the initial registration fee is payable.	
6 A charge, at the standard rate, is payable in respect of the following:	
(a) the assessment of an application for the grant or renewal of, or any amendment to, a type certificate issued under rules made under the Act:	
(b) the assessment of an application for the grant of a type acceptance certificate issued under rules made under the Act, with a minimum charge equal to 2 hours at the standard rate payable in advance:	
(c) the assessment of an application for the grant or renewal of, or any amendment to, a design certification of aircraft parts or equipment:	
(d) the assessment of an application for the grant of an airworthiness certificate issued under rules made under the Act, with a minimum charge equal to 2 hours at the standard rate payable in advance:	

Schedule—continued
Part 2—continued

- (e) the assessment of an application for the renewal of, or any amendment to, an airworthiness certificate issued under rules made under the Act:
- (f) the assessment of an application for the grant or renewal of, or any amendment to, an approval of a minimum equipment list:
- (g) the assessment of an application for the grant or renewal of, or any amendment to, an approval of aircraft modifications:
- (h) the assessment of an application for the grant or renewal of, or any amendment to, an approval of a flight manual or any amendment to a flight manual:
- (i) the assessment of an application for the grant or renewal of, or any amendment to, an approval of an aircraft radio station:
- (j) the assessment of an application for the grant or renewal of, or any amendment to, a special flight permit.

Part 3

Air service charges

7 A charge, at the standard rate, is payable in respect of the following:

- (a) the assessment of an application for the grant of an air operator certificate, with a minimum charge equal to 4 hours at the standard rate payable in advance:
- (b) the assessment of an application for the renewal of, or any amendment to, an air operator certificate:
- (c) the monitoring of the holder of an air operator certificate:
- (d) the assessment of manuals, programmes, or approvals to ensure continued compliance with the conditions of an air operator certificate.

Why minimum

Schedule—*continued*

Part 4

Aerodrome charges

- 8 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for the grant or renewal of, or any amendment to, an aerodrome operating certificate issued under rules made under the Act:
 - (b) the monitoring of an aerodrome-operating certificate holder.

why no
minimum

Part 5

Other aviation-related charges

- 9 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for the grant of a certificate approving or authorising the construction, design, processing, or supply of aircraft or aircraft components, with a minimum charge equal to 2 hours at the standard rate payable in advance:
 - (b) the assessment of an application for the renewal of, or any amendment to, a certificate approving or authorising the construction, design, processing, or supply of aircraft or aircraft components:
 - (c) the monitoring of a firm or person approved or authorised in respect of the construction, design, processing, or supply of aircraft or aircraft components:
 - (d) the assessment or approval of any amendment to a manual, programme, or approval to ensure the continued compliance with the conditions of a certificate of approval or authorisation held in respect of the construction, design, maintenance, processing, or supply of aircraft or aircraft components:
 - (e) the issue or renewal of, or any amendment to, a certificate of approval or authorisation in respect of a simulator:

Schedule—*continued*Part 5—*continued*

- (f) the grant or renewal of, or any amendment to, an approval or authorisation in respect of a training and checking organisation:
- (g) the monitoring of an approved training and checking organisation:
- (h) the assessment of an application for the grant or renewal of, or any amendment to, a maintenance organisation certificate issued under rules made under the Act:
- (i) the monitoring of the holder of a maintenance organisation certificate issued under rules made under the Act.

Part 6

Air traffic services, navigation installation,
and instrument flight procedure service and
registration charges

- 10 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for, or the grant or renewal of, or any amendment to, a telecommunication service certificate, an air traffic service certificate, an aeronautical information service certificate, or an instrument flight procedure service certificate:
 - (b) the monitoring of an air traffic services provider, an air navigation installation provider, or an instrument flight procedure service provider:
 - (c) the allocation of an ICAO location indicator or an ICAO aircraft operating agency designator:
 - (d) the registration of instrument flight procedures:
 - (e) the assessment of a radio frequency within those parts of the radio frequency spectrum specified in the following table:

Spectrum (MHz)	Allocation
0.19–0.415	Radio navigation (non-directional beacon)
1.6065–1.632	Radio navigation (non-directional beacon)

Schedule—*continued*
Part 6—*continued*

Spectrum (MHz)	Allocation
2.85–3.155	Aeronautical mobile communications
3.4–3.5	Aeronautical mobile communications
3.9–3.95	Aeronautical fixed communications
4.65–4.75	Aeronautical mobile communications
5.48–5.73	Aeronautical mobile communications
6.525–6.765	Aeronautical mobile communications
8.815–9.04	Aeronautical mobile communications
10.005–10.1	Aeronautical mobile communications
11.175–11.4	Aeronautical mobile communications
13.2–13.36	Aeronautical mobile communications
15.01–15.1	Aeronautical mobile communications
17.9–18.03	Aeronautical mobile communications
21.87–21.924	Aeronautical fixed communications
21.924–22	Aeronautical mobile communications
23.2–23.35	Aeronautical fixed and mobile communications
74.8–75.2	Radio navigation (marker beacon)
108–118	Radio navigation (ILS localizer, VOR)
118–137	Aeronautical communications
328.6–335.4	Radio navigation (ILS glidepath)
960–1 215	Radio navigation (DME, SSR)
5 000–5 250	Radio navigation (MLS)

Part 7

Aviation security

- 11 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for the grant or renewal of, or any amendment to, any approval in respect of—
 - (i) any provider of aviation security services:
 - (ii) any aerodrome security programme or procedure:

Schedule—*continued*Part 7—*continued*

- (iii) any other security programme or procedure that is required by or under the Act, or any person or organisation required to establish such a programme or procedure:
- (b) the monitoring of any programme, procedure, or person referred to in paragraph (a).

Part 8

Meteorological service providers

- 12 A charge, at the standard rate, is payable in respect of the following:
- (a) the assessment of an application for the grant or renewal of, or any amendment to, a certificate authorising the provision of meteorological services to civil aviation:
 - (b) the monitoring of the holder of a meteorological certificate issued under rules made under the Act.

Part 9

Miscellaneous

- 13 A charge, at the standard rate, is payable in respect of the following:
- (a) the certification and clearance, or other processing, of material to be published in the Aeronautical Information Publication:
 - (b) the production of, or amendment to, any aviation publication other than the Aeronautical Information Publication New Zealand:
 - (c) any investigation carried out for the purpose of assessing an application for an exemption from any rules made under the Act:
 - (d) any investigation carried out for the purpose of assessing an application for a determination in respect of the construction, alteration, activation, or deactivation of an aerodrome:

Schedule—*continued*Part 9—*continued*

- (e) any investigation carried out for the purpose of assessing an application for acceptance of a means of compliance (other than a means of compliance considered to be acceptable in the relevant advisory information) with any rules made under the Act;
- (f) any investigation carried out for the purpose of assessing an application for approval of any written examinations or their equivalents;
- (g) any aeronautical study or safety review conducted for the purposes of rules made under the Act;
- (h) any aeronautical study conducted to determine whether the proposed construction or alteration of a structure, or any other proposed activity, could constitute a hazard in navigable airspace.
- (i) any inspections or monitoring carried out under section 15 of the Act for which a specific charge is not otherwise prescribed:
- (j) any assessment of an application in respect of the grant or renewal of, or any amendment to, any approval, or any monitoring, for any purpose under the Act or any rules made under the Act, that is carried out by any employee of the Authority and for which a fee or charge is not otherwise prescribed or fixed.

Michael Webster,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 November 2012, amend the Civil Aviation Charges Regulations (No 2) 1991 (the

principal regulations) by increasing fees and charges payable to the Civil Aviation Authority (the **Authority**) for—

- the assessment of applications for the grant, renewal, or amendment of various certificates, documents, and approvals; and
- the monitoring of personnel, aircraft registration, air services, aerodomes, air traffic services, navigation installations, instrument flight procedure services, aviation security, meteorological services, and other aviation matters administered by the Civil Aviation Authority.

These regulations also—

- revoke redundant provisions of the principal regulations, including fees and charges relating to functions that the Authority no longer performs;
- align certain definitions in the principal regulations with definitions used in other civil aviation legislation;
- introduce fees payable to the Authority for—
 - deregistration of foreign-owned aircraft;
 - processing medical certificate applications;
 - “Cape Town registrations”, which are registrations designed to protect the interests of lenders and lessors of aircraft.

Issued under the authority of the Acts and Regulations Publication Act 1989.

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These regulations are administered by the Ministry of Transport.
