

“**Regulated air cargo agent** means the holder of a regulated air cargo agent certificate granted under section 9 of the Act and in accordance with Part 109.”

“**Security area** means an area that the Director has declared to be a security area under section 84 of the Act.”

“**Security designated aerodrome** means an aerodrome for the time being designated as a security aerodrome under section 82 of the Act.”

“**Security enhanced area** means an area that the Director has declared to be a security enhanced area under section 84 of the Act.”

Insert the following terms and their meanings:

“**Act** means the Civil Aviation Act 2014.”

“**Aeronautical Information Publication Tonga** means the AIP for Tonga published for the Director by Airways Corporation of New Zealand, under contract to the holder of the AIS certificate for the AIP service.”

“**Air operator** means the holder of—

- (1) an air operator certificate granted under section 55 of the Act and in accordance with Part 119; or
- (2) a foreign air operator certificate granted under section 55 of the Act and in accordance with Part 129.”

“**Aviation Security Service** means the Aviation Security Service established under section 94(2) of the Act.”

“**Convention**

- (1) means the Convention on International Civil Aviation signed in Chicago on the 7th day of September 1944; and
- (2) includes—
 - (i) any amendment to the Convention that has entered into force under Article 94(a) of the Convention and has been ratified by the Government of Tonga; and
 - (ii) any Annex or amendment to any Annex accepted under Article 90 of the Convention, to the extent adopted by the Tonga; and
 - (iii) the international standards and recommended practices from time to time accepted and amended by the International Civil Aviation Organisation under Article 37 of the Convention to the extent adopted by the Tonga;”

“**Director** means the person who is for the time being the Director of Civil Aviation under section 14 of the Act.”

“**Emergency airworthiness directive** means an airworthiness directive that is issued by the Director in accordance with section 14(5) of the Act.”

“**Firearm** means any gun, rifle, or pistol, whether acting by force of explosives or not; and includes any such gun, rifle, or pistol which for the time being is not capable

TONGA GOVERNMENT GAZETTE SUPPLEMENT EXTRAORDINARY

No. 1

6 February

2015.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 1 Definitions and Abbreviations Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 1, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 1 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”, except where contained in the phrases “New Zealand Standards” and “New Zealand Civil Aviation Publication”.
2. For “AIPNZ” substitute “AIP Tonga”.

Rule 1.1 General definitions

Delete the following terms and their meanings:

“**Act** means the Civil Aviation Act 1990.”

“**Aeronautical Information Publication New Zealand** means the AIP for New Zealand published for the Authority by the holder of the AIS certificate for the AIP service.”

“**Air operator** means the holder of—

- (1) an air operator certificate granted under section 9 of the Act and in accordance with Part 119; or
- (2) a foreign air operator certificate granted under section 9 of the Act and in accordance with Part 129; or
- (3) an Australian air operator certificate with ANZA privileges.”

“**Auckland Oceanic Flight Information Region** means—

- (1) all that airspace, excluding airspace within the New Zealand Flight Information Region, bounded by a line joining S 30 00 00.0, W 131 00 00.0, S 90 00 00.0, E 00 00 00.0 (South Pole), S 30 00 00.0, E 163 00 00.0, S 28 00 00.0, E 168 00 00.0, S 25 00 00.0, E 171 25 00.0, S 25 00 00.0, 180 00 00.0, S 15 32 45.1, W 175 40 31.2 (Niuafou'ou), S 05 00 00.0, W 171 00 00.0, S 05 00 00.0, W 157 00 00.0, S 30 00 00.0, W 157 00 00.0, S 30 00 00.0, W 131 00 00.0; with
- (2) an upper limit of flight level 999; and
- (3) the surface of the earth as the lower limit.”

“**Australian AOC with ANZA privileges** has the same meaning as in section 3(1) of the Civil Aviation Act 1988 (Aust):”

“**Authority** means the Civil Aviation Authority of New Zealand established by section 72A of the Act:”

“**Aviation Security Service** means the Aviation Security Service established under section 72B(2)(ca) of the Civil Aviation Act 1990:”

“**Convention**—

- (1) means the Convention on International Civil Aviation signed on behalf of the Government of New Zealand in Chicago on the 7th day of December 1944; and
- (2) includes—
 - (i) any amendment to the Convention which has entered into force under Article 94(a) of the Convention and has been ratified by New Zealand; and
 - (ii) any Annex or amendment thereto accepted under Article 90 of the Convention; and
 - (iii) the international standards and recommended practices from time to time accepted and amended by the International Civil Aviation Organisation pursuant to Article 37 of the Convention:”

“**Director** means the person who is for the time being the Director of Civil Aviation under section 72I of the Act:”

“**Emergency airworthiness directive** means an airworthiness directive that is issued by the Director in accordance with section 72I(3C) of the Act:”

“**Firearm** has the same meaning as in section 11(2) of the Aviation Crimes Act 1972:”

“**General direction** in relation to Part 67 means a general direction issued by the Director under section 27G of the Act:”

“**ICAO Annex** means an Annex to the Convention and unless otherwise specified in a rule, includes the amendments in force under section 36 of the Act, but excludes any differences to an Annex as notified by New Zealand:”

“**Maintenance logbook** means—

- (1) one of the following logbooks as may be appropriate:
 - (i) CAA 2101 Aircraft Logbook;
 - (ii) CAA 2110 Propeller Logbook;
 - (iii) CAA 2158 Engine Logbook;
 - (iv) CAA 1464 Aircraft Airworthiness Directives, Aircraft Modifications, Engine and Propeller Installations Logbook; or
- (2) any other document or storage medium that—
 - (i) is acceptable to the Director; and
 - (ii) provides a record of the maintenance status of the aircraft, product, or component:”

1

“**Minister** means the Minister of Transport:”

“**New Zealand Air Navigation Register** means the New Zealand Air Navigation Register established under Part 71:”

“**New Zealand AOC with ANZA privileges** has the meaning set out in section 11G of the Act:”

“**New Zealand Flight Information Region** means—

- (1) all that airspace bounded by the arc of a circle of 200 nm radius centred on S 37 00 16.7, E 174 48 49.1, (Auckland VOR/DME) from S 39 07 38.1, E 171 33 21.7, clockwise to S 37 32 29.5, E 178 56 08.9, a line joining S 37 32 29.5, E 178 56 08.9, S 38 27 00.0, W 179 44 00.0, S 42 51 30.0, E 175 03 00.0, S 48 09 00.0, E 168 16 00.0, S 45 55 00.0, E 165 18 00.0, S 41 25 27.0, E 170 23 24.0, the arc of a circle of 200 nm radius centred on S 41 20 14.0, E 174 49 01.1, (Wellington VOR/DME) from S 41 25 27.0, E 170 23 24.0, clockwise to S 39 07 38.1, E 171 33 21.7; with
- (2) an upper limit of flight level 999; and
- (3) the surface of the earth as the lower limit:”

“**New Zealand registered aircraft** means any aircraft that is for the time being registered by the Director under Part 47:”

“**New Zealand Register of Aircraft** means the register established under section 73 of the Act:”

“**New Zealand certificate of registration** means an aircraft certificate of registration issued by the Director:”

“**NOTAM service** means a service for the issue and distribution of NOTAM relevant to air navigation in the New Zealand FIR and in the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services:”

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 12
Accidents, Incidents and Statistics
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 12, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 12 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “the Authority” substitute “Civil Aviation Division”.
3. For “form CA” or “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 12.3 Definitions

Delete:

“**TAIC** means the Transport Accident Investigation Commission, which is established by section 3 of the Transport Accident Investigation Commission Act 1990.”

Rule 12.59 Investigation and reporting

Delete:

“(1) subject to section 14 of the Transport Accident Investigation Commission Act 1990, conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts allow, the cause or causes of the incident; and”

Insert:

- “(1) conduct an investigation to identify the facts relating to its involvement in the incident and establish, so far as those facts allow, the cause or causes of the incident; and”

Rule 12.101 Access to aircraft involved in an accident

Delete:

- “(a) Except as provided in the Transport Accident Investigation Commission Act 1990 and paragraphs (b) and (c), no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorized to do so by the Authority.
- (b) Subject to the limitations contained in the Transport Accident Investigation Commission Act 1990, the Authority may, for the purpose of its investigation, access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.”

of discharging any shot, bullet, or other missile, but which by its completion or the replacement of any component part or parts or the correction or repair of any defect or defects, would be so capable; and also includes any such gun, rifle, or pistol which is for the time being dismantled”

“**ICAO Annex** means an Annex to the Convention and unless otherwise specified in a rule, includes the amendments in force under section 44 of the Act, but excludes any differences to an Annex as notified by Tonga.”

“**Maintenance logbook** means—

- (1) one of the following logbooks as may be appropriate:
 - (i) form CAD 2101 Aircraft Logbook;
 - (ii) form CAD 2110 Propeller Logbook;
 - (iii) form CAD 2158 Engine Logbook;
 - (iv) form CAD 1464 Aircraft Airworthiness Directives, Aircraft Modifications, Engine and Propeller Installations Logbook; or
- (2) any other document or storage medium that—
 - (i) is acceptable to the Director; and
 - (ii) provides a record of the maintenance status of the aircraft, product, or component.”

“**Minister** means the Minister who is for the time being responsible for civil aviation.”

“**NOTAM service** means a service for the issue and distribution of NOTAM relevant to air navigation in the Tonga Sector of the Auckland Oceanic flight information region.”

“**Regulated air cargo agent** means the holder of a regulated air cargo agent certificate granted under section 55 of the Act and in accordance with Part 109.”

“**Security area** means an area that the Director has declared to be a security area under section 99 of the Act.”

“**Security designated aerodrome** means an aerodrome for the time being designated as a security aerodrome under section 100 of the Act.”

“**Security enhanced area** means an area that the Director has declared to be a security enhanced area under section 99 of the Act.”

“**Tonga Air Navigation Register** means the Tonga Air Navigation Register established under Part 71.”

“**Tonga registered aircraft** means any aircraft that is for the time being registered by the Director under Part 47.”

“**Tonga Register of Aircraft** means the register established under section 27 of the Act.”

“**Tonga certificate of registration** means an aircraft certificate of registration issued by the Director.”

“**Tonga Sector of the Auckland Oceanic Flight Information Region** means—

- (1) all that airspace bounded by a line joining
S 18 35 00 00, W 169 00.00; S 23 00 00, W 173 26 30
S 25 00 00, W 175 30 00; S25 00 00 00, W 180 00 00;
S 15 32 45, W 175 40 31.2; S 14 07 52.4; W 175 01 31. 4
S 18 35 00, W 169 00 00.
- (2) an upper limit of flight level 245; and
- (3) the surface of the earth as the lower limit.”

Rule 1.3 Abbreviations

Delete the following abbreviations and their meanings:

“**AIPNZ** means the Aeronautical Information Publication New Zealand.”

“**AMC** means an accredited medical conclusion, as defined in section 27A of the Act.”

“**ANZA** means Australia New Zealand Aviation.”

“**NZANR** means New Zealand Air Navigation Register.”

“**NZPMA** means New Zealand Parts Manufacturing Approval.”

“**NZTSO** means New Zealand Technical Standard Order.”

Insert the following abbreviations and their meanings:

“**AIP Tonga** means the Aeronautical Information Publication Tonga.”

“**AMC** means an accredited medical conclusion, as defined in section 61(1) of the Act.”

“**TANR** means Tonga Air Navigation Register.”

“**TPMA** means Tonga Parts Manufacturing Approval.”

“**TTSO** means Tonga Technical Standard Order.”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
 Nil
- (iii) **Any general exemptions which will apply in Tonga**
 Nil
- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
 Nil
- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Dated this 6th day of February 2015.

**Hon. ‘Etuete Sungalu Lavulavu
 Minister responsible for Civil Aviation**

navigation systems must be appropriate for the route being flown; and

- (ii) for operations other than air transport operations, with at least 1 operable sole means navigation system other than GPS receiver. The sole means navigation system must be appropriate for the route being flown; and”

Insert:

- “(3) ensure, if the aircraft is operating within the Tonga Sector of the Auckland Oceanic Flight Information Region, that the aircraft is equipped with at least 1 operable sole means navigation system other than a GPS receiver. The sole means navigation systems must be appropriate for the route being flown; and”

Rule 19.215 Minimum flight altitudes

Delete:

- “(2) for published routes shown on Enroute charts, AREA charts, or in the table of evaluated but not charted routes contained in the AIPNZ Volumes 2 and 3, the lowest altitude selected from the IFR table of cruising levels that is at or above the highest of the following:”

Insert:

- “(2) for published routes shown on Enroute Charts, the lowest altitude selected from the IFR table of cruising levels that is at or above the highest of the following:”

Rule 19.217 Flight on unevaluated routes

Delete:

- “(a) Subject to paragraph (b), a pilot-in-command of an aircraft operating within the New Zealand flight information region under IFR using GPS equipment as a primary means navigation system is permitted random flight routing if operating—
 - (1) within the area of a circle 20 nm radius centred on 43O36’S 170O 09’E (Mount Cook), at or above flight level 160; or
 - (2) in any other airspace, at or above flight level 150.”

Insert:

- “(a) Subject to paragraph (b), a pilot-in-command of an aircraft operating within the Tonga Sector of the Auckland Oceanic information region under IFR using GPS equipment as a primary means navigation system is permitted random flight routing if operating at or above flight level 150.”
- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Insert:

- “(a) Except as provided in paragraphs (b) and (c), no person shall access, interfere with, or remove, an aircraft or its contents that is involved in an accident unless authorised to do so by the Director.
- (b) The Director may, for the purpose of the investigation, access, inspect, secure, or remove, an aircraft or its contents that is involved in an accident.”

Rule 12.153 Confidentiality of statistical reports

Delete:

- “(a) The Authority or any person employed by the Authority shall not communicate to any person outside the Authority any information provided in statistical reports that identifies any individual aircraft operator except—”

Insert:

- “(a) The Director, or any employee of, or any person attached to, the Ministry responsible for Civil Aviation shall not communicate to any person outside the Division any information provided in statistical reports that identifies any individual aircraft operator except—”
- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
Nil
- (iii) **Any general exemptions which will apply in Tonga**
Nil
- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
Nil
- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Laulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 19
Transition Rules
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 19, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 19 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. "Civil Aviation Safety Order" means the respective order issued under the New Zealand Civil Aviation Regulations 1953.
2. For "New Zealand" substitute "Tonga" except where contained in the phrase "New Zealand Civil Airworthiness Requirements".
3. For "NZAIP" or "AIPNZ" substitute "Aeronautical Information Publication Tonga (AIP Tonga)".
4. For "the New Zealand Flight Information Region" read "the Tonga Sector of the Auckland Oceanic Flight Information Region".
5. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
6. For "section 9 of the Act" substitute "section 55 of the Act".
7. For "section 15 of the Act" substitute "section 16 of the Act".
8. For "section 24 of the Act" substitute "section 23 of the Act".

Rule 19.5 Civil Aviation ensign

Delete:

- “(a) The design and colours of the New Zealand Civil Air Ensign shall be those specified in Appendix A.
- (b) The New Zealand Civil Air Ensign may be flown—
- (1) by the Civil Aviation Authority of New Zealand on its buildings and aircraft; or
 - (2) on any New Zealand registered aircraft; or
 - (3) at any aerodrome; or

- (4) by an airline owning a New Zealand registered aircraft upon or in proximity to any building occupied by the airline as its principal office or place of business; or
 - (5) by any person to whom permission in writing is granted for the purpose by the Director at such places and subject to such conditions as may be specified.
- (c) Except as provided in this rule, no person shall fly the New Zealand Civil Air Ensign on any aircraft or on any ship, or boat, or on any building, or elsewhere in New Zealand.”

Insert:

- “(a) The Minister may by order specify the design and colours of the civil air ensign of Tonga.
- (b) the civil air ensign of Tonga shall not be used or flown in or outside Tonga except-
- (1) at any airport in Tonga licensed for public use;
 - (2) on any Tongan aircraft engaged in international air navigation
 - (3) on or in the precincts of any building occupied by an airline having its principal place of business in Tonga; and
 - (4) in accordance with the permission of and subject to such conditions as may be specified by the Director.
- (c) Except as provided in this rule, no person shall fly the Tonga Civil Air Ensign on any aircraft or on any ship, or boat, or on any building, or elsewhere in Tonga.”

Rule 19.15 Operation within New Zealand of foreign aircraft

Delete:

- “(d) Nothing in paragraph (a) or paragraph (b) applies to aircraft engaged in air operations conducted in New Zealand under an Australian AOC with ANZA privileges.”

Rule 19.201 Applicability

Delete:

- “(c) The conditions and requirements prescribed in 19.205 and 19.207 do not apply to air operations conducted in New Zealand under an Australian AOC with ANZA privileges.”

Rule 19.207 Primary means GPS operations

Delete:

- “(3) ensure, if the aircraft is operating within the New Zealand flight information region, that the aircraft is equipped—
- (i) for air transport operations, with at least 2 operable sole means navigation systems other than GPS receivers. The sole means

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuata Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 26
Additional Airworthiness Requirements
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 26, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 26 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "New Zealand" substitute "Tonga".

Appendix D— Air Transport Aeroplanes with a Type Certificated Seating Capacity of More Than 19 Passengers

D.5 Cargo and baggage compartments

Delete:

“(c) The requirements of paragraph (a)(2) do not apply to a Boeing 737-200 aeroplane if—

- (1) the details specified under rule 47.55(b) in respect of the aeroplane already appear in the New Zealand Register of Aircraft on 1 January 2006; and
- (2) the aeroplane is operated under the authority of the air operator certificate, issued in accordance with Part 119, that was in force on 1 January 2006.”

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

Appendix A Civil Air Ensign

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. 'Etuata Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 21
Certification of Products and Parts
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 21, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 21 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “Civil Aviation Rule(s)” or “CAR” substitute “Tonga Civil Aviation Rule(s)”.
3. For “New Zealand Technical Standard Order” substitute “Tonga Technical Standard Order”.
4. For “NZTSO” substitute “TTSO”.
5. For “New Zealand Parts Manufacturing Approval” substitute “Tonga Parts Manufacturing Approval”.
6. For “NZPMA” substitute “TPMA”.
7. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
8. For “section 9 of the Act” substitute “section 55 of the Act”

Rule 21.205 Placard for special category aircraft

Delete:

“Warning

This is a *Special Category* — (*Subcategory*) aircraft and does not meet the New Zealand Civil Aviation airworthiness standards for a standard category aircraft to carry passengers on an air transport operation.

Passengers fly in this aircraft at their own risk.”

Insert:

“Warning

This is a *Special Category* — (*Subcategory*) aircraft and does not meet the Tonga Civil Aviation airworthiness standards for a standard category aircraft to carry passengers on an air transport operation.

Passengers fly in this aircraft at their own risk.”

Rule 21.303 Replacement and modification materials, parts, and appliances

Delete:

- (4) “(iv) certificate of type approval issued under regulation 163 of the Civil Aviation Regulations 1953; or”

Appendix D Acceptable Technical Data

Insert:

- (a) (8) “(iv) the Civil Aviation Authority of New Zealand”

- (ii) Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Appendix A Transitional Arrangements

- (iii) Any general exemptions which will apply in Tonga**

Nil

- (iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

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

Appendix G Transitional Arrangements (Annual and 100-hour inspections)

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. 'Etuave Sungalu Lavulavu
Minister responsible for Civil Aviation**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. 'Etuave Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 39
Airworthiness Directives
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 39, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 39 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
2. For "New Zealand" substitute "Tonga".
3. For "section 72I(3A) of the Act" substitute "section 14(5) of the Act"

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015

Hon. 'Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 43
General Maintenance Rules
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 43, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 43 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "New Zealand" substitute "Tonga".
2. For "form CA" or "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 43.51 Persons to perform maintenance

Delete:

- (a) "(2) holds an appropriate current aircraft maintenance engineer licence and an appropriate rating issued by the Civil Aviation Safety Authority of Australia, and has had that licence registered by the Director in New Zealand under the Trans Tasman Mutual Recognition Act 1997; or"

Delete:

- (a) (6) "(a) (2)"

Delete:

- (b) "(3) a current aircraft maintenance engineer licence issued by the Civil Aviation Safety Authority of Australia if that licence is registered by the Director in New Zealand under the Trans Tasman Mutual Recognition Act 1997."

Rule 43.101 Persons to certify release-to-service

Delete:

- (a) "(2) holds an appropriate current aircraft maintenance engineer licence and an appropriate rating issued by the Civil Aviation Safety Authority of Australia, and has had that license registered by the Director in New Zealand under the Trans Tasman Mutual Recognition Act 1997; or"

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 61
Pilot Licences and Ratings
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 61, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 61 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “section 9 of the Act” substitute “section 55 of the Act”.
3. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 61.5 Requirement for pilot licence and ratings

Delete:

- (a) “or (3) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence.”

Delete:

- (b) “or (4) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence.”

Delete:

- (3) issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence, provided the operation of the aircraft by the holder of an Australian pilot licence is acceptable to the pilot licensing authority of the country of aircraft registry.”

Delete

- (d) “or (5) attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence.”

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 47
Aircraft Registration and Marking
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 47, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 47 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “the Authority” substitute “the Director”.
3. For “Commissioner of Police” substitute “Commander of Police”.
4. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
5. For “section 6 of the Act” substitute “section 58 of the Act”.
6. For “section 9 of the Act” substitute “section 55 of the Act”.
7. For “section 20 of the Act” substitute “section 21 of the Act”.

Rule 47.51 Requirement for aircraft registration and certificate

Delete:

- (a) “(3) “the appropriate aeronautical authorities of another State that is party to an agreement with the Government of New Zealand or the Civil Aviation Authority of New Zealand which provides for the acceptance of each other’s registrations.”

Insert:

- (a) “(3) “the appropriate aeronautical authorities of another State that is party to an agreement with the Government of Tonga or the Ministry of Infrastructure, Civil Aviation Division, of Tonga which provides for the acceptance of each other’s registrations.

Rule 47.103 Requirement for aircraft registration and certificate

Delete:

- “(a) The nationality mark of a New Zealand registered aircraft must be the capital letters ZK.”

Insert:

“(a) The nationality mark of a Tonga registered aircraft must be the letter and number combination A3”

Rule 47.115 Specification of marksDelete:

- “(a) The nationality and registration marks must consist of capital letters in Roman characters without ornamentation.
- (b) The width of each letter (except the letter “I”) and the length of the hyphen must be two-thirds of the height of the letter.
- (c) Each letter must be separated from the letter which immediately precedes or follows it by a space not less than one-quarter the height of the individual letters, the hyphen being regarded as a letter for this purpose.
- (d) The lines forming the letters and hyphen must be solid and the thickness of those lines must be one-sixth of the height of the letter.”

Insert:

- “(a) The nationality mark must consist of the capital letter A in Roman character without ornamentation followed by the Arabic number 3 without ornamentation.
- (b) The registration mark must consist of capital letters in Roman characters without ornamentation.
- (c) The width of each character (except the letter “I”) and the length of the hyphen must be two-thirds of the height of the character.
- (d) Each character must be separated from the character which immediately precedes or follows it by a space not less than one-quarter the height of the individual characters, the hyphen being regarded as a letter for this purpose.
- (e) The lines forming the characters and hyphen must be solid and the thickness of those lines must be one-sixth of the height of the character.”

Rule 47.117 Measurement of marksDelete:

“(a) The nationality and registration marks displayed must be formed of letters of equal height, and must be placed to leave a margin of at least 50 mm along each edge of any surface to which they are affixed.”

Insert:

“(a) The nationality and registration marks displayed must be formed of characters of equal height, and must be placed to leave a margin of at least 50 mm along each edge of any surface to which they are affixed.”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Appendix A Transitional arrangements

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. ‘Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 63
Flight Engineer Licences and Ratings
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 63, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 63 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 63.1 Applicability

Delete:

“This Part prescribes rules governing—

- (1) the issue of cadet flight engineer licences, flight engineer licences, and ratings; and
- (2) the conditions under which a licence and rating is necessary; and
- (3) the privileges and limitations of a licence and rating.”

Insert:

“This Part prescribes rules governing—

- (1) the issue of validation permits for flight engineer licences and ratings; and
- (2) the conditions under which those licences and ratings are necessary; and
- (3) the privileges and limitations of those licences and ratings.”

Rule 63.3 Requirement for licence and ratings

Delete

“(a) Each person who performs the duties of a flight engineer on a New Zealand registered aircraft within New Zealand must hold—

- (1) a current cadet flight engineer licence or flight engineer licence issued under this Part; or

Delete

- (j) “or (4) attached to a pilot licence issued by the Civil Aviation Safety Authority of Australia if the Trans-Tasman Mutual Recognition Act 1997 applies to the licence; or”

Insert after Rule 61.7

“Rule 61.8 Continuity of licensing

Pilot licences, ratings and authorisations validated by the Director prior to the date of notification in the *Gazette* of Tonga Rule Part 61 and which are in force immediately before the commencement of this Act, shall be deemed to have been validated in accordance with this Part under the provisions of section 55 of the Act.”

61.15 Duration of pilot licence and ratings

Delete

- “(a) A pilot licence issued in accordance with this Part is issued for the lifetime of the holder of the pilot licence.

Insert

- “(a) A pilot licence issued in accordance with this part has the maximum period of validity as follows:-

- (1) Private Pilot’s Licence – 24 months from the date of issue or renewal of the licence
- (2) Commercial Pilot Licence – 12 months from the date of issue or renewal of the licence.
- (3) Air Transport Pilot’s Licence – 12 months from the date of issue or renewal of the licence.

Delete:

- “(b) Notwithstanding paragraph (a), the Director may, subject to any condition that the Director considers necessary in the interests of aviation safety, issue a temporary pilot licence or rating.”

Insert:

- “(b) The Director may, subject to any condition that the Director considers necessary in the interests of aviation safety, issue a temporary pilot licence or rating with a maximum validity period of 6 months.

Rule 61.17 Written examinations – prerequisites and grades

Delete:

- “(f) An applicant who, immediately before 11 May 2006, had examination passes for a particular pilot licence or instrument rating may use those examination pass credits towards meeting the requirements in paragraph(c) for a written examination credit,—

- (1) in the case of a private pilot licence, until 11 May 2008:

- (2) in the case of a commercial pilot licence or an instrument rating, until 11 May 2009;
- (3) in the case of an airline transport pilot licence, until 11 May 2011.

Rule 61.21 Flight Test

Delete

“(c) A flight test report with a pass dated before 11 May 2006 is valid until May 2008”

Rule 61.35 Medical requirement

Delete

- (b) A person who holds a recreational pilot licence issued in accordance with this Part must not exercise the privileges of the licence unless—
 - (1) the person holds a medical certificate, issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999, that is applicable for a Class 2, 3, 4 or 5 driver licence with passenger endorsement; and

Insert:

- (b) A person who holds a recreational pilot licence issued in accordance with this Part must not exercise the privileges of the licence unless—
 - (1) the person holds a medical certificate Class 3.

Delete:

“(d) A person who is required under paragraph (b), or under rule 61.355(a)(2), to hold a medical certificate issued in accordance with rule 44(1) of the Land Transport (Driver Licensing) Rule 1999 must provide the Director with a copy of the medical certificate within 7 days of the date of issue.”

Insert:

“(d) A person who holds a validation permit for a foreign pilot licence must not exercise the privileges of that permit if the person is aware of, or has reasonable grounds to suspect, any change in his or her medical condition or the existence of any previously undetected medical condition that may interfere with the safe exercise of the privileges of the permit.”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Nil

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Rule 61.8 Continuity of licensing

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. ‘Etuata Sungalu Lavulavu
Minister responsible for Civil Aviation**

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of January 2015.

**Hon. 'Etuata Sungalu Lavulavu
Minister responsible for Civil Aviation**

- (2) a current foreign cadet flight engineer licence or flight engineer licence validated by the Director.
 - (b) Each person who performs the duties of a flight engineer on a New Zealand registered aircraft within a foreign country must hold—
 - (1) a current cadet flight engineer licence or flight engineer licence issued under this Part; or
 - (2) a current cadet flight engineer licence or flight engineer licence issued or validated by the country in which the aircraft is operated.
 - (c) Each person who performs the duties of a flight engineer on a foreign registered aircraft within New Zealand must hold—
 - (1) a current cadet flight engineer licence or flight engineer licence issued under this Part; or
 - (2) a current foreign cadet flight engineer licence or flight engineer licence validated by the Director; or
 - (3) a current cadet flight engineer licence or flight engineer licence issued or validated by the country of aircraft registry.
 - (d) Each person, other than the holder of a cadet flight engineer licence, who performs the duties of a flight engineer on a New Zealand registered aircraft, or on a foreign registered aircraft within New Zealand, must hold a type rating for that aircraft.”

Insert:

- “(a) Each person who performs the duties of a flight engineer on a Tonga registered aircraft within Tonga must hold a current foreign flight engineer licence validated by the Director.
- (b) Each person who performs the duties of a flight engineer on a Tonga registered aircraft within a foreign country must hold—
 - (1) a current foreign flight engineer licence validated under this Part; or
 - (2) a current flight engineer licence issued or validated by the country in which the aircraft is operated.
 - (c) Each person who performs the duties of a flight engineer on a foreign registered aircraft within Tonga must hold—
 - (1) current foreign light engineer licence validated by the Director; or
 - (2) a current flight engineer licence issued or validated by the country of aircraft registry.
 - (d) Each person who performs the duties of a flight engineer on a Tonga registered aircraft, or on a foreign registered aircraft within Tonga, must hold a type rating for that aircraft.”

Rule 63.5 Licences and ratings

Delete:

Complete Rule

Insert:

“(a) A foreign flight engineer licence, with associated ratings, may be validated by the Director under section 55 of the Act in accordance with the applicable requirements of this Part if the applicant:

- (1) holds a current flight engineer licence issued by an ICAO Contracting State; and
- (2) holds a current Class 2 medical certificate relating to the foreign flight engineer licence required under paragraph (a)(1) and complies with all medical endorsements on that medical certificate; and
- (3) has sufficient ability in reading, speaking, understanding and communicating in the English language to enable the applicant to adequately carry out the responsibilities of a pilot exercising the privileges of a validation permit; and
- (4) passes any written examination and flight test that the Director may require.
 - (b) A validation permit must specify an expiry date which must not exceed 24 months from the date of issue.
 - (c) A validation permit remains in force until the expiry date specified in the permit unless—
 - (1) it is suspended or revoked by the Director; or
 - (2) the flight engineer’s foreign flight engineer licence expires, or is suspended, or revoked by the issuing State.
 - (d) A person who holds a validation permit for a foreign flight engineer licence must not exercise the privileges of that permit if the person is aware of, or has reasonable grounds to suspect, any change in his or her medical condition or the existence of any previously undetected medical condition that may interfere with the safe exercise of the privileges of the permit.

Rule 63.19 Flight engineer logbooks – generalDelete:

“(a) Each holder of a cadet flight engineer licence or flight engineer licence shall maintain a record in ink of their flight time in a logbook acceptable to the Director.”

Insert:

“(a) Each holder of a flight engineer licence validated by the Director shall maintain a record in ink of their flight time in a logbook acceptable to the Director.”

Rule 63.23 Medical requirementsDelete

(a) The holder of a cadet flight engineer licence or flight engineer licence issued under this Part shall not exercise the privileges of that licence unless

that person—

- (1) holds a current Class 1 medical certificate issued under the Act; and

Insert

“(a) The holder of a flight engineer licence issued under this Part shall not exercise the privileges of that licence unless that person—

- (1) holds a current Class 2 medical certificate issued under the Act; and

Rule 63.27 Examination for proficiencyDelete:

“(a) The holder of a licence or rating issued under this Part shall, when required by the Director and within such period as the Director may determine, take an examination or test to demonstrate their proficiency in the capacity for which the licence or rating is held.”

Insert:

“(a) The holder of a licence or rating validated under this Part shall, when required by the Director and within such period as the Director may determine, take an examination or test to demonstrate their proficiency in the capacity for which the licence or rating is held.”

Rule 63.207 Privileges and limitationsDelete:

“A flight radiotelephone operator rating authorises the holder to operate, in accordance with the Radiocommunications (Radio) Regulations 1993, the radiotelephone of any aircraft, aeronautical station, or mobile surface station that operates on frequencies allocated to the aeronautical mobile service where the transmitter—”

Insert:

“A flight radiotelephone operator rating authorises the holder to operate, in accordance with the Radiocommunication Act [CAP 35.04], the radiotelephone of any aircraft, aeronautical station, or mobile surface station that operates on frequencies allocated to the aeronautical mobile service where the transmitter—”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Nil

- (iii) **Any general exemptions which will apply in Tonga**

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. 'Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation**

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014**

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 65
Air Traffic Service Personnel Licenses and Ratings
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 65, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 65 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "New Zealand" substitute "Tonga".
2. For "Civil Aviation Authority testing officer" substitute "testing officer approved by the Director".
3. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Insert after Rule 65.7

"Rule 65.8 Continuity of licensing

Air traffic service licences and ratings issued by the Director prior to the date of notification in the *Gazette* of Tonga Rule Part 65 and which are in force immediately before the commencement of this Act, shall be deemed to have been validated in accordance with this Part under the provisions of section 55 of the Act."

Rule 65.53 Eligibility requirements

Insert:

- (b) "(3) in cases where the training cannot be conducted in Tonga, a foreign training organization acceptable to the Director."

Rule 65.103 Eligibility requirements

Insert:

- (c) "(3) in cases where the examinations cannot be provided in Tonga, a foreign examination organization acceptable to the Director."

Rule 65.153 Eligibility requirements

Insert:

- (b) "(3) in cases where the training cannot be conducted in Tonga, a foreign training organization acceptable to the Director."

Rule 65.203 Eligibility requirement

Insert:

- (b) “(3) in cases where the training cannot be conducted in Tonga, a foreign training organization acceptable to the Director.”

Delete:

- “(c) A person who holds a current aeronautical station operator licence issued under the Civil Aviation Regulations 1953 is deemed to meet the eligibility requirements of paragraph (a).”

Rule 65.205 Privileges and limitationsDelete:

- (a) “(1) an aeronautical station operator licence issued under the Civil Aviation Regulations 1953; and”

Insert:

- (a) “(1) an aeronautical station operator licence issued under the Radiocommunication Act [CAP 35.04]; and”

Rule 65.253 Eligibility requirementsInsert:

- (a)(1)“(iii) in cases where the training cannot be conducted in Tonga, a foreign training organization acceptable to the Director.”

Delete:

- “(b) A person who held an airways services personnel licence issued under the Civil Aviation Regulations 1953 is deemed to meet the eligibility requirements of paragraph (a).”

Rule 65.257 Privileges and limitationsDelete:

“A flight radiotelephone operator rating authorises the holder to operate, subject to the Radiocommunications (Radio) Regulations 1993, the radiotelephone of any aircraft, aeronautical station, or mobile surface station that operates on frequencies allocated to the aeronautical mobile service where the transmitter—”

Insert:

“A flight radiotelephone operator rating authorises the holder to operate, subject to the Radiocommunication Act [CAP 35.04], the radiotelephone of any aircraft, aeronautical station, or mobile surface station that operates on frequencies allocated to the aeronautical mobile service where the transmitter—”

Rule 65.303 Eligibility requirementsInsert:

- (a) “(4) in cases where the examinations cannot be provided in Tonga, a foreign examination organization acceptable to the Director.”

Insert:

- (b) “(3) in cases where the training cannot be conducted in Tonga, a foreign training organization acceptable to the Director.”

Rule 65.353 Eligibility requirementsInsert:

- (2)“(iii) in cases where the training cannot be conducted in Tonga, a foreign training organization acceptable to the Director.”

Rule 65.403 Eligibility requirementsInsert:

- (a)(3)“(iii) in cases where the training cannot be conducted in Tonga, a foreign training organization acceptable to the Director.”

Insert:

- (b) “(3) in cases where the examination or test cannot be provided in Tonga, a foreign assessment organization acceptable to the Director.”

Delete:

- “(c) A person who at the time this Part comes into effect is exercising privileges, equivalent to those of 65.405, under the authority of an Airways Service Certificate issued under the Civil Aviation Regulations 1953, is deemed to meet the eligibility requirements of paragraph (a).”

Rule Part 65.453 Eligibility requirementsDelete:

- “(b) A person who at the time this Part comes into effect is exercising privileges, equivalent to those of 65.455, under the authority of an Airway Service Certificate issued under the Civil Aviation Regulations 1953, is deemed to meet the eligibility requirements of paragraph (a).”

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

Rule 65.9 Exchange of licence

Appendix A – Transition for holders of Airways Service Certificates

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Rule 65.8 Continuity of licensing

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 67
Medical Standards and Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 67, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 67 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "New Zealand" substitute "Tonga".
2. For "form CA" or "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 67.1 Purpose

Delete:

"(4) the requirements for determining suitably qualified medical examiners under section 27O of the Act."

Insert:

"(4) the requirements for designating suitably qualified medical examiners under section 62(1) of the Act."

Rule 67.3 Definitions

Delete:

(a) "**Aviation Medical Transitional Criteria Notice 2002** means the notice issued by the Minister under section 27Q of the Act, as amended by the Aviation Medical Transitional Criteria Amendment Notice 2006."

"**Medical manual** means the medical manual issued by the Director and includes any incorporated general direction issued by the Director under section 27G(1) of the Act."

Insert:

(a) "**Medical manual** means the medical manual issued by the Director."

Rule 67.4 Exemptions

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 66
Aircraft Maintenance Personnel Licensing
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 66, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 66 as modified hereunder and shall be read subject to the following Interpretation Statement

Interpretation Statement

Words and numbers to be substituted: Throughout

1. For "New Zealand" substitute "Tonga".
2. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 66.1 Applicability

Delete:

"(1) the issue of aircraft maintenance licences, certificates, and ratings; and"

Insert:

"(1) the validation of foreign aircraft maintenance licences, certificates, and ratings; and"

Insert after Rule 66.3

"Rule 66.4 Validation of a foreign aircraft maintenance engineer licence or rating

- (a) An aircraft maintenance engineer licence, certificate or rating issued by the competent authority of New Zealand may be validated by the Director under section 55 of the Act in accordance with the applicable requirements of this Part.
- (b) A validation permit must specify an expiry date which must not exceed 24 months from the date of issue.
- (c) A validation permit remains in force until the expiry date specified in the permit unless—
 - (1) it is suspended or revoked by the Director; or
 - (2) the pilot's foreign aircraft maintenance engineer licence expires, or is suspended, or revoked by the issuing State.
 - (d) An application for the issue of a validation permit must be made in form CAD 24066/02."

Insert after Rule 66.4**“Rule 66.8 Continuity of licensing**

Aircraft maintenance engineer licences, ratings, certificates, authorisations or approvals issued or validated by the Director prior to the date of notification in the *Gazette* of Tonga Rule Part 66 and which are in force immediately before the commencement of this Act, shall be deemed to have been validated in accordance with this Part under the provisions of section 55 of the Act.”

Appendix B — Group and Type Ratings**B.1 Groups**Delete:

“Ratings may be issued in the following Groups:”

Insert:

“Ratings may be validated in the following Groups:”

B.2 TypesDelete:

“Ratings for the following aircraft or components must be issued by the Director as type ratings for the individual aircraft or component types:”

Insert:

“Ratings for the following aircraft or components shall be validated by the Director as type ratings for the individual aircraft or component types:”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Rule 66.5 Licences and certificates

Rule 66.7 Application for licences, certificates, and ratings

Rule 66.9 Issue of licences, certificates and ratings

Rule 66.11 Duration of licences and certificates

Rule 66.13 Examinations

Rule 66.15 Cheating or other unauthorised conduct

Rule 66.51 Applicability

Rule 66.53 Eligibility requirements

Rule 66.103 Eligibility requirements

Rule 66.153 Eligibility requirements

Rule 66.203 Eligibility requirements

Appendix A — Transitional Arrangements

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Rule 66.4 Validation of a foreign aircraft maintenance engineer licence or rating

Rule 66.8 Continuity of licensing

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. ‘Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation**

67.25. Determining suitably qualified medical examinersDelete:

For the purposes of a delegation under section 27O (2) of the Act, a person is a suitably qualified medical examiner, if”

Insert:

For the purposes of a delegation under section 26 of the Act, a person is a suitably qualified medical examiner, if”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Rule 67.351 Transitional provisions

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. ‘Etuata Sungalu Lavulavu
Minister responsible for Civil Aviation**

Delete:

“(b) To avoid doubt, paragraph (a) does not affect the power of the Director to rely on flexibility to issue a medical certificate to an applicant under section 27B(2) of the Act.”

Insert:

“(b) To avoid doubt, paragraph (a) does not affect the power of the Director to rely on flexibility to issue a medical certificate to an applicant under section 62(4) of the Act.”

Rule 67.55 Applications for medical certificatesDelete:

“(4) disclose or authorise the disclosure to the Director and the medical examiner of any information relating to the applicant’s medical condition or history, including information concerning any conviction for an offence involving the possession or use of drugs or alcohol that the Director may reasonably require under section 27D(2) of the Act to determine whether the applicant satisfies the standards for a medical certificate.”

Insert:

“(4) disclose or authorise the disclosure to the Director and the medical examiner of any information relating to the applicant’s medical condition or history, including information concerning any conviction for an offence involving the possession or use of drugs or alcohol that the Director may reasonably require under section 64 of the Act to determine whether the applicant satisfies the standards for a medical certificate.”

Rule 67.57 Requirements for preparing an examination reportDelete:

“For the purposes of completing a report under section 27D(1) of the Act, a medical examiner””

Insert:

“For the purposes of completing a report under section 62(2) of the Act, a medical examiner””

Rule 67.61 Effective date and duration of medical certificatesDelete:

(b)(2)“(i) it is withdrawn under section 27H(2) of the Act; or”

Insert:

(b)(2)“(i) it is withdrawn under section 67(1) of the Act; or”

Delete:

(d)“(2) the expiry date of the current certificate has not been extended under section 27E of the Act.”

Insert:

- (d) “(2) the expiry date of the current certificate has not been extended under section 65 of the Act.

Rule 67.67 Medical manualDelete:

“The Director must issue a medical manual that incorporates any general direction issued under section 27G of the Act and that may include information relevant to the consideration of applications for medical certificates, including information and advisory material concerning clinical, administrative and legislative matters.”

Insert:

“The Director must issue a medical manual that may include information relevant to the consideration of applications for medical certificates. The manual may refer 67.69 Medical confidentiality

Rule Part 67.69 Medical ConfidentialityDelete

“To avoid doubt, nothing in this rule derogates from any provision of the Privacy Act 1993 or the Health Information Privacy Code 1994”.

Insert

“To avoid doubt, nothing in this rule derogates from any provision of the Public Health Act 2008.

Rule 67.151 PurposeDelete:

“and “(2) the determination of suitably qualified medical examiners under section 27O(2) of the Act.”

Insert:

“and “(2) the determination of suitably qualified medical examiners under section 62(1) of the Act.”

Rule 67.157 Issue of medical examiner certificatesDelete:

Complete Rule

Insert:

“Subject to section 55 of the Act, the Director may, subject to any conditions that the Director considers necessary, issue a special medical examiner certificate to a person if –

- (1) the person is a medical practitioner; and
- (2) the person has practical knowledge and experience of the aviation environment in which air traffic controllers carry out their duties; and;

- (3) the person has a reasonable ability to communicate effectively in English; and
- (4) the Director of Health considers that the person has a satisfactory level of understanding of aviation medicine and regulatory requirements and meets the relevant competencies set out in Appendix A; and
- (5) the person has access to clinical, administrative and communication facilities adequate for the purpose of carrying out medical examinations to the required standard in accordance with the medical manual; and
- (6) the person has adopted and applies suitable procedures for the identification of conflicts of interest; and
- (7) the person meets the exposition requirements in 67.163; and
- (8) the person meets the requirements of section 55(1)(b) of the Act”

Rule 67.163 ExpositionDelete:

- (a) “(1) a statement signed by the person confirming that the exposition”
 - “(i) accurately describes the person’s aviation medical practice and demonstrates the person’s means and methods of ensuring ongoing compliance with 67.161; and
 - (ii) will be complied with by the person and any personnel involved in the person’s aviation medical practice, at all times; and
- (2) a description of the scope of the person’s aviation medical practice; and
- (3) the titles and names of any of the personnel involved in the person’s aviation medical practice; and
- (4) the duties and responsibilities of personnel referred to in paragraph (a)(3); and
- “(5) a list of the locations at which the person will practise aviation medicine; and”

Insert:

- “(a)(5) the location at which the person will conduct medical examinations; and”

Delete:

- (a)“(7)(iii) the prior notification of every proposed change to any of the details specified in paragraphs (a)(2), (a)(3), (a)(4), or (a)(5); and”

Insert:

- (a)“(7)(iii) the prior notification of every proposed change to any of the details specified in paragraph (a)(5); and”

Delete:

- (a) (12) “and (iv) distribute the exposition to personnel.”

Insert:

“(b)“(1) any member of the His Majesty’s Armed Forces or any aircraft operated by the His Majesty’s Armed Forces while engaged in operational service certified in accordance with section 3 (4) of the Act; and”

Rule 77.3 DefinitionsDelete:

Navigable airspace means airspace at or above the minimum flight altitudes prescribed by or under the Civil Aviation Rules, including all legitimate low level operations but not including restricted, danger, and military operations areas activated for use by the New Zealand Defence Force:

Insert:

Navigable airspace means airspace at or above the minimum flight altitudes prescribed by or under the Civil Aviation Rules, including all legitimate low level operations but not including restricted, danger, and military operations areas activated for use by the His Majesty’s Armed Forces:

Delete:

S 2211 means the New Zealand standards for laser safety approved by the Standards Authority under the provisions of the Standards Act 1988:”

Insert:

“NZS/AS 2211 means the New Zealand standards for laser safety approved by the New Zealand Standards Authority under the provisions of the New Zealand Standards Act 1988:”

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of January 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014**

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 71
Designation and Classification of Airspace
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 71, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 71 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement**(i) Words and numbers to be substituted:****Throughout**

1. “the Gazette” means the Tonga Government Gazette.
2. For “New Zealand” substitute “Tonga”.
3. For “AIP” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
4. For “New Zealand NOTAM Office” substitute “International NOTAM Office, New Zealand”.
5. For “New Zealand Air Navigation Register” substitute “Tonga Air Navigation Register”.
6. For “New Zealand Flight Information Region” substitute “Tonga Sector of the Auckland Oceanic Flight Information Region”

Rule 71.3 Overview of this PartDelete:

- (a) “(1) any portion of airspace within the Auckland Oceanic Flight Information Region and the New Zealand Flight Information Region as any one or more of the following:”

Insert:

- (a) “(1) any portion of airspace within the Tonga Sector of the Auckland Oceanic Flight Information Region as any one or more of the following:”

Rule 71.51 GeneralDelete:

- “(a) If the Director determines that an air traffic control service is required in a portion of airspace within a flight information region, the Director must”

Insert:

“(a) If the Director determines that an air traffic control service is required in a portion of airspace within the Tonga Sector of the Auckland Oceanic Flight Information Region, the Director must—”

Delete:

“(b) If another ICAO Contracting State provides an air traffic control service for any portion of airspace within the Auckland Oceanic Flight Information Region, the Director must—”

Insert:

“(b) If another ICAO Contracting State provides an air traffic control service for any portion of airspace within the Tonga Sector of the Auckland Oceanic Flight Information Region, the Director must—”

Rule 71.153 Restricted areasDelete

(a)(1)(ii) within the territorial limits of another ICAO Contracting State in the Auckland Oceanic Flight Information Region upon request by that State; and”

Insert

(a)(1)(ii) within the territorial limits of another ICAO Contracting State in the Tonga Sector of the Auckland Oceanic Flight Information Region upon request by that State; and”

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

Rule 71.17 Transitional provisions

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014**

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 77
Objects and Activities Affecting Navigable Airspace
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 77, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 77 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “NZAIP” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
3. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 77.1 PurposeDelete

- (a) Subject to paragraph (b), this Part prescribes rules for persons within the territorial limits of New Zealand, including the New Zealand Defence Force, proposing—

Insert

- (a) Subject to paragraph (b), this Part prescribes rules for persons within the territorial limits of New Zealand, including the His Majesty’s Armed Forces proposing—

Delete:

- (b) “(1) any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force acting in connection with—
- (i) any war or other like emergency; or
 - (ii) the defence of New Zealand and other New Zealand interests; or
 - (iii) aid to the civil power in time of emergency; or
 - (iv) the provision of any public service; or
 - (v) any operation performed within a restricted, danger, or military operating area designated under Part 71 for military purposes; and”

- (2) when operating at or above flight level 150 up to and including flight level 240 and—
- (i) on a magnetic track of 270° clockwise to 089°, any odd flight level beginning at and including flight level 150; or
 - (ii) on a magnetic track of 090° clockwise to 269°, any even flight level beginning at and including flight level 160.”

Delete:

- (b)“(3) below flight level 160 when operating in IMC within a 20 nm radius encompassing Mount Cook centred on S 43.36.00.0, E 170.09.00.0.”

Rule 91.509 IFR cruising altitude or flight levelDelete:

- “(c) Paragraph (b) comes into force on a date to be appointed by the Minister by notice in the Gazette; and 1 or more notices may be made bringing different provisions of paragraph (b) into force on different dates.”

Rule 91.707 Emergency parachute assembliesDelete:

- (3)“(iii) a New Zealand Defence Force parachute technician; or”

Rule 91.803 Aircraft noise level complianceDelete:

- “(a) No person may operate an aircraft to or from an aerodrome within New Zealand after 28 July 2003, unless — “

Insert:

- “(a) No person may operate an aircraft to or from an aerodrome within Tonga, unless — “

91.807 Engine emission complianceDelete:

“No person may operate a turbojet or turbofan powered aircraft to or from an aerodrome within New Zealand after 28 July 2003, unless —”

Insert:

“No person may operate a turbojet or turbofan powered aircraft to or from an aerodrome within Tonga, unless —”

Appendix A — Instrument and equipment specifications**A7 Aircraft time-in-service recorders**Delete:

“An aircraft time-in-service recorder must meet the requirements of NZTSO 2001.”

Insert:

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 91
General Operating and Flight Rules
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 91, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 91 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement**(i) Words and numbers to be substituted:****Throughout**

1. For “New Zealand” substitute “Tonga”, except where contained in the phrase “Standards New Zealand”.
2. For “Civil Aviation Authority of New Zealand” substitute “Tonga Ministry of Infrastructure, Civil Aviation Division”.
3. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
4. For “New Zealand FIR” substitute “Tonga Sector of the Auckland Oceanic Flight Information Region”.
5. For “Commissioner of Police” substitute “Commander of Police”.
6. For “New Zealand Defence Force” substitute “Tonga Defence Force”
7. For “Chief of the Defence Force” substitute “Commander of Tonga Defence Services”.
8. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
9. For “section 97 of the Act” substitute “section 60 of the Act”.

Rule 91.1 PurposeDelete:

Complete Rule

Insert:

“(a) This Part prescribes general operating and flight rules for the operation of civil aircraft.

(b) This Part does not apply to—

- (1) any member of the His Majesty's Armed Forces or any aircraft operated by the His Majesty's Armed Forces while engaged in operational service certified in accordance with section 3 (4) of the Act;
- (2) persons operating aircraft to which Part 101 applies; and
- (3) persons and equipment to which Part 105 applies."

Rule 91.15 Fuelling of aircraft

Delete:

- "(1) fuelling or defueling of an aircraft is performed in compliance with the applicable requirements of the regulations made under the Hazardous Substances and New Organisms Act 1996; and"

Insert:

- "(1) fuelling or defueling of an aircraft is performed in accordance with the Health and Safety at Work provisions of the Public Health Act 2008 and"

Rule 91.111 Documents to be carried

Delete:

- (4) "(i) a copy of the General Radio User's Licence issued by the Ministry of Economic Development:"

Insert:

- (4) "(i) a copy of the aeronautical radio station licence granted by the Minister for the time being responsible for Communications in accordance with the Radiocommunication Act 2000"

Rule 91.247 Use of SSR transponder and altitude reporting equipment

Delete:

Row 3 of Table 2 (Airspace SSR Codes) as shown below:

"VFR All - in Auckland Oceanic FIR only 2000"

Rule 91.313 VFR cruising altitude and flight level

Delete:

- (a) "(1) when operating at or below 13 000 feet AMSL and—
- (i) on a magnetic track of 270° clockwise to 089°, any odd thousand foot altitude AMSL plus 500 feet; or
 - (ii) on a magnetic track of 090° clockwise to 269°, any even thousand foot altitude AMSL plus 500 feet:
- (2) when operating at or above flight level 150, up to and including flight level 275 and—
- (i) on a magnetic track of 270° clockwise to 089°, any odd flight level plus 500 feet beginning at and including flight level 155; or

- (ii) on a magnetic track of 090° clockwise to 269°, any even flight level plus 500 feet beginning at and including flight level 165."

Insert:

- (a) "(1) when operating at or below 13 000 feet AMSL and—
- (i) on a magnetic track of 000° clockwise to 179°, any odd thousand foot altitude AMSL plus 500 feet; or
 - (ii) on a magnetic track of 180° clockwise to 359°, any even thousand foot altitude AMSL plus 500 feet:
- (2) when operating at or above flight level 150, up to and including flight level 195 and—
- (i) on a magnetic track of 000° clockwise to 179°, any odd flight level plus 500 feet beginning at and including flight level 155; or
 - (ii) on a magnetic track of 180° clockwise to 359°, any even flight level plus 500 feet beginning at and including flight level 165."

Rule 91.425 IFR cruising altitude or flight level

Delete:

- (a) "(1) when operating at or below 13 000 feet AMSL and—
- (i) on a magnetic track of 270° clockwise to 089°, any odd thousand foot altitude AMSL; or
 - (ii) on a magnetic track of 090° clockwise to 269°, any even thousand foot altitude AMSL:
- (2) when operating at or above flight level 150 up to and including flight level 410 and—
- (i) on a magnetic track of 270° clockwise to 089°, any odd flight level beginning at and including flight level 150; or
 - (ii) on a magnetic track of 090° clockwise to 269°, any even flight level beginning at and including flight level 160:
- (3) when operating above flight level 410 and—
- (i) on a magnetic track of 270° clockwise to 089°, any odd flight level, at 4000 foot intervals beginning at and including flight level 450; or
 - (ii) on a magnetic track of 090° clockwise to 269°, any odd flight level at 4000 foot intervals beginning at and including flight level 430."

Insert:

- (a) "(1) when operating at or below 13 000 feet AMSL and—
- (i) on a magnetic track of 000° clockwise to 179°, any odd thousand foot altitude AMSL; or
 - (ii) on a magnetic track of 180° clockwise to 359°, any even thousand foot altitude AMSL:

- (i) tested by an organisation accredited by Telarc for testing; and
 - (ii) except for class 7 dangerous goods, approved by the Director; and
 - (iii) for class 7 dangerous goods, approved by the National Radiation Laboratory of the Ministry of Health; and”
- (ii) Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
- Nil
- (iii) Any general exemptions which will apply in Tonga**
- Nil
- (iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
- Nil
- (v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. ‘Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation**

“An aircraft time-in-service recorder must meet such requirements as the Director may prescribe”

A.9 Communication and navigation equipment

Delete:

- (a)(4)“(i) the requirements of the Radiocommunications Regulations 2001; and”

Insert:

- (a) (4) “(i) the requirements of regulations made under the Radicommunication Act [CAP 35.04] by the Minister for the time being responsible for Communications”

A.12 First aid kits

Delete:

- (4)“(i) in accordance with regulation 28 of the Misuse of Drugs Regulations 1977; and”

Insert:

- (4)“(i) in accordance with regulations made under the Illicit Drugs Control Act [CAP 10.15] by the Minister for the time being responsible for Police; and”

- (ii) Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Appendix B Transitional arrangements

Appendix C Transitional arrangements (ELT, EPIRB, and PLB)

- (iii) Any general exemptions which will apply in Tonga**

Nil

- (iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014**

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 92
Carriage of Dangerous Goods
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 92, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 92 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "New Zealand" substitute "Tonga".
2. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 92.3 Definitions

Delete:

"**Approved handler** has the same meaning as in the Hazardous Substances and New Organisms (Personnel Qualifications) Regulations 2001:"

Insert:

"**Approved handler** means a person who has been certified by an organization approved by the Director as competent to handle 1 or more hazard classifications or hazardous substances:"

Delete:

"**Postal article** has the same meaning as in the Postal Services Act 1998:"

Insert:

"**Postal article** means a letter, parcel, or other article that has been posted, including the contents but has not been delivered. It includes an article that has been correctly delivered but has not reached the hands of the addressee:"

Delete:

"Telarc means the Testing Laboratory Registration Council established by section 3 of the Testing Laboratory Registration Act 1972:"

Rule 92.51 Packaging requirements

Delete:

- (a) "(3) for a New Zealand manufactured packaging—

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuata Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 95
Instrument Flight Procedures – Registration
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 95, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 95 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. “the Gazette” means the Tonga Government Gazette.
2. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
3. For “New Zealand FIR or the Auckland Oceanic FIR” substitute “Tonga Sector of the Auckland Oceanic Flight Information Region”.
4. For “New Zealand Air Navigation Register” substitute “Tonga Air Navigation Register”.

Rule 95.51 Promulgation of instrument flight procedures

Delete:

“(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.”

Rule 95.59 Transition

Delete:

“(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.”

Delete:

“(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).”

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuata Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 93
Special Aerodrome Traffic Rules and Noise Abatement
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 93, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 93 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. “the Gazette” means the Tonga Government Gazette.
2. For “New Zealand” substitute “Tonga”.
3. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
4. For “New Zealand Air Navigation Register” substitute “Tonga Air Navigation Register”.

Rule 93.1 Purpose

Delete:

“(b) Subject to paragraph (c), the following rules also apply to a member of the New Zealand Defence Force and any aircraft operated by the New Zealand Defence Force:

- (1) rule 93.155;
- (2) rule 93.303, 93.305 and 93.307.

(c) This Part does not apply to any member of the New Zealand Defence Force or any aircraft operated by the New Zealand Defence Force acting in connection with—

- (1) any war or other like emergency; or
- (2) the defence of New Zealand and other New Zealand interests; or
- (3) aid to the civil power in time of emergency; or
- (4) the provision of any public service.”

Insert:

“(b) This Part does not apply to any member of the His Majesty’s Armed Forces or any aircraft operated by the His Majesty’s Armed Forces while

engaged in *military operational* service certified in accordance with section 3 (4) of the Act.”

Rule 93.361 Savings provision for existing right-hand aerodrome traffic circuits

Delete:

“Every right-hand aerodrome traffic circuit for a runway at an aerodrome that is published in the AIPNZ immediately before 11 May 2006 continues to have effect on or after 11 May 2006 as if it were a right-hand aerodrome traffic circuit determined in accordance with this Subpart as in force on or after 11 May 2006.”

Insert:

“Every right-hand aerodrome traffic circuit for a runway at an aerodrome that is published in the AIP Tonga immediately before the date of notification in the *Gazette* of Tonga Rule Part 93 continues to have effect on or after the date of notification in the *Gazette* of Tonga Rule Part 93 as if it were a right-hand aerodrome traffic circuit determined in accordance with this Subpart as in force on or after the date of notification in the *Gazette* of Tonga Rule Part 93.”

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

Subpart B – Auckland International Airport

Subpart C – Wellington International Airport

Subpart D – Christchurch International Airport

Subpart E – Paraparaumu Aerodrome

Subpart F – Matamata Aerodrome

Subpart G – Ardmore Aerodrome

Appendix A – Auckland Noise Abatement Area

Appendix B – Wellington Aerodrome Traffic Circuit and Noise Abatement Area

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 104
Glider Operating Rules
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 104, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 104 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Nil

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

Insert:

“(a) An instrument flight procedure which is published in the AIP Tonga as of the date of notification in the *Gazette* of Tonga Rule Part 95 is deemed to have been notified in the *Gazette* in accordance with rule 95.55(a)(2).”

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

Hon. ‘Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 101
Gyroglider, Parasail, Unmanned Balloon, Kite, Rocket, and Model
Aircraft Operating Rules Adoption Statement
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 101, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 101 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “AIPNZ Volume 4” substitute “AIP Tonga”.
3. For “New Zealand NOTAM Office” substitute “International NOTAM Office, New Zealand”.

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 103
Microlight Aircraft — Operating Rules Adoption Statement
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 103, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 103 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “section 9 of the Act” substitute “section 55 of the Act”.

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014**

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 105
Parachuting - Operating Rules
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 105, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 105 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

- (i) **Words and numbers to be substituted:**

Throughout

1. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
2. For “New Zealand” substitute “Tonga”.
3. For “AIP” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.

Rule 105.3 Definitions and abbreviations

Delete:

“**Certificate**, in relation to a personnel qualification required by this Part, means a certificate issued by the holder of—

- (1) a delegation from the Director for that purpose; or
- (2) an approval from the Director, for an organisation’s members to make parachute descents, that is current on 1 April 1997”

Insert:

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

Rule 105.5 Persons making parachute descents

Delete:

- (c) “(3) holds a current Class 2 medical certificate issued under the Act.”

Insert:

- (c) “(3) holds a current Class 2 medical certificate issued by the competent authority of an ICAO Contracting State.”

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 106
Hang Gliders – Operating Rules
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 106, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 106 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement**(i) Words and numbers to be substituted:****Throughout**

1. For “New Zealand” substitutes “Tonga”
2. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 106.3 DefinitionsDelete:

“**Certificate**, in relation to a personnel qualification required by this Part, means a certificate or rating issued by—

- (1) the holder of a delegation from the Director for that purpose; or
- (2) until 31 March 1999, the New Zealand Hang Gliding Association.”

Insert:

“**Certificate**, in relation to a personnel qualification required by this Part, means a certificate or rating issued by the Director.”

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 115
Adventure Aviation, Initial Issue – Certification and Operations
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 115, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 115 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

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

Rule 115.21 Transitional arrangements

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 108
Air Operator Security Programme
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 108, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 108 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “section 77B of the Act” substitute “section 102 of the Act”.
3. For “form CA” or “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 108.1 Applicability

Delete:

“This Part prescribes rules governing the air operator security programme required by Part 119, Part 129, and for operations conducted under an Australian AOC with ANZA privileges.”

Insert:

“This Part prescribes rules governing the air operator security programme required by Part 119 and Part 129.”

Rule 108.53 Security requirements – domestic

Delete:

- (b) “(8) before boarding an air operator’s aircraft, every passenger, crew member, and the carry on baggage of the passengers and crew members is screened in accordance with rule 108.63 if the Minister or the Director requires screening in order to prevent a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being taken onto the air operator’s aircraft; and”

Insert:

- (b) “(8) before boarding an air operator’s aircraft, every passenger, crew member, and the carryon baggage of the passengers and crew

members is screened in accordance with rule 108.63 if the Director requires screening in order to prevent a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being taken onto the air operator's aircraft; and"

Delete:

- (b) "(9) before being loaded onto an air operator's aircraft, all baggage that is not carry on baggage is screened in accordance with rule 108.63 if the Minister or the Director requires screening in order to prevent a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being loaded onto the air operator's aircraft; and"

Insert:

- (b) "(9) before being loaded onto an air operator's aircraft, all baggage that is not carry on baggage is screened in accordance with rule 108.63 if the Director requires screening in order to prevent a weapon, explosive, or other dangerous device, article or substance that may be used to commit an act of unlawful interference being loaded onto the air operator's aircraft; and"

Rule 108.55 Applicability Security requirements – international

Delete:

- (c) "(3) in spite of paragraphs (1) and (2), if the cargo or mail is subject to a direction to screen made by the Minister or the Director under sections 77A or 77B of the Act respectively, the cargo or mail has been screened in accordance with the direction and has been maintained in a secure state."

Insert:

- (c) "(3) in spite of paragraphs (1) and (2), if the cargo or mail is subject to a direction to screen made by the Director under section 102 of the Act respectively, the cargo or mail has been screened in accordance with the direction and has been maintained in a secure state."

Delete:

- (e) "rule 108.65"

Delete:

- "(j) The requirements of paragraphs (c)(1) and (2), (d) and (e) do not apply to an air operator until 9 April 2009."

- (ii) Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Rule 108.65 Air Security Programme Required

- (iii) Any general exemptions which will apply in Tonga**

Nil

- (iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. 'Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation**

Delete:

- (i)“(2) a lesser minimum runway width was prescribed in the certificate holder’s air service certificate, issued under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993, for the aeroplane.”

Insert:

- (i)“(2) a lesser minimum runway width is acceptable to the Director.”
- (2) the aeroplane is performing a regular air transport service to, from, and within countries outside of New Zealand.”

Delete:

- “(c) An aeroplane to which paragraph (b) applies may be equipped with 2 ELTs of any type that meet the requirements prescribed in A.15 of Appendix A to Part 91 instead of the automatic ELT required by rule 91.529(a).”

Rule 121.357 Additional RequirementsDelete:

- (b)(1)(i) meets the requirements of USA Title 14 Code of Federal Regulations §25.795(a)(1), (2), and (3) in effect on 15 May 2009; and

Insert:

- (b)(1)(i) meets the requirements of USA Title 14 Code of Federal Regulations §25.795(a)(1), (2), and (3); and

Rule 121.381 Terrain awareness and warning system (TAWS)Delete:

- “(a) A holder of an air operator certificate must ensure that a turbine powered aeroplane manufactured on or after 1 April 2002 and being operated under that certificate is equipped with a TAWS Class A.”

Insert:

- “(a) A holder of an air operator certificate must ensure that a turbine powered aeroplane being operated under that certificate is equipped with a TAWS Class A.”

Delete:

- “(b) Except as provided in paragraph (c), a holder of an air operator certificate must ensure that a turbine powered aeroplane manufactured before 1 April 2002 and being operated under that certificate is equipped with a TAWS Class A by 1 July 2005.

Delete:

- “(c) A holder of an air operator certificate is not required to equip a turbine powered aeroplane manufactured before 1 April 2002 with a TAWS Class A until 1 January 2007 if—

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 119
Air Operator — Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 119, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 119 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement**(i) Words and numbers to be substituted:****Throughout**

- For “New Zealand” substitute “Tonga”.
- For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
- For “section 9 of the Act” substitute “section 55 of the Act”.

Rule 119.1 PurposeDelete:

- “(b) This Part does not apply to the holder of an Australian AOC with ANZA privileges.”

Rule 119.11 Issue of certificateDelete:

- (a) “and (4) in the case of a New Zealand AOC with ANZA privileges, the airline operations to, from, or within Australia will be conducted using—
- in the case of passenger operations, aircraft with a capacity of more than 30 passenger seats, or a maximum certificated take-off weight of more than 15,000 kg; and
 - in the case of cargo or combined cargo and passenger operations, aircraft with a maximum certificated take-off weight of more than 15,000 kg or a maximum payload capacity of more than 3,410kg.”

Rule 119.15 Operations specificationsDelete:

- (b) “and (9) where applicable, the authorisations and limitations for routes and areas of air operations conducted in Australia by a holder of a New Zealand AOC with ANZA privileges”

Appendix A Qualifications and Experience of Senior Persons — Airline Air Operator Certificate Holder

A.2 Senior person responsible for crew training and competency assessment

Delete:

“In addition, where there is a requirement for experience under Part 121, Part 125, or Part 135 operations, a person may be assessed as meeting that requirement if they have had equivalent experience in air transport operations conducted under the authority of an Air Service Certificate issued under regulation 136 of Civil Aviation Regulations 1953 or an equivalent type of operation acceptable to the Director.”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Rule 119.169 Transition

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 121 Air Operations — Large Aeroplanes Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 121, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 121 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

- (i) **Words and numbers to be substituted:**

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “the Authority” substitute “the Director”.
3. For “form CA” or “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 121.13 Exemptions

Delete:

- “(b) Notwithstanding paragraph (a), the Director may not grant an exemption from —
- (1) the requirement under 121.381(b) or 121.383(b)(1) for an aeroplane with a passenger seating configuration of 40 or less seats if the details specified under 47.55(b) in respect of that aeroplane already appear in the New Zealand Register of Aircraft on 1 August 2003; or
 - (2) the conditions to the requirements under 121.381(c) or 121.383(b)(2).”

Rule 121.71 Use of aerodromes

Delete:

- (a) “(2) if the operation is a regular air transport service operating to, from, or outside of New Zealand after 12 July 2007—”

Insert:

- (a) “(2) if the operation is a regular air transport service operating to, from, or outside Tonga—”

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 125
Air Operations — Medium Aeroplanes
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 125, comprises an adoption of the New Zealand Civil Aviation Rule Part 125 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
3. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 125.77 Use of aerodromes

Delete:

- (a) “(2) if the operation is a regular air transport service operating to, from, or outside of New Zealand after 12 July 2007, -”

Insert:

- (a) “(2) if the operations is a regular air transport service operating to, from, or outside of Tonga, -”

Delete:

- (e) “or(3) a lesser minimum runway width was prescribed for the aeroplane in an air service certificate, issued to the holder of the air operator certificate under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993.”

Rule 125.375 Ground proximity warning system

Delete:

- (b) “or(2) the aeroplane is an Embraer EMB-110P1 that has a MCTOW greater than 5700 kg and the details specified under 47.55(b) in respect to that aeroplane already appear in the New Zealand Register of Aircraft on 25 March 2004.”

- (1) that aeroplane has a passenger seating configuration of 40 or less seats; and
- (2) the details specified under 47.55(b) in respect of that aeroplane already appear in the New Zealand Register of Aircraft on 1 August 2003; and
- (3) that aeroplane is already being operated under that certificate before 1 April 2005; and
- (4) a plan certified by the certificate holder is submitted in writing to the Director by 1 April 2005 confirming that compliance with TAWS Class A requirements will be achieved by 1 January 2007; and
- (5) the operation of that aeroplane after 1 July 2005 is conducted in accordance with a terrain collision risk assessment and risk mitigation programme that is acceptable to the Director.”

Delete:

- “(d) A holder of an air operator certificate must ensure that a piston powered aeroplane being operated under that certificate is equipped with a TAWS Class B by 1 January 2007.”

Insert:

- “(d) A holder of an air operator certificate must ensure that a piston powered aeroplane being operated under that certificate is equipped with a TAWS Class B.”

Rule 121.383 Airborne Collision Avoidance System (ACAS II)

Delete:

- “(a) Except as provided in paragraphs (b) and (c), a holder of an air operator certificate must ensure that an aeroplane being operated under that certificate is equipped with ACAS II.”

Insert:

- “(a) A holder of an air operator certificate must ensure that an aeroplane being operated under that certificate is equipped with ACAS II.”

Delete:

- “(b) A holder of an air operator certificate is not required to equip an aeroplane with ACAS II until —
- (1) 1 January 2005 if the details specified under 47.55(b) in respect of that aeroplane already appear in the New Zealand Register of Aircraft on 1 August 2003; or
 - (2) 1 January 2007 if—
 - (i) that aeroplane has a passenger seating configuration of 40 or less seats; and

- (ii) the details specified under 47.55(b) in respect of that aeroplane already appear in the New Zealand Register of Aircraft on 1 August 2003; and
- (iii) that aeroplane is being operated under that certificate before 1 October 2004; and
- (iv) a plan certified by the certificate holder is submitted in writing to the Director by 1 October 2004 confirming that compliance with ACAS II requirements will be achieved by 1 January 2007; and
- (v) the operation of that aeroplane after 1 January 2005 is conducted in accordance with an airborne collision risk assessment and risk mitigation programme that is acceptable to the Director.”

Delete:

- “(c) A holder of an air operator certificate conducting freight only operations with Convair 580 or F27-500 aeroplanes under that certificate is not required to comply with paragraph (a) if—
- (1) the details specified under 47.55(b) in respect of the Convair or F27 aeroplane already appear in the New Zealand Register of Aircraft on 1 August 2003; and
 - (2) the Convair or F27 aeroplane is operating as a freight only aeroplane as at 1 August 2003; and
 - (3) the operation of the Convair or F27 aeroplane after 1 January 2005 is conducted in accordance with an airborne collision risk assessment and risk mitigation programme that is acceptable to the Director.”

Appendix B Instruments and Equipment Airworthiness Design Standards

B.2 Emergency medical kit

Delete:

- (4) “(i) meets the requirements of the Misuse of Drugs Regulations 1977; and”

Insert:

- (4) “(i) meets the requirements of regulations made under the Illicit Drugs Control Act [CAP 10.15] by the Minister for the time being responsible for Police, with the consent of Cabinet; and”
- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Rule 121.15 Applicability to air operations conducted under an Australian AOC with ANZA privileges

Rule 121.579 Transitional arrangements

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 129
Foreign Air Transport Operator - Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 129, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 129 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
3. That “CAA of NZ” substitute “CAD of Tonga”

Rule 129.5 Requirement for certificate

Delete:

“(b) The requirements in paragraph (a) do not apply to air operations conducted in New Zealand under an Australia AOC with ANZA privileges.”

Rule 129.107 Use of aerodromes

Delete:

“A holder of a foreign air operator certificate must ensure that an aeroplane conducting a foreign air transport operation under the authority of the certificate after 12 July 2007 does not use an aerodrome within New Zealand for landing or taking-off unless—”

Insert:

“A holder of a foreign air operator certificate must ensure that an aeroplane conducting a foreign air transport operation under the authority of the certificate does not use an aerodrome within Tonga for landing or taking-off unless—”

Delete:

- (2) if the runway does not have a RESA as required in paragraph (1), the certificate holder must ensure that for an operation conducted after 12 October 2011 the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of a 90 metre RESA at the overrun end of the runway strip.

Rule 125.379 Terrain awareness and warning system (TAWS)

Delete:

“(a) A holder of an air operator certificate must ensure that each turbine powered aeroplane manufactured on or after 1 April 2002 with a MCTOW greater than 5700 kg and being operated under that certificate under IFR is equipped with a TAWS Class A.”

Insert:

“(a) A holder of an air operator certificate must ensure that each turbine powered aeroplane with a MCTOW greater than 5700 kg and being operated under that certificate under IFR is equipped with a TAWS Class A.”

Delete:

“(b) Except as provided in paragraph (c), a holder of an air operator certificate must ensure that each turbine powered aeroplane manufactured before 1 April 2002 with a MCTOW greater than 5700 kg and being operated under that certificate under IFR is equipped with a TAWS Class A –

- (1) by 1 July 2005 if the details specified under 47.55(b) in respect of that aeroplane first appear in the New Zealand Register of Aircraft after 25 March 2004 or
- (2) by 1 January 2007 if the details specified under 47.55(b) in respect of that aeroplane already appear in the New Zealand Register of Aircraft on 25 March 2004.”

Delete:

“(c) A holder of an air operator certificate is not required to comply with paragraph (b)(2) if—

- (1) the aeroplane is an Embraer EMB-110P1 that has a MCTOW greater than 5700 kg and the aeroplane is equipped with a TAWS Class B; or
- (2) the aeroplane is already being operated by the holder under that certificate on 25 March 2004; and
- (3) the aeroplane is configured to carry less than 10 passengers; and
- (4) the aeroplane is equipped with a GPWS; and
- (5) the operation of that aeroplane after 1 January 2007 is conducted in accordance with a terrain collision risk assessment and mitigation programme that is acceptable to the Director.”

Delete:

“(d) Except as provided in paragraph (e), a holder of an air operator certificate must ensure that—”

Insert:

“(d) A holder of an air operator certificate must ensure that—”

Delete:

“(e) A holder of an air operator certificate is not required to comply with paragraph (d) until 1 January 2007 if that aeroplane is already being operated by the holder under that certificate on 25 March 2004.”

Rule 125.381 Airborne collision avoidance systems (ACAS II)

Delete:

“(a) Notwithstanding paragraph (b), a holder of an air operator certificate must ensure that each turbine powered aeroplane being operated under that certificate is equipped with ACAS II by 1 January 2005 if-

- (1) the aeroplane has a MCTOW greater than 5700 kg or a passenger seating configuration of 20 to 30 seats; and
- (2) the details specified under 47.55(b) in respect of that aeroplane first appear in the New Zealand Register of Aircraft after 25 March 2004.”

Insert:

“(a) A holder of an air operator certificate must ensure that each turbine powered aeroplane being operated under that certificate is equipped with ACAS II if the aeroplane has a MCTOW greater than 5700 kg or a passenger seating configuration of 20 to 30 seats”

Delete

“(b) A holder of an air operator certificate must ensure that each turbine powered aeroplane with a MCTOW greater than 5700 kg or a passenger seating configuration of 20 to 30 seats being operated under that certificate remains equipped with ACAS or ACAS II if that aeroplane is already equipped with ACAS or ACAS II—

- (1) on 25 March 2004; or
- (2) when that aeroplane commences operations under an air operator certificate after 25 March 2004.”

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

Rule 125.417 Transition—Maintenance programme—additional requirements for aeroplanes with AEDRS

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

reduction of the appropriate declared distances for the runway to provide the equivalent of a 90m RESA at the overrun end of the runway strip; and”

Delete:

- (f) “or(3) a lesser minimum runway width was prescribed for the aeroplane in an air service certificate, issued to the holder of the air operator certificate under regulation 136 of the Civil Aviation Regulations 1953 before 6 January 1993.

Rule 135.367 Cockpit-voice recorder

Delete:

- “(b) The commencement of paragraph (a) is suspended until it is applied by notice in the Gazette, such application being no sooner than 1 April 1999. [Paragraph (a) is effective from 1 July 2000 – *Gazette No 59, 1 June 2000*]”

Rule 135.369 Flight data recorder

Delete:

- (b) The commencement of paragraph (a) is suspended until it is applied by notice in the Gazette, such application being no sooner than 1 April 1999. [Paragraph (a) is effective from 1 July 2000 – *Gazette No 59, 1 June 2000*]”
- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
Nil
- (iii) **Any general exemptions which will apply in Tonga**
Nil
- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
Nil
- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

Insert

(2) if the runway does not have a RESA as required in paragraph (1), the certificate holder must ensure that for the take-off and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of a 90 metre RESA at the overrun end of the runway strip.

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
Nil
- (iii) **Any general exemptions which will apply in Tonga**
Nil
- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
Nil
- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 133
Helicopter External Load Operations
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 133, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 133 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”, except where contained in the phrase “Standards New Zealand”.
2. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 135
Air Operations — Helicopters and Small Aeroplanes
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 135, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 135 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “Civil Aviation Rule(s)” substitute “Tonga Civil Aviation Rule(s)”.
3. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
4. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 135.77 Use of aerodromes

Delete:

- (a) “(2) if the operation is a regular air transport service operating to, from, or outside of New Zealand after 12 July 2007,—”

Insert:

- (a) “(2) if the operation is a regular air transport service operating to, from, or outside of Tonga,—”

Delete:

- (a) (2) “(ii) if the runway does not have a RESA as required in paragraph (a)(2)(i), the certificate holder must ensure that for operations conducted after 12 October 2011 the takeoff and landing performance calculations for the aeroplane are based on a reduction of the appropriate declared distances for the runway to provide the equivalent of a 90m RESA at the overrun end of the runway strip; and”

Insert:

- (a) (2) “(ii) if the runway does not have a RESA as required in paragraph (a)(2)(i), the certificate holder must ensure that the takeoff and landing performance calculations for the aeroplane are based on a

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuata Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 140
Aviation Security Service Organizations - Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 140, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 140 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “the Police” substitute “the Tonga Police Force”.
2. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
3. For “section 79A of the Act” substitute “section 96(1) of the Act”
4. For “section 80 of the Act” substitute “section 98 of the Act”
5. For “section 81(2) of the Act” substitute “section 97(2) of the Act”
6. For “section 82 of the Act” substitute “section 100 of the Act”

Rule 140.3 Definitions

Delete:

“In service has the same meaning as in section 2(3) of the Aviation Crimes Act 1972.”

Insert:

“In service in respect of an aircraft is the continuous period from the time preflight preparation of the aircraft by ground personnel or by the aircraft’s crew begins for a specific flight until either—

- (a) The flight is cancelled~ or
- (b) Twenty four hours after the aircraft, having commenced the flight, lands~ or
- (c) The aircraft, having commenced the flight, makes a forced landing and any competent authorities assume responsibility for the aircraft and for persons and property on board the aircraft~ or
- (d) The aircraft, having commenced the flight, ceases to be in flight; whichever is the latest.”

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuata Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 137
Agricultural Aircraft Operations
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 137, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 137 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
2. For “section 9 of the Act” substitute “section 55 of the Act”.
3. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Appendix D— Instruments and Equipment Airworthiness Design Standards

D.6.5 Aeroplane flight limitations

Delete:

“(b) A “Caution” placard that complies with the wording of 137 D.6.5 that was in force on 11 December 2003 may continue to displayed for compliance with the CAUTION placard required under D.6.5(a).”

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014**

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 109
Regulated Air Cargo Agent - Certification
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 109, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 109 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
2. For "section 9 of the Act" substitute "section 55 of the Act".
3. For "section 10 of the Act" substitute "section 56 of the Act".
4. For "section 77F of the Act" substitute "section 103 of the Act".

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. 'Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation**

- (vi) **Detention, arrest and use of force** to examine the key elements that distinguish detention and arrest and the degree of force that may be legally applied, to grade 5:”

Delete:

- “(9) **Aeronautical radio-telephone operations and procedures** to teach an aviation security officer the correct radio discipline to the standard of a restricted radio telephone operator certificate, to grade 4:”

Insert:

- “(9) **Aeronautical radio-telephone operations and procedures** to teach an aviation security officer the correct radio discipline to the standard of a Radiotelephone Operator’s Restricted Certificate, to grade 4:”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Rule Part 140.17 Implementation

Rule Part 140.63 Transitional arrangements

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) **Any direction as to the application or non-application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. ’Etuete Sugalavulavu
Minister responsible for Civil Aviation**

Delete:

“**Unauthorised article** means those articles referred to in section 11(1)(a), (b), (c), and (d) of the Aviation Crimes Act 1972”

Insert:

“**Unauthorised article** means the following articles taken or attempted to be taken on board an aircraft without lawful authority or reasonable excuse, or without the permission of the owner or operator of the aircraft or of a person duly authorised by either of them to give such permission

- (a) Any firearm~ or
- (b) Any other dangerous or offensive weapon or instrument of any kind whatsoever~ or
- (c) Any ammunition~ or
- (d) Any explosive substance or device, or any other injurious substance or device of any kind whatsoever which could be used to endanger the safety of the aircraft or of persons on board the aircraft
- (e) an imitation of an item specified in paragraphs (a) to (d).”

Appendix A Security Operational Standards

A.5 Screening of the person

Delete:

- (b) “(2) ensure that its aviation security officers do not allow any departing passenger or crew member to enter a sterile area unless an officer screens that passenger or crew member, except if the person is specifically exempted by Cabinet; and”

Insert:

- (b) “(2) ensure that its aviation security officers do not allow any departing passenger or crew member to enter a sterile area unless an officer screens that passenger or crew member, except if the person is specifically exempted by the King in Council; and”

A.12 Mobile patrol

Delete:

- “(b) (8) ensure the inspection required by paragraph (b)(7) includes—
- (i) covering the perimeter at least three times during night and at least three times during day; and”

Insert:

- “(b) (8) ensure the inspection required by paragraph (b)(7) includes—
- (i) covering the perimeter at least three times daily, including at least once in the period 90 minutes prior to each international arrival or departure; and”

Delete:

- “(c) Where the Aviation Security Service is providing aviation security services at an aerodrome, other than at Auckland, Wellington, or Christchurch International Airports, its aviation security officers may maintain mobile patrols at that aerodrome less than 24 hours daily, without complying with paragraph (b)(8), if –
- (1) the aerodrome operator is providing its own 24 hour daily security presence; and
 - (2) its aviation security officers patrol the period from 90 minutes prior to each international departure until 15 minutes after departure.”

Insert:

- “(c) The holder of an aviation security service certificate providing aviation security services at Lupepau’u International Airport may maintain mobile patrols at that aerodrome less than 24 hours daily, without complying with paragraph (b)(8), if—
- (1) an aviation security risk and threat assessment has been carried out for the aerodrome within the immediately preceding 12 months of any international arrival or departure, which indicates a risk probability of no greater than “unlikely” with a risk severity of no greater than “negligible”; and
 - (2) the certificate holder is not aware of any increase in the level of security risks or threat in respect of the aerodrome; and
 - (3) the aviation security risk and threat assessment has been approved by the Director; and
 - (3) its aviation security officers patrol the period from 24 hours prior to each international arrival until two hours after departure.”

A18 Aircraft securityDelete:

- “(b) Where the Aviation Security Service is providing aviation security services at an aerodrome, other than at Auckland, Wellington, and Christchurch International Airports, its aviation security officers may maintain patrols of aircraft that are in service for international destinations at that aerodrome for periods less than that required by paragraph (a)(2), if –”

Insert:

- “(b) Where the Aviation Security Service is providing aviation security services at an aerodrome other than at Fua’amotu Aerodrome, its aviation security officers may maintain patrols of aircraft that are in service for international destinations at that aerodrome for periods less than that required by paragraph (a)(2), if –”

A.23 TrainingDelete:

- (c) “(1) **Legislation relating to aviation security:**
- (i) **Aviation Crimes Act 1972** to examine the powers of an aviation security officer, aircraft commander, and the police and study the crimes that are provided for under the Aviation Crimes Act 1972, to grade 4:
 - (ii) **New Zealand Bill of Rights Act 1990** to examine the rights of an individual to be secure against unreasonable search or seizure, to grade 3:
 - (iii) **Civil Aviation Act 1990 and Civil Aviation Rules** to examine the responsibilities, functions, and powers of an aviation security officer and offences applicable to aviation security, to grade 5:
 - (iv) **Part 19** to examine the provisions of rules 19.353, 19.355, 19.357, and 19.359, to grade 3:
 - (v) **Civil Aviation (Offences Regulations 1997)** to examine the offence provisions and penalties for breaches of rules 19.353, 19.355, 19.357, and 19.359, to grade 3:
 - (vi) **Crimes Act 1961** to examine sections 157, 203, 300, 301, and 303 of the Crimes Act dealing with endangering transport, to grade 3:
 - (vii) **Arrest and use of force** to examine the sections of the Crimes Act dealing with arrest and use of force, to grade 5:”

Insert:

- (c) “(1) **Legislation relating to aviation security:**
- (i) **Act of Constitution of Tonga** to examine designated offences and penalties and the rights of an individual to be secure against unreasonable search or seizure, to grade 3:
 - (ii) **Tonga Civil Aviation Act 2014 and Tonga Civil Aviation Rules** to examine the responsibilities, functions, and powers of an aviation security officer and offences applicable to aviation, to grade 5:
 - (iii) **Criminal Offences Act** to examine section 78B dealing with terrorism, to grade 3:
 - (iv) **Illicit Drugs Control Act** to examine Part 2 dealing with offences and Part 3 dealing with investigation, search and seizure, to grade 3:
 - (v) **Part 19** to examine the provisions of Sub-Part G (Security), to grade 3:

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 146
Aircraft Design Organization - Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 146, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 146 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “the Authority” substitute “the Director”.
3. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
4. For “section 9 of the Act” substitute “section 55 of the Act”.
5. For “section 15 of the Act” substitute “section 16 of the Act”.
6. For “section 23B of the Civil Aviation Act” substitute “section 26 of the Act”.

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

Rule 146.103 Continuation of designs

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, ‘Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 141
Aviation Training Organizations - Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 141, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 141 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
2. For “section 15 of the Act” substitute “section 16 of the Act”.

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. ‘Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 145
Aircraft Maintenance Organization - Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 145, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 145 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "New Zealand" substitute "Tonga".
2. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
3. For "CAA Form One" substitute "CAD Form One".

Rule 145. 60 Authorization procedures

Delete:

- (b) "(3) holds an appropriate current aircraft maintenance engineer licence with an appropriate rating issued by the Civil Aviation Safety Authority of Australia and has had that license registered by the Director in New Zealand under the Trans Tasman Mutual Recognition Act 1997; or"

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

Appendix A: Transitional Arrangements

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. 'Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 149
Aviation Recreation Organisations - Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 149, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 149 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
2. For “section 15 of the Act” substitute “section 16 of the Act”.
3. For “Incorporated Societies Act 1908” substitute “Incorporated Societies Act [CAP.40.12]”.

Rule 149.3 Requirement for certificate

Delete:

“or (2) a microlight organisation certificate issued under Part 103 that was current on 1 April 1997”

Rule 149.59 Personnel certification

Delete:

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

Insert:

“(b) The procedures required by paragraph (a) shall include procedures for satisfying the requirements of sections 54, 55, and 56 of the Act.”

Rule 149.65 Organisation exposition

Delete:

(a) “(3) the duties and responsibilities of the senior person or persons specified in 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”

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuate Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 148
Aircraft Manufacturing Organisations - Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 148, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 148 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "New Zealand" substitute "Tonga".
2. For "the Authority" substitute "the Director".
3. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
4. For "CAA Form One" substitute "CAD Form One".
5. For "section 9 of the Act" substitute "section 55 of the Act"

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

Appendix A — Transitional Arrangements

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. 'Etuate Sungalu Lavulavu
Minister responsible for Civil Aviation

“A person intending to provide a UNICOM or AWIB service must, at least 90 days before commencing services, provide the following information to the NZ AIS for publication in the AIPNZ:”

Insert:

“A person intending to provide a UNICOM or AWIB service must, at least 90 days before commencing services, provide the following information to the AIS for publication in the AIP Tonga:”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Rule 139.102 Transition requirements for runway end safety area rules

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. ‘Etuete Sungalu Lavulavu.
Minister responsible for Civil Aviation**

Insert:

- (a) “(3) the duties and responsibilities of the senior person or persons specified in 149.51(a)(1), (2), and (3), including matters for which they have responsibility to deal directly with the Director on behalf of the organisation; and”

- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**

Nil

- (iii) **Any general exemptions which will apply in Tonga**

Nil

- (iv) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**

Nil

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation**

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuata Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 139
Aerodromes – Certification, Operation and Use
Adoption Statement

The Rule Part which shall be cited as Tonga Civil Aviation Rule Part 139 comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 139 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. "CAA Advisory Circulars" mean Advisory Circulars issued by the Civil Aviation Authority of New Zealand.
2. For "New Zealand" substitute "Tonga".
3. For "the Authority" substitute "the Director".
4. For "Civil Aviation Regulations 1953" substitute "Tonga Civil Aviation Regulations 1992".
5. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
6. For "section 15 of the Act" substitute "section 16 of the Act".

Rule 139.51 Aerodrome design requirements

Delete:

- (b) "(1) the runway is used for regular air transport services operating to or from New Zealand; or
- (2) the aerodrome operating certificate is first issued after 12 October 2006 and the runway is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat; or
- (3) the runway is commissioned after 12 October 2006 to be used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat; or
- (4) the runway is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat and—

- (i) either the landing distance available or the length of the runway strip is extended to a distance or length that is more than 15 metres greater than the respective distance or length that was published for the runway immediately before 12 October 2006; or
- (ii) the runway is upgraded to an instrument runway after 12 October 2006."

Insert:

- (b) "(1) the runway is used for regular air transport services operating to or from Tonga; or
- (2) the aerodrome operating certificate is first issued after the date of notification in the *Gazette* of Tonga Rule Part 139 and the runway is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat; or
- (3) the runway is commissioned after the date of notification in the *Gazette* of Tonga Rule Part 139 and the runway is to be used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat; or
- (4) the runway is used for regular air transport services by aeroplanes that have a seating configuration of more than 30 seats excluding any required crew member seat and—
 - (i) either the landing distance available or the length of the runway strip is extended to a distance or length that is more than 15 metres greater than the respective distance or length that was published for the runway immediately before the date of notification in the *Gazette* of Tonga Rule Part 139; or
 - (ii) the runway is upgraded to an instrument runway after the date of notification in the *Gazette* of Tonga Rule Part 139."

Rule 139.353 UNICOM and AWIB Service Requirements

Delete:

- (a) "(2) apply to the Ministry of Economic Development for the grant of a radio licence issued under the Radiocommunications Act 1989 for the radio apparatus, and"

Insert:

- (a) "(2) apply to the minister for the time being responsible for communications for the grant of a radio licence issued under the Radiocommunications Act 2000 for the radio apparatus, and"

Rule 139.357 Notification of UNICOM or AWIB service information

Delete:

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 172
Air Traffic Service Organisations Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 172, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 172 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. "For "New Zealand" substitute "Tonga".
2. For "AIP" or "AIPNZ" substitute "Aeronautical Information Publication Tonga (AIP Tonga)".
3. For "the Auckland Oceanic FIR" or "the New Zealand FIR" substitute "the Tonga Sector of the Auckland Oceanic Flight Information Region".
4. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 172.1 Purpose

Delete:

- (a) "(1) the certification and operation of organisations providing an air traffic service in—
- (i) the New Zealand Flight Information Region; and
 - (ii) the Auckland Oceanic Flight Information Region; and"

Insert:

- (a) "(1) the certification and operation of organisations providing an air traffic service in the Tonga Sector of the Auckland Oceanic Flight Information Region; and"

Delete:

- "(d) In this Part, references to the Auckland Oceanic Flight Information Region exclude those portions of airspace within the flight information region that are designated under Part 71 as sectors where an ICAO Contracting State other than New Zealand is providing the air traffic service."

Rule 172.7 Application for certificate

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 157
Notice of Constructions, Alteration, Activation, and Deactivation of
Aerodromes
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 157, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 157 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For "form CAA" substitute "form CAD". Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
 - (ii) Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
Nil
 - (iii) Any general exemptions which will apply in Tonga**
Nil
 - (iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
Nil
 - (v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

Hon. 'Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuata Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 171

**Aeronautical Telecommunication Services – Operation and Certification
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 171, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 171 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

(i) Words and numbers to be substituted:

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “AIP” or “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
3. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
4. For “section 9 of the Act” substitute “section 55 of the Act”.

Rule 171.5 Requirement for certificate

Delete:

- (b) “(4) a radio apparatus licence has been granted by the Chief Executive of the Ministry of Economic Development for the aeronautical facility; and”

Insert:

- (b) “(4) an aeronautical station licence has been granted by the Minister for the time being responsible for Communications in accordance with the Radiocommunication Act 2000 for the aeronautical facility; and”

Delete:

- (c) “(4) a radio apparatus licence has been granted by the Chief Executive of the Ministry of Economic Development for the radio.”

Insert:

- (c) “(4) an aeronautical station licence has been granted by the Minister for the time being responsible for Communications in accordance with the Radiocommunication Act 2000 for the radio.”

Rule 171.113 Limitations on certificate holder

Delete:

- “(b) The holder of an aeronautical telecommunication service certificate may not operate a radio transmitting aeronautical facility on an aeronautical radio frequency except under a radio apparatus licence granted by the Chief Executive of the Ministry of Economic Development for the facility.”

Insert:

- “(b) The holder of an aeronautical telecommunication service certificate may not operate a radio transmitting aeronautical facility on an aeronautical radio frequency except under an aeronautical station licence granted by the Minister for the time being responsible for Communications in accordance with the Radiocommunication Act 2000 for the aeronautical facility.”
- (ii) Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
Nil
- (iii) Any general exemptions which will apply in Tonga**
Nil
- (iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
Nil
- (v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. 'Etuata Sungalu Lavulavu
Minister responsible for Civil Aviation**

Delete:

“(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.”

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

Subpart E Transition

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

If further guidance regarding acceptable means of compliance for this Tonga Rule Part is required, the Director shall issue such guidance on request.

Dated this 6th day of February 2015.

**Hon. ‘Etuete Singalu Lavulavu
Minister responsible for Civil Aviation**

Delete:

(2) (ii) payment of the appropriate application fee prescribed by Regulations made under the Act.

Rule 172.67 Co-ordination requirementsDelete:

(a) “(6) the New Zealand Defence Force; and”

Insert:

(a) (6) “His Majesty Armed Forces: and

Delete:

(f) An applicant must establish procedures for ensuring that ATS messages are prepared and transmitted in accordance with procedures detailed and cross-referenced in Document 4444 (Part IX – Air Traffic Services Messages), except that the term *CAVOK* must not be used.

Rule 172.89 Cruising levelsDelete:

“(b) in the Auckland Oceanic FIR Each applicant for an air traffic service certificate for the provision of an area control service shall establish procedures to ensure that cruising levels are allocated in accordance with Annex 2, except that correlation of cruising level with track need not apply.”

Rule 172.97 Alerting serviceDelete:

“**RCC** means the rescue co-ordination centre established by the Authority under section 72B(2A) of the Act.”

Insert:

“**RCC** means the New Zealand rescue co-ordination centre established by the Civil Aviation Authority of New Zealand.”

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

Rule 172.17 Transition

Rule 172.107 Radar Services

Rule 172.265 Reduced radar separation

Rule 172.267 Radar separation from an unidentified controlled flight

Rule 172.269 Radar separation from holding aircraft

Rule 172.285 Separation involving military aircraft

Rule 172.295 Christchurch International Airport grass runway operations
Subpart G – Radar procedures

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

(vi) Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. 'Etuete Sungalu Lavulavu
Minister responsible for Civil Aviation**

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014**

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuete Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 173**Instrument Flight Procedure Service Organisation – Certification and Operation Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 173, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 173 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement**(i) Words and numbers to be substituted:****Throughout**

1. “the Gazette” means the Tonga Government Gazette.
2. For “Aeronautical Information Publication New Zealand” or “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
3. For “NZANR” substitute “Tonga Air Navigation Register (TANR)”.
4. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
5. For “section 9 of the Act” substitute “section 55 of the Act”.
6. For “section 10 of the Act” substitute “section 56 of the Act”.

Rule 173.5 Requirement for certificateDelete:

- “(a) Except as provided for in paragraph (b) a person must not provide an instrument flight procedure service for—
- (1) the New Zealand FIR; or
 - (2) the Auckland Oceanic FIR;
- except under the authority of an instrument flight procedure service certificate issued in accordance with this Part.”

Insert:

- “(a) A person must not provide an instrument flight procedure service for the Tonga Sector of the Auckland Oceanic FIR except under the authority of an instrument flight procedure service certificate issued in accordance with this Part.”

Insert:

(b) (2) “(i) in the Tonga sector of the Auckland Oceanic FIR; and”

Rule 175.103 AIP ServiceDelete:

“(a) The holder of the aeronautical information service certificate for the AIP service must publish—”

Insert:

“(a) The holder of the aeronautical information service certificate for the AIP service must arrange for the publication of—”

Delete:

(b) “(2) make the AIPNZ, AIP Amendments, AIP Supplements and AIC available to any person upon payment of a charge that may apply to the supply of the publications; and”

Insert:

(b) “(2) ensure the AIP Tonga, AIP Amendments, AIP Supplements and AIC are made available to any person upon payment of a charge that may apply to the supply of the publications; and”

Delete:

(b) “(5) coordinate the input of all aeronautical information from the originators prescribed in rule 175.59(b)(1), except—”

Insert:

(b) “(5) ensure the input of all aeronautical information from the originators prescribed in rule 175.59(b)(1) is coordinated, except—”

Rule 175.105 NOTAM ServiceDelete:

“(2) operate the NOF on a 24-hour basis; and”

Insert:

“(2) ensure the NOF is operated on a 24-hour basis; and”

Delete:

“(5) promptly issue a NOTAM that is in accordance with Subpart F, whenever information received under 175.59 requires the issue of a NOTAM; and”

Insert:

“(5) ensure that a NOTAM that is in accordance with Subpart F is promptly issued whenever information received under 175.59 requires the issue of a NOTAM; and”

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014

Pursuant to the Civil Aviation Act 2014 section 40, I, ‘Etuata Sungalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

Tonga Civil Aviation Rule Part 174
Aviation Meteorological Service Organisations - Certification
Adoption Statement

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 174, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 174 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement**(i) Words and numbers to be substituted:****Throughout**

1. For “New Zealand” substitute “Tonga
2. For “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
3. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
4. For “section 15 of the Act” substitute “section 16 of the Act”.

Rule 174.79 Organisation expositionDelete:

- (a) “(3) the duties and responsibilities of the senior person or persons specified in paragraph (a)(2) including matters for which they deal directly with the Director or the Authority on behalf of the organisation; and”

Insert:

- (a) “(3) the duties and responsibilities of the senior person or persons specified in paragraph (a)(2) including matters for which they deal directly with the Director on behalf of the organisation; and”

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

- (v) **Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin**

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. 'Etuata Singalu Lavulavu
Minister responsible for Civil Aviation**

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2014**

Pursuant to the Civil Aviation Act 2014 section 40, I, 'Etuata Singalu Lavulavu, Minister responsible for Civil Aviation, hereby give notice of the making of Ordinary Civil Aviation Rules by adoption.

**Tonga Civil Aviation Rule Part 175
Aeronautical Information Service Organisations — Certification
Adoption Statement**

The Rule Part, which shall be cited as Tonga Civil Aviation Rule Part 175, comprises an adoption of the Rules contained in New Zealand Civil Aviation Rule Part 175 as modified hereunder and shall be read subject to the following Interpretation Statement.

Interpretation Statement

- (i) **Words and numbers to be substituted:**

Throughout

1. For “New Zealand” substitute “Tonga”.
2. For “Aeronautical Information Publication New Zealand”, “AIPNZ” or “AIP” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
3. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
4. For “section 15 of the Act” substitute “section 16 of the Act”.

Rule 175.3 Requirement for Certificate

Delete:

“No person shall provide an aeronautical information service for —

- (1) the New Zealand FIR; or
- (2) the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services —

except under the authority of, and in accordance with the provisions of, an aeronautical information service certificate issued under this Part.”

Insert:

“No person shall provide an aeronautical information service for the Tonga Sector of the Auckland Oceanic FIR except under the authority of, and in accordance with the provisions of, an aeronautical information service certificate issued under this Part.”

Rule 175.59 Collection of Information

Delete:

- (b) (2) “(i) in the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services; and”

Delete:

“(6) at intervals of not more than one month, issue a checklist over the AFTN of the NOTAM that are currently in force.”

Insert:

“(6) ensure that, at intervals of not more than one month, a checklist is issued over the AFTN of the NOTAM that are currently in force.”

Rule 175.151 Contents of AIP TongaDelete:

(a) “(1) the regulatory and airspace requirements for air navigation in the New Zealand FIR and the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services; and”

Insert:

(a) “(1) the regulatory and airspace requirements for air navigation in the Tonga Sector of the Auckland Oceanic flight information region; and”

Rule 175.251 Specifications for NOTAMDelete:

“(c) The B series of NOTAM must contain aeronautical information that is operationally significant to international operators operating in —

- (1) the New Zealand FIR; and
- (2) the areas of the Auckland Oceanic FIR in which New Zealand is responsible for air traffic services.”

Insert:

“(c) The B series of NOTAM must contain aeronautical information that is operationally significant to international operators operating in the Tonga Sector of the Auckland Oceanic flight information region

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

Nil

(iii) Any general exemptions which will apply in Tonga

Nil

(iv) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga

Nil

(v) Any direction as to the application or non application to Tonga of any amendment or repeal of an adopted Rule Part by its country of origin

This Rule Part shall adopt all New Zealand amendments unless otherwise stated.

- (vi) **Any other matter which would assist in the practical, clear and unambiguous interpretation and application of the adopted Rule Part in Tonga.**

Unless the Director issues specific acceptable means of compliance for this Tonga 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.

Dated this 6th day of February 2015.

**Hon. 'Etuave Sungalu Lavulavu
Minister responsible for Civil Aviation**