



Tonga

CIVIL AVIATION RULES

Chapter 49.06.6
2016 Revised Edition

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CIVIL AVIATION RULES

Made under section 40 of the Civil Aviation Act

[The separate Rules in this chapter consist of a number of New Zealand Civil Aviation Rules which have been adopted by Tonga and together comprise the Tonga Civil Aviation Rules.

The New Zealand Rules have been adopted but modified to suit the circumstances of Tonga and the adopted rules specify how the New Zealand Rules are to be modified in their application to Tonga

In General all amendments made to the New Zealand Civil Aviation Rules after their adoption by Tonga shall also apply in Tonga]

Commencement [1st November 2010]

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2010
Pursuant to the Civil Aviation Act 2010 section 40, I, Lord Nuku, Minister responsible for Civil Aviation, hereby gives 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 (Niuafu’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:”

“**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.”

“**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 2010.”

“**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(b) 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 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 25 00 00.0, W 180 00 00.0; S 25 00 00.0, W 175 30 00.0; S 18 35 00.0, W 169 00 00.0; S 14 07 05.0, W 175 02 32.56; with
- (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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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 “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 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.”

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 of Transport (Civil Aviation Division) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

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

Rule 19.5 Civil Aviation ensignDelete:

- “(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 aircraftDelete:

- “(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 19.151 Aerodrome meteorological minima – IFR operationsDelete:

“(a) The IFR straight-in and circling to land minima for specified aerodromes, including specially authorised minima, are those as they were prescribed in Civil Aviation Safety Order 1, Appendices 2 to 5, and on instrument approach charts (IAC), on 31 March 1997.”

Insert:

“(a) The IFR straight-in and circling to land minima for specified aerodromes, including specially authorised minima, are those on instrument approach charts (IAC) published in the Aeronautical Information Publication Tonga (AIP Tonga), on the date of notification in the *Gazette* of Tonga Rule Part 19.”

Delete:

(b) “(2) Approach Classification: Instrument approach procedures which have not yet been evaluated to PANS–OPS criteria specify minima in accordance with Approach Classification. Classes relate to approach speed ranges measured in terms of 1.3Vs in the same way as PANS–OPS but speed ranges differ as shown:”

Class	1.3Vs in Knots IAS
1	Up to 100
2	101 to 130
3	131 to 160

Rule 19.201 ApplicabilityDelete:

“(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 operationsDelete:

“(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 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.”

Rule 19.219 Flight plans

Delete:

- (a) “(MOT/AC 1565)”

Delete:

- (b) “(MOT/AC 1565)”
- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
 PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
 Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

12. For “New Zealand” substitute “Tonga”.
13. For “Civil Aviation Rule(s)” or “CAR” substitute “Tonga Civil Aviation Rule(s)”.
14. For “New Zealand Technical Standard Order” substitute “Tonga Technical Standard Order”.
15. For “NZTSO” substitute “TTSO”.
16. For “New Zealand Parts Manufacturing Approval” substitute “Tonga Parts Manufacturing Approval”.
17. For “NZPMA” substitute “TPMA”.
18. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
19. For “CAA Form One” substitute “CAD Form One”.
20. 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 appliancesDelete:

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

Appendix D Acceptable Technical DataInsert:

- (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
- (vii) Any general exemptions which will apply in Tonga**
Nil
- (viii) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
Nil

(ix) 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.

(x) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
 PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
 Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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**

21. 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

(xi) Any general exemptions which will apply in Tonga

Nil

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

Nil

- (xiii) **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.

- (xiv) **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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

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

23. For “New Zealand” substitute “Tonga”.

24. 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

(xv) **Any general exemptions which will apply in Tonga**

Nil

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

Nil

(xvii) **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.

(xviii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

25. For “New Zealand” substitute “Tonga”.

26. For “CAA Form Two” substitute “CAD Form Two”.

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-serviceDelete:

- (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”
- (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)
- (xix) Any general exemptions which will apply in Tonga**
Nil
- (xx) Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
Nil
- (xxi) 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.
- (xxii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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**

27. For “New Zealand” substitute “Tonga”.

28. For “the Authority” substitute “the Director”.

29. For “Commissioner of Police” substitute “Commander of Police”.

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

31. For “section 6 of the Act” substitute “section 58 of the Act”.

32. For “section 9 of the Act” substitute “section 55 of the Act”.

33. 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 Transport, Civil Aviation Division, of Tonga which provides for the acceptance of each other's registrations.

Rule 47.103 Requirement for aircraft registration and certificateDelete:

“(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

(xxiii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(xxv) 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.

(xxvi) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

34. For “New Zealand” substitute “Tonga”.

35. For “section 9 of the Act” substitute “section 55 of the Act”.

Rule 61.1 Purpose

Delete:

“This Part prescribes the requirements for—

- (1) the issue of a pilot licence and rating in accordance with section 9 of the Act; and
- (2) the issue of a rating in accordance with this Part; and
- (3) the conditions under which a pilot licence and rating is required; and
- (4) the privileges and limitations of a pilot licence and rating.”

Insert:

“This Part prescribes the requirements for—

- (1) the issue of a validation permit in accordance with section 55 of the Act; and
- (2) the conditions under which a pilot licence and rating is required; and
- (3) the privileges and limitations of a validation permit.”

Rule 61.5 Requirement for pilot licence and ratings

Delete:

- (a) “(1) issued in accordance with this Part; or”

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) “(1) issued in accordance with this Part; or”

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:

- (c) “or (2) issued in accordance with this Part, provided the operation of the aircraft by the holder of a New Zealand pilot licence is acceptable to the pilot licensing authority of the country of aircraft registry; or

(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) “(1) issued in accordance with this Part; or”

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.”

Delete:

- (j) “(1) issued in accordance with 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”

Delete:

- (k) “issued in accordance with this Part or”

Delete:

- (l) “issued in accordance with this Part or”

Delete:

- “(m) A student pilot who complies with Subpart C is not required to hold a pilot licence or rating.

(n) A pilot of a balloon, a glider, a hang glider, a microlight, a paraglider, or a powered glider, is not required to hold a pilot licence or rating issued in accordance with this Part if—

- (1) the pilot is not flying the aircraft for hire or reward; and
- (2) the pilot meets the appropriate pilot and operating requirements under Parts 103, 104, or 106.”

Delete:

“(p) A pilot of an aircraft is not required to hold an aircraft type rating when acting as a test pilot in accordance with rule 19.405(1).

(q) A pilot of an aircraft when authorised by an appropriately qualified flight instructor is not required to hold an aircraft type rating when demonstrating or gaining experience in order to obtain an aircraft type rating.”

Rule 61.7 Pilot licences and ratings

Delete:

Complete Rule

Insert:

“Pilot licences and ratings are validated by the Director under section 55 of the Act in accordance with the applicable requirements of this Part.”

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.”

Rule 61.9 Validation permit for a foreign pilot licence

Delete:

- (b) “(1) an expiry date for the permit which must not exceed 6 months from the date of issue;”

Insert

- (b) “(1) an expiry date for the permit which must not exceed 24 months from the date of issue;”

Insert

“(d) the Director may include associated ratings on a validation permit if the ratings have been issued to the holder of the pilot licence by an ICAO Contracting State and the holder of the pilot licence produces evidence that the ratings were obtained in a manner that is acceptable to the Director

(e) An application for the issue of a validation permit must be made in form CAD 24061/19P for a private pilot licence or made in form CAD 24061/19 for all other pilot licences.”

Rule 61.17 Written examinations – prerequisites and grades

Delete:

Complete Rule

Insert:

- “(a) An applicant for a written examination required by the Director must produce photographic identification that is acceptable to the Director as evidence of the applicant’s identity.
- (b) An applicant for a written examination required by the Director must gain at least 70% of the possible marks in order to pass the examination.
- (c) A person who fails a written examination 3 times within a period of 3 months may not sit another examination in that subject for a period of 3 months following the date of the last failed examination.”

Rule 61.29 Pilot logbooks – general requirementsDelete:

“(a) A student pilot and the holder of a pilot licence issued in accordance with this Part must maintain an accurate and up-to-date logbook containing—”

Insert:

“(a) A holder of a validation permit issued in accordance with this Part must maintain an accurate and up-to-date logbook containing—”

Delete:

(b) (4) “(iv) student.”

Delete:

(b) “(4) be retained permanently by the pilot licence holder, unless the pilot licence is revoked in accordance with the Act, in which case the log book must be retained for a period of at least 12 months from the date of revocation.”

Insert:

(b) “(4) be retained permanently by the pilot licence holder, unless the validation permit is revoked in accordance with the Act, in which case the log book must be retained for a period of at least 12 months from the date of revocation.”

Rule 61.35 Medical requirementDelete:

“(a) Except as required in paragraph (b), a person who holds a pilot licence issued in accordance with this Part must not exercise the privileges of the licence, unless—

- (1) the person—
- (i) in the case of a private pilot licence, holds at least a current class 2 medical certificate issued under the Act; and

- (ii) in the case of a commercial or senior commercial pilot licence and an airline transport pilot licence, holds a current class 1 medical certificate issued under the Act; and
 - (iii) is complying with all the conditions, restrictions and endorsements on the medical certificate; or
- (2) if the person has been issued a private pilot licence by the Director in accordance with rule 61.153(b) on the basis of a foreign pilot licence, the person—
 - (i) holds a medical certificate applying to the foreign pilot licence that the Director relied on to issue the private pilot licence and the medical certificate applying to that foreign pilot licence has not expired; and
 - (ii) is complying with all the conditions, restrictions, and endorsements on the medical certificate.
- (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
 - (i) was issued within the previous 5 years; or
 - (ii) if the person is 40 years of age or older, was issued within the previous 24 months; and
 - (2) the person complies with every condition, restriction and endorsement on the medical certificate.”

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:

“(e) 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.”

Rule 61.37 Recent flight experienceDelete:

“(a) **Airline transport pilot:** A person who holds an airline transport pilot licence”

Insert:

“(a) **Airline transport pilot:** A person who holds a validation permit for an airline transport pilot licence”

Delete:

“(b) **Senior commercial pilot, commercial pilot, private pilot – day flight:** A person who holds a senior commercial pilot licence or a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation during the day, and a person who holds a senior commercial pilot licence or a commercial pilot licence or a private pilot licence or a recreational pilot licence (aeroplane) must not act as pilot-in-command of an aircraft carrying a passenger during the day, unless (subject to paragraph (g)), within the immediately preceding 90 days,—”

Insert:

“(b) **Senior commercial pilot, commercial pilot, private pilot – day flight:** A person who holds a validation permit for senior commercial pilot licence or a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation during the day, and a person who holds a validation permit for a senior commercial pilot licence or a commercial pilot licence or a private pilot licence must not act as pilot-in-command of an aircraft carrying a passenger during the day, unless (subject to paragraph (g)), within the immediately preceding 90 days,—”

Delete:

“(c) **Senior commercial pilot, commercial pilot, private pilot – night flight:** A person who holds a senior commercial pilot licence or a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation at night, and a person who holds a senior commercial pilot licence or a commercial pilot licence or a private pilot licence must not act as pilot-in-command of an aircraft carrying a passenger at night, unless (subject to paragraph (g)), within the immediately preceding 90 days,—”

Insert:

“(c) **Senior commercial pilot, commercial pilot, private pilot – night flight:** A person who holds a validation permit for a senior commercial pilot licence or a commercial pilot licence must not act as pilot-in-command of an aircraft on an air operation at night, and a person who holds a validation permit for a senior commercial pilot licence or a commercial pilot licence or a private pilot licence must not act as pilot-in-command of an aircraft carrying a passenger at night, unless (subject to paragraph (g)), within the immediately preceding 90 days,—”

Delete:

“(h) A flight instructor must meet the recent flight experience requirements during the day or night, as appropriate, before giving flight instruction.”

Insert:

“(h) The holder of a validation permit for a flight instructor rating must meet the recent flight experience requirements during the day or night, as appropriate, before giving flight instruction.”

Delete:

“(i) If the holder of a pilot licence issued in accordance with this Part has not met the requirements of rule 61.39 for a period of 5 years or more, the privileges of that pilot licence may not be exercised again unless,—

- (1) the holder of the pilot licence passes an approved air law examination and meets the appropriate currency requirements of the licence (except if the holder has a current pilot licence for a different category of aircraft and meets the

(2) in the case of an airline transport pilot licence, the holder of the pilot licence completes the appropriate operational competency checks required in Part 119, and Part 121 or 125.”

Rule 61.41 Use of lower pilot licence or rating

Delete:

“(a) The holder of an airline transport pilot licence, a commercial pilot licence, or a senior commercial pilot licence issued in accordance with this Part who does not hold a current class 1 medical certificate issued under the Act but who holds a current class 2 medical certificate issued under the Act may exercise the privileges of a private pilot licence if the pilot meets the currency requirements for the private pilot licence type.

“(b) The holder of a pilot licence issued in accordance with this Part who does not meet the currency requirements of rule 61.207 or rule 61.257 for the pilot licence type, but who meets the currency requirements for a lower pilot licence, may exercise the privileges of the lower pilot licence.”

Insert:

“(a) The holder of a validation permit for an airline transport pilot licence, a commercial pilot licence, or a senior commercial pilot licence issued in accordance with this Part who does not hold a current class 1 medical certificate that is associated with the foreign pilot licence for which the validation permit is issued but who holds a current class 2 medical certificate that is associated with the foreign pilot licence for which the validation permit is issued may exercise the privileges of a private pilot licence if the pilot meets the currency requirements for the private pilot licence type.

(b) The holder of a pilot licence validation permit for issued in accordance with this Part who does not meet the currency requirements of rule 61.207 or rule 61.257 for the pilot licence type, but who meets the currency requirements for a lower pilot licence, may exercise the privileges of the lower pilot licence.”

Rule 61.43 Examination for proficiency

Delete:

“(a) The Director may, by notice in writing, require the holder of a pilot licence or a rating that is issued in accordance with this Part to undertake an examination or test if the Director believes on reasonable grounds that the privileges of the licence or rating the holder is exercising are being carried out in an incompetent manner.”

Insert:

“(a) The Director may, by notice in writing, require the holder of a validation permit that is issued in accordance with this Part to undertake an examination or test if the Director believes on reasonable grounds that the privileges of the licence or rating the holder is exercising are being carried out in an incompetent manner.”

Delete:

“(c) A holder of a pilot licence or rating that is issued in accordance with this Part must—”

Insert:

“(c) A holder of a validation permit that is issued in accordance with this Part must—”

Rule 61.155 Privileges and limitations

Delete:

“(a) Subject to paragraph (b)(3), the holder of a current private pilot licence may—”

Insert:

“(a) Subject to paragraph (b)(3), the holder of a validation permit for a current private pilot licence may—”

Delete:

“(b) The holder of a private pilot licence must not act as pilot-in-command or as co-pilot of an aircraft—”

Insert:

“(b) The holder of a validation permit for a private pilot licence must not act as pilot-in-command or as co-pilot of an aircraft—”

Delete:

(b) “(3) if the aircraft is—

- (i) being operated at night; or
- (ii) being operated on a cross country flight; or
- (iii) a helicopter carrying a sling load—

unless an appropriately qualified flight instructor has certified in the holder's logbook that the holder has satisfactorily completed the flight training required to perform that activity.”

Rule 61.157 Currency requirements

Delete:

“A holder of a private pilot licence is required to comply with the requirements of rules 61.35 (Medical requirements), 61.37 (Recent flight experience) and 61.39 (Biennial flight review) before exercising the privileges of the holder's private pilot licence.”

Insert:

“A holder of a validation permit for a private pilot licence is required to comply with the requirements of rules 61.35 (Medical requirements) and 61.37 (Recent flight experience) before exercising the privileges of the holder's private pilot licence.”

Rule 61.205 Privileges and limitations

Delete:

“(a) Subject to paragraph (b), a current commercial or senior commercial pilot licence authorises the holder to exercise the following privileges in

aircraft of the same category for which the pilot licence is granted and for which the pilot holds an aircraft type rating.”

Insert:

“(a) Subject to paragraph (b), a validation permit for a current commercial or senior commercial pilot licence authorises the holder to exercise the following privileges in aircraft of the same category for which the pilot licence is granted and for which the pilot holds an aircraft type rating.”

Delete:

“(b) The holder of a commercial or senior commercial pilot licence must not act as pilot-in-command or as co-pilot of an aircraft at night, unless an appropriately qualified flight instructor has certified in the holder's logbook that the holder has satisfactorily completed the required night flight training.”

Insert:

“(b) The holder of a validation permit for a commercial or senior commercial pilot licence must not act as pilot-in-command or as co-pilot of an aircraft at night, unless the privilege has been endorsed on the licence or an appropriate certification has been made in the holder's logbook that the holder has satisfactorily completed the required night flight training.”

Rule 61.207 Currency requirements

Delete:

“A holder of a commercial or senior commercial pilot licence is required to comply with the requirements of rules 61.35 (Medical requirements), 61.37 (Recent flight experience) and 61.39 (Biennial flight review) before exercising the privileges of the holder’s commercial or senior commercial pilot licence.”

Insert:

“A holder of a validation permit for a commercial or senior commercial pilot licence is required to comply with the requirements of rules 61.35 (Medical requirements) and 61.37 (Recent flight experience) before exercising the privileges of the holder’s commercial or senior commercial pilot licence.”

Rule 61.255 Privileges

Delete:

“A current airline transport pilot licence authorises the holder to exercise the following privileges in an aircraft of the same category for which the pilot licence is granted and for which the pilot holds an aircraft type rating:”

Insert:

“A validation permit for a current airline transport pilot licence authorises the holder to exercise the following privileges in an aircraft of the same category for which the pilot licence is granted and for which the pilot holds an aircraft type rating:”

Rule 61.257 Currency requirementsDelete:

“A holder of an airline transport pilot licence is required to comply with the requirements of rules 61.35 (Medical Requirements), 61.37 (Recent Flight Experience) and 61.39 (Biennial Flight Review) before exercising the privileges of the holder’s airline transport pilot licence.”

Insert:

“A holder of a validation permit for an airline transport pilot licence is required to comply with the requirements of rules 61.35 (Medical Requirements) and 61.37 (Recent Flight Experience) before exercising the privileges of the holder’s airline transport pilot licence.”

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

Rule 61.11	Application and qualification
Rule 61.15	Duration of pilot licence and ratings
Rule 61.19	Written examinations – unauthorised conduct
Rule 61.21	Flight tests
Rule 61.25	Flight training and testing – general requirements
Rule 61.27	Status of flight examiners
Rule 61.31	Pilot logbooks – crediting flight time
Rule 61.33	Pilot logbooks – crediting ground time
Rule 61.39	Biennial flight review
Subpart B	— Aircraft Type Ratings
Subpart C	— Student Pilots
Rule 61.153	Eligibility requirements
Rule 61.203	Eligibility requirements
Rule 61.253	Eligibility requirements.
Subpart G	— Flight Instructor Ratings
Subpart H	— Recreational Pilot Licence
Subpart L	— Aerobatic Flight Rating
Subpart M	— Glider Tow Rating
Subpart N	— Parachute Drop Rating
Subpart O	— Agricultural Ratings
Subpart P	— Pilot Chemical Rating
Subpart Q	— Instrument Ratings
Subpart S	— Flight Examiner Ratings

(xxvii) Any general exemptions which will apply in Tonga

Nil

(xxviii) 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

(xxix) 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.

(xxx) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

36. For “New Zealand” substitute “Tonga”.

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:

Complete Rule

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 1 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.

(e) An application for the issue of a validation permit must be made in form CAD 24061/19FE."

Rule 63.19 Flight engineer logbooks – general

Delete:

"(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 63.27 Examination for proficiency

Delete:

"(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 limitations

Delete:

"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

Rule 63.7	Exchange of terminating licence for lifetime licence
Rule 63.9	Application for licences and ratings
Rule 63.11	Issue of licences and ratings
Rule 63.13	Duration of licences and ratings
Rule 63.15	Examinations
Rule 63.17	Cheating or other unauthorised conduct
Rule 63.23	Medical requirements
Rule 63.25	Biennial flight review
Subpart B —	Cadet Flight Engineer Licences
Rule 63.153	Eligibility requirements
Rule 63.203	Eligibility requirements
Rule 63.205	Issue
Rule 63.253	Eligibility requirements
Rule 63.255	Issue
Subpart G —	Flight Engineer Instructor Ratings
Subpart H —	Flight Engineer Examiner Ratings

(xxxii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(xxxiiii) 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.

(xxxiv) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
 PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
 Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

- 37. For “New Zealand” substitute “Tonga”.
- 38. For “Civil Aviation Authority testing officer” substitute “testing officer approved by the Director”.
- 39. 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 limitations

Delete:

- (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 requirements

Insert:

- (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 limitations

Delete:

“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 requirements

Insert:

(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 requirements

Insert:

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

Rule 65.403 Eligibility requirements

Insert:

(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 requirements

Delete:

“(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

(xxxv) Any general exemptions which will apply in Tonga

Nil

(xxxvi) 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

(xxxvii) 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.

(xxxviii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

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

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 Types

Delete:

“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

(xxxix) Any general exemptions which will apply in Tonga

Nil

(xl) 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

(xli) 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.

(xlii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

40. For “the Civil Aviation Act 1990” substitute “the Civil Aviation Act 2010”.

41. For “New Zealand” substitute “Tonga”.

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

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 67.53 Classification of medical certificates

Delete:

“The Director may issue the following classes of medical certificate under the Act:

- (1) class 1;
- (2) class 2;
- (3) class 3;
- (4) [Reserved].”

Insert:

“The Director may issue class 3 medical certificates under the Act.”

Rule 67.55 Applications for medical certificates

Delete:

- “(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:

“(a) Subject to paragraphs (c) and (e), the Director may issue—”

“(1) a class 1 medical certificate for a period of up to—

(i) 6 months, for single-pilot air operations carrying passengers if the applicant is 40 years of age or more on the date that the medical certificate is issued; or

(ii) 12 months, in all other cases;

(2) a class 2 medical certificate for a period of up to—

(i) 60 months, if the applicant is less than 40 years of age on the date that the medical certificate is issued; or

(ii) 24 months, if the applicant is 40 years of age or more on the date that the medical certificate is issued;”

Insert:

“(a) Subject to paragraph (c), the Director may issue—”

Delete:

(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.

Delete:

“(e) The Director may issue a class 1 medical certificate under paragraph (a) to an applicant who is 40 years of age or more on the date that the medical certificate is issued that specifies one period of duration that

applies under paragraph (a)(1)(i) and one period of duration that applies under paragraph (a)(1)(ii).”

Rule 67.67 Medical manual

Delete:

“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 to ICAO Document 8984 (Manual of Civil Aviation Medicine).”

Rule 67.151 Purpose

Delete:

“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 67.153 Medical examiner certificates

Delete:

“The Director may issue the following medical examiner certificates under the Act:

- (1) Medical Examiner 1 Certificate;
- (2) Medical Examiner 2 Certificate;
- (3) Special Medical Examiner Certificate.”

Insert:

“The Director may issue special medical examiner certificates under the Act.”

Rule 67.157 Issue of medical examiner certificates

Delete:

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 67.159 Privileges of medical examiner certificate holdersDelete:

Complete Rule

Insert:

“A person who holds a current Special Medical Examiner Certificate may conduct medical examinations for the purpose of issuing a class 3 medical certificate.”

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) “(11) details of an annual internal quality assurance audit programme to ensure the conformity of the person's aviation medical practice with the procedures in the exposition; and”

Insert:

- (a) “(11) details of a quality assurance audit programme to ensure the conformity of the person's medical practice with the procedures in the exposition; and”

Delete:

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

Rule 67.203 Continued complianceDelete:

- (a) “(3) make every applicable part of the exposition available to personnel who require it to carry out their duties; and”

Delete:

- (a) “(5) attend ongoing training courses in aviation medicine and aviation regulation, as may reasonably be required by the Director; and

(6) comply with general directions and emergency directives issued under section 27G of the Act; and”

Delete:

“(b) The Director may prescribe conditions under which a person who holds a medical examiner certificate may operate during or following any of the changes specified in 67.163(a)(7)(iii).

(c) A person who holds a medical examiner certificate must—

- (1) comply with any conditions prescribed under paragraph (b); and
- (2) where any of the changes referred to in paragraph (b) require an amendment to the certificate holder’s medical examiner certificate, forward the certificate to the Director as soon as practicable; and
- (3) make such amendments to the certificate holder’s exposition as the Director considers necessary in the interests of aviation safety.”

Rule 67.351 Transitional provisions

Delete:

Complete Rule

Insert:

“(a) A person who has been appointed by the Director to conduct medical examinations for the purpose of issuing a class 3 medical certificate before the date that this rule comes into force must provide the Director with an exposition that meets the requirements of 67.163 no later than 6 months after the date that this rule comes into force.

(b) A person who has been appointed by the Director to conduct medical examinations for the purpose of issuing a class 3 medical certificate before the date that this rule comes into force is not required to comply with the operating requirements in Subpart E relating to expositions until the date that he or she is required to provide the Director with an exposition.

(c) Medical certificates issued by or on behalf of the Director prior to the date of notification in the *Gazette* of Tonga Rule Part 67 and which are in force immediately before the commencement of this Act, shall be deemed to have been issued in accordance with this Part under the provisions of section 55 of the Act.”

Appendix A – Medical Examiner Competencies

Notes:

Delete:

“• For the holders of Medical Examiner 2 Certificates, the competencies relate to the conduct of examinations for the purpose of issuing a Class 2 medical certificate.

- For the holders of Medical Examiner 1 Certificates, the competencies relate to the conduct of examinations for the purpose of issuing a Class 1, 2 or 3 medical certificate.”

Insert:

- “• For the holder of a Special Medical Examiner 2 Certificate, the competencies relate to the conduct of examinations for the purpose of issuing a Class 3 medical certificate.”

Table:Delete:

Complete Table

Insert:

“The table below describes each competency and lists the competency level required of the holders of Special Medical Examiner Certificates.”

Description of competencies required	Level of competency for SME
Identification	
1 Apply clinical skills to accurately diagnose and evaluate conditions and situations that have the potential to interact adversely with the aviation environment by utilising: <ul style="list-style-type: none"> • Clinical history taking: • Physical and mental examination: • Further investigations or consultant reviews (whether performed or arranged by medical examiner): • Diagnostic skills: • Liaison with colleagues, other health professionals, and other organisations. 	expert
2 Identify aspects of an applicant’s medical condition or situation that may cause the applicant to interact adversely with the aviation environment.	practised
3 Identify the competing or conflicting interests inherent in regulatory medical practice.	practised
4 Access additional information, such as journals, scientific research, internet resources, colleagues, and specialist advisors, to support the assessment of an applicant’s suitability and safety to operate in an aviation environment	practised
Assessment	
5 Employ evidence-based medical principles and processes in determining and analysing the suitability and safety of an applicant to operate within the aviation environment	practised
6 Determine and analyse the legislation, regulations, and medico-legal considerations relating to the safety and suitability of an applicant to operate within the aviation environment.	practised
7 Critically analyse and utilise additional information, such as journals, scientific research, internet resources, colleagues, and specialist advisors, to support the assessment of an applicant’s suitability and safety to operate in an aviation environment.	practised
Management	

Description of competencies required	Level of competency for SME
8 Assessing the risk related to an applicant operating in the aviation environment by applying the necessary standards, methodologies, and processes.	practised
9 Manage conflicting or competing interests in a manner that does not compromise aviation safety or the quality of clinical decisionmaking.	practised
10 Effectively communicate: <ul style="list-style-type: none"> • Risk assessment determinations and considerations to applicants, the CAA, colleagues, and other organizations • Information concerning the relevant legislation and regulations to applicants • With colleagues, consultants, and others as necessary for the purposes of obtaining additional information, advice, and guidance concerning regulatory risk management decisions. 	practised
11 Manage practice administration and record keeping systems so that: <ul style="list-style-type: none"> • Regulatory risk assessment and risk management decisions and actions are reliably and thoroughly documented • Regulatory risk assessment and risk management decisions can be effectively and unambiguously communicated • Regulatory risk assessment and risk management decisions and actions are easily retrievable over time. 	expert
Review/audit	
12 Be a constructive participant in monitoring, review, and audit activities through: <ul style="list-style-type: none"> • Taking an active involvement in review processes • Appreciating and accepting review findings and outcomes • Implementing review recommendations. 	practised

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

- Rule 67.69 Medical confidentiality
Rule 67.103 Class 1 medical certificate
Rule 67.105 Class 2 medical certificate
Rule 67.161 Medical examiner certification requirements
Rule 67.251 Determining suitably qualified medical examiners

(xliii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(xlv) 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.

(xlvi) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

42. “the Gazette” means the Tonga Government Gazette.

43. For “New Zealand” substitute “Tonga”.

44. For “AIP” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.

45. For “New Zealand NOTAM Office” substitute “International NOTAM Office, New Zealand”.

46. For “New Zealand Air Navigation Register” substitute “Tonga Air Navigation Register”.

Rule 71.3 Overview of this Part

Delete:

(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 General

Delete:

“(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—

- (1) designate that portion of airspace as a control area or a control zone in accordance with this Subpart after consulting with the other State; and
- (2) classify that portion of airspace as Class A, B, C, D, or E airspace in accordance with Subpart C.”

Rule 71.153 Restricted areas

Delete

- (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”
- (ii) **Any subpart, rule or appendix of the adopted Rule Part which shall not apply in Tonga**
 Rule 71.17 Transitional provisions

(xlvii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(xlix) 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.

- (1) **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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION

PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011

Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

47. For “New Zealand” substitute “Tonga”.
48. For “NZAIP” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
49. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.

Rule 77.1 Purpose

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”

Insert:

- “(b) “(1) any member of the Tonga Defence Services or any aircraft operated by the Tonga Defence Services while engaged in operational service certified in accordance with section 3 (4) of the Act; and”

Rule 77.3 DefinitionsDelete:

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

(li) Any general exemptions which will apply in Tonga

Nil

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

Nil

(liii) 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.

(liv) 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.

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011**
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

50. For “New Zealand” substitute “Tonga”, except where contained in the phrase “Standards New Zealand”.
51. For “Civil Aviation Authority of New Zealand” substitute “Tonga Ministry of Transport, Civil Aviation Division”.
52. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
53. For “New Zealand FIR” substitute “Tonga Sector of the Auckland Oceanic Flight Information Region”.
54. For “Commissioner of Police” substitute “Commander of Police”.
55. For “New Zealand Defence Force” substitute “Tonga Defence Force”.
56. For “Chief of the Defence Force” substitute “Commander of Tonga Defence Services”.
57. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
58. For “section 97 of the Act” substitute “section 60 of the Act”.

Rule 91.1 Purpose

Delete:

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 Tonga Defence Services or any aircraft operated by the Tonga Defence Services 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 aircraftDelete:

“(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 [CAP 28.30]; and”

Rule 91.111 Documents to be carriedDelete:

(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 [CAP 35.04]”

Rule 91.247 Use of SSR transponder and altitude reporting equipmentDelete:

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

Flight rules	Type of aircraft	SSR Code
“VFR	All - in Auckland Oceanic FIR only	2000”

Rule 91.313 VFR cruising altitude and flight levelDelete:

- (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 levelDelete:

- (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:
- (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:

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

A.9 Communication and navigation equipmentDelete:

(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 kitsDelete:

(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)

(iv) Any general exemptions which will apply in Tonga

Nil

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

Nil

(lvii) 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.

(Iviii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION

PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011

Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

59. For “New Zealand” substitute “Tonga”.

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—
- (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
- (lix) **Any general exemptions which will apply in Tonga**
Nil
- (lx) **Any additional provisions or requirements not found in the New Zealand Rule Part but which will apply in Tonga**
Nil
- (lxi) **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.
- (lxii) **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.

**NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011**
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

60. “the Gazette” means the Tonga Government Gazette.
61. For “New Zealand” substitute “Tonga”.
62. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
63. 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 Tonga Defence Services or any aircraft operated by the Tonga Defence Services 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

(Ixiii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(lxv) 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.

(lxvi) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

64. “the Gazette” means the Tonga Government Gazette.

65. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.

66. For “New Zealand FIR or the Auckland Oceanic FIR” substitute “Tonga Sector of the Auckland Oceanic Flight Information Region”.

67. 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).”

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

(lxvii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(lix) 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.

(lxx) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

68. For “New Zealand” substitute “Tonga”.

69. 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

(lxxi) Any general exemptions which will apply in Tonga

Nil

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

Nil

(lxxiii) 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.

(lxxiv) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

(lxxv) Any general exemptions which will apply in Tonga

Nil

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

Nil

(lxxvii) 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.

(lxxviii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

70. 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.”

Rule 105.25 Clearance from cloud

Delete:

Note “[*Until Part 71 comes into force; airspace is classified and designated under Part 19*]”

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

Nil

(lxxix) Any general exemptions which will apply in Tonga

Nil

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

Nil

(lxxxii) 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.

(lxxxiii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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:

Rule 106.3 Definitions

Delete:

“**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

(lxxxiii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(lxxxv) 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.

(lxxxvi) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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**

71. For “New Zealand” substitute “Tonga”.

72. For “section 77B of the Act” substitute “section 102 of the Act”.

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 carry on 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 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”

Rule 108.55 Applicability Security requirements – internationalDelete:

- (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

(lxxxvii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(lxxxix) 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.

(xc) 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.

This Rule Part, as modified above, shall come into force on the 28th day after the date of its notification in the *Gazette*.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
 PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
 Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

73. For “New Zealand” substitute “Tonga”.

74. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.

.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.”

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

(xci) Any general exemptions which will apply in Tonga

Nil

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

Nil

(xciii) 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.

(xciv) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

75. For “New Zealand” substitute “Tonga”.

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

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—”

Rule 129.109 Emergency Locator TransmitterDelete:

“(b) Despite paragraph (a), a holder of a foreign air operator certificate must not conduct a foreign air transport operation using an aeroplane after 1 July 2008 unless the aeroplane is equipped in accordance with the following:”

Insert:

“(b) Despite paragraph (a), a holder of a foreign air operator certificate must not conduct a foreign air transport operation using an aeroplane unless the aeroplane is equipped in accordance with the following:”

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

Nil

(xcv) Any general exemptions which will apply in Tonga

Nil

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

Nil

(xcvii) 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.

(xcviii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

77. For “New Zealand” substitute “Tonga”, except where contained in the phrase “Standards New Zealand”.

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

Nil

(xcix) Any general exemptions which will apply in Tonga

Nil

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

Nil

(ci) 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.

- (cii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION

PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011

Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

78. For “New Zealand” substitute “Tonga”.

79. For “Civil Aviation Rule(s)” substitute “Tonga Civil Aviation Rule(s)”.

80. For “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.

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 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

(ciii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cv) 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.

(cvi) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

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

82. For “section 9 of the Act” substitute “section 55 of the Act”.

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

(cvii) **Any general exemptions which will apply in Tonga**

Nil

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

Nil

(cix) 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.

(cx) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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**

83. “CAA Advisory Circulars” mean Advisory Circulars issued by the Civil Aviation Authority of New Zealand.
84. For “New Zealand” substitute “Tonga”.
85. For “the Authority” substitute “the Director”.
86. For “Civil Aviation Regulations 1953” substitute “Tonga Civil Aviation Regulations 1992”.
87. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
88. 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 139.73 Notification of aerodrome data and information**Delete:**

“[Until Part 175 comes into force, the items required to be notified to the Aeronautical Information Service under paragraph (a) shall be those items that are currently published in the New Zealand Aeronautical Information Publication]”

Rule 139.353 UNICOM and AWIB Service RequirementsDelete:

- (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 [CAP 35.04] for the radio apparatus, and”

Rule 139.357 Notification of UNICOM or AWIB service informationDelete:

“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 39.102 Transition requirements for runway end safety area rules

(cxi) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cxiii) 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.

(cxiv) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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 Organisations - 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

89. For “the Police” substitute “the Tonga Police Force”.

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

91. For “section 79A of the Act” substitute “section 96(1) of the Act”

92. For “section 80 of the Act” substitute “section 98 of the Act”

93. For “section 81(2) of the Act” substitute “section 97(2) of the Act”

94. 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.”

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 Training

Delete:

- (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 2010 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:
- (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

(cxv) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cxvii) 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.

(cxviii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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 Organisations - 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

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

96. 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

(cix) **Any general exemptions which will apply in Tonga**

Nil

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

Nil

(cxxi) **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.

(cxxii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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 Organisation - 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**

97. For “New Zealand” substitute “Tonga”.

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

99. For “CAA Form One” substitute “CAD Form One”.

Rule 145. 60 Authorisation 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 licence 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

(cxxiii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cxxv) 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.

(cxxvi) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

100. For “New Zealand” substitute “Tonga”.
101. For “the Authority” substitute “the Director”.
102. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
103. For “section 9 of the Act” substitute “section 55 of the Act”.
104. For “section 15 of the Act” substitute “section 16 of the Act”.
105. 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

(cxxvii) **Any general exemptions which will apply in Tonga**

Nil

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

Nil

(cxxix) 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.

(cxxx) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

- 106. For “New Zealand” substitute “Tonga”.
- 107. For “the Authority” substitute “the Director”.
- 108. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
- 109. For “CAA Form One” substitute “CAD Form One”.
- 110. 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

(cxxx) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cxxxiii) 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.

(cxxxiv) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

111. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
112. For “section 15 of the Act” substitute “section 16 of the Act”.
113. 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”

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

(cxxxv) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cxxxvii) 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.

(cxxxviii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

114. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
115. For “section 15 of the Act” substitute “section 16 of the Act”.
116. 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”

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

(cxxxix) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cxli) 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.

(cxlii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

117. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
118. For “section 15 of the Act” substitute “section 16 of the Act”.
119. 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”

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

(cxliii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cxlv) 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.

(cxlvi) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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**

120. 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

(cxlvi) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cxlix) 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.

- (cl) **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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
 PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
 Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

121. For “AIP” or “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
122. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
123. 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 [CAP 35.04] 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 [CAP 35.04] 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 a radio apparatus licence granted by the Minister for the time being responsible for Communications in accordance with the Radiocommunication Act [CAP 35.04] for the aeronautical facility.”

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

Nil

(cli) Any general exemptions which will apply in Tonga

Nil

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

Nil

(cliii) 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.

(cliv) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

124. “For “New Zealand” substitute “Tonga”.
125. For “AIP” or “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
126. For “the Auckland Oceanic FIR” or “the New Zealand FIR” substitute “the Tonga Sector of the Auckland Oceanic Flight Information Region”.
127. 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 172.67 Co-ordination requirements

Delete:

(a) “(6) the New Zealand Defence Force; and”

Delete:

(f) “except that the term *CAVOK* must not be used.”

Rule 172.83 Priorities

Delete:

“(c) The applicant must establish procedures to ensure that an aircraft at a cruising level generally has priority over other aircraft requesting that level, except that, within the Auckland Oceanic FIR—

(1) an aircraft may be given priority for a cruising level in accordance with procedures published in Document 7030, or an ATS letter of agreement; and

(2) an aircraft occupying a cruising level may be reassigned another level to maintain separation.”

Insert:

“(c) The applicant must establish procedures to ensure that an aircraft at a cruising level generally has priority over other aircraft requesting that level.”

Rule 172.89 Cruising levels

Delete:

“(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 service

Delete:

“**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 172.285 Separation involving military aircraft

Rule 172.295 Christchurch International Airport grass runway operations

(clv) Any general exemptions which will apply in Tonga

Nil

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

Nil

(clvii) 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.

(clviii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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**

128. “the Gazette” means the Tonga Government Gazette.
129. For “Aeronautical Information Publication New Zealand” or “AIPNZ” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
130. For “NZANR” substitute “Tonga Air Navigation Register (TANR)”.
131. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
132. For “section 9 of the Act” substitute “section 55 of the Act”.
133. For “section 10 of the Act” substitute “section 56 of the Act”.

Rule 173.5 Requirement for certificate

Delete:

“(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.”

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

(clix) Any general exemptions which will apply in Tonga

Nil

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

Nil

(clxi) 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.

(clxii) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
 PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
 Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

134. For “New Zealand” substitute “Tonga”
135. For “Aeronautical Information Publication New Zealand” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
136. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
137. For “section 15 of the Act” substitute “section 16 of the Act”.

Rule 174.79 Organisation exposition

Delete:

- (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

(clxiii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(clxv) 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.

(clxvi) 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.

NOTICE OF MAKING OF ORDINARY RULES BY ADOPTION
PURSUANT TO SECTION 40 OF THE CIVIL AVIATION ACT 2011
Pursuant to the Civil Aviation Act 2011 section 40, I, Samiu Vaipulu, 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

138. For “New Zealand” substitute “Tonga”.
139. For “Aeronautical Information Publication New Zealand”, “AIPNZ” or “AIP” substitute “Aeronautical Information Publication Tonga (AIP Tonga)”.
140. For “form CAA” substitute “form CAD”. Tonga CAD form numbers are otherwise identical to New Zealand CAA form numbers.
141. 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”

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”

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

(clxvii) Any general exemptions which will apply in Tonga

Nil

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

Nil

(clxix) 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.

(clxx) 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.

ENDNOTES