

*Order Prescribing Standard Terms and Conditions in Respect of Licences for Aerial Work Services*

PURSUANT to section 26A of the Air Services Licensing Act 1951, the Air Services Licensing Authority hereby orders that there be terms or conditions applicable in licences for aerial work services to the extent as are set out hereunder:

1. Unless otherwise ordered by the Licensing Authority in respect of a particular licence, the following standard terms and the meaning thereof shall be applicable in all licences for aerial work services in so far as they may apply to the type or types of such services as are authorised in the licences:

- (i) "Aerial topdressing service" means any service by aircraft (whether fixed-wing or rotary-wing) for hire or reward whereby any fertiliser or lime, insecticide pellet or dust is released from aircraft during flight in such a manner as to provide for the direct application of the material to the soil or to plant life thereon, or whereby any poisonous agricultural chemical whether alone or with any other substance is released from aircraft during flight for the purpose of destroying or repelling noxious animals.
- (ii) "Aerial liquid topdressing service" means any service by aircraft (whether fixed-wing or rotary-wing) for hire or reward whereby any liquid fertiliser is released from aircraft during flight in such a manner as to provide for the direct application of the liquid to the soil or to the plant life thereon.
- (iii) "Aerial spraying service" means any service by aircraft (whether fixed-wing or rotary-wing) for hire or reward whereby any agricultural chemical in the form of a liquid spray is released from aircraft during flight in such a manner as to provide for the direct application of the chemical to the soil or to plant life thereon.
- (iv) "Miscellaneous aerial work service" means any aerial work service by rotary-wing aircraft for hire or reward other than an aerial topdressing service, an aerial liquid topdressing service, or an aerial spraying service.

2. In these Standard Terms and Conditions—

- (i) "Fertiliser" means any non-liquid substance, other than an agricultural chemical, but including lime, which is in a state suitable for application to land or plants for the purpose of increasing the growth or productivity of beneficial plants.
- (ii) "Liquid fertiliser" means any substance (other than an agricultural chemical) in the form of a liquid suitable for application to land and plants for the purpose of increasing the growth or productivity of beneficial plants.
- (iii) "Agricultural chemical" means any substance (other than a fertiliser or a liquid fertiliser), whether mixed with any other substance or not, sold for the purpose of protecting any form of plant life from injury caused by any organism or virus, or for the purpose of curing any such injury or any disorder of plant life of a physiological nature, or for the purpose of destroying, preventing, or in any other way influencing the growth of any form of plant life, and includes any animal poison.

3. Categorisation of licences and replacement of aircraft:

- (a) Licences for aerial topdressing services will be categorised in the following manner—

*Category I Licence*—Granted to operators utilising aircraft with a payload not exceeding 4,480 pounds.

*Category II Licence*—Granted to operators utilising aircraft with a payload exceeding 4,480 pounds.

- (b) Within the above categories the Authority will approve in respect of each licence granted a maximum fleet payload capacity in pounds.
- (c) An operator may use any number or type of aircraft appropriate to the category of licence to achieve the fleet capacity authorised by the licence, but the aggregate payloads of the aircraft used shall not exceed the prescribed maximum fleet capacity.
- (d) An operator may replace any aircraft in his fleet within the category for which the licence is granted, provided that the maximum fleet capacity is not exceeded. Written notice of any replacement shall be made to the Authority within 7 days of such replacement being effected.

- (e) For the purpose of this paragraph—

"Payload" means the maximum agricultural hopper load permissible as provided by the Ministry of Transport for the particular aircraft, with fuel sufficient for 1 hour's operation, plus pilot (170 lb) and oil.

- (f) Nothing in this section shall apply to helicopters.

- (g) Licences current at the date of this order will be amended in accordance with the above procedure on 1 July 1969. All operators affected are required to submit to the Authority within 30 days of the date of this order notification of such details of their authorised fleet as will enable the Authority to establish the category of the licence and the maximum fleet capacity applicable to it.

4. Boundaries:

- (a) As from the date of this order, where any boundary of the area authorised for an aerial topdressing service or an aerial liquid topdressing service passes through any part of a farming property, the licensee may enter into an agreement with the owner of such property for the carrying out of aerial topdressing services or aerial liquid topdressing services on the whole or any part of that property provided a *substantial* part thereof is within the licensee's licensed area.
- (b) Where in any aerial topdressing licence or aerial liquid topdressing licence a boundary is defined *inter alia*, as being a line running from the mouth of a river or other waterway, such line shall be deemed to run from the northern side of the mouth of such river or other waterway unless the licence otherwise provides.
- (c) Any zone, or limitation of area, of operation which the Authority shall impose on an aerial topdressing service or on an aerial liquid topdressing service shall not apply to the release from aircraft during flight of poisonous agricultural chemicals for the purpose of destroying or repelling *noxious animals*.

5. Insurance:

- (a) It shall be a condition of all aerial work service licences that the licence holder shall maintain during the currency of the licence:  
In respect of all aircraft a minimum insurance cover of \$50,000 against all liability for third party personal injury or death, or for property damage in respect of any one accident.
- (b) Notwithstanding that the licence may authorise the carrying on of an aerial work service as from a specific date, such service shall not be commenced until there has been deposited with the Licensing Authority a certificate endorsed by the insurers of due insurance in accordance with the requirements in paragraph (a) herein.
- (c) Within 1 week from the due date of the renewal, or on the replacement of any such insurance policy, or within such extended time as the Licensing Authority may permit, there shall be deposited with the Licensing Authority a like certificate as is required under paragraph (b) herein. If the certificate, as aforesaid, is not deposited within the period as stated, the licence shall be deemed to be suspended until such certificate is deposited.

6. Transfer of interest in licences:

- (i) Where:

- (a) The holder of a licence is an individual and by any means whatever his controlling interest in the business in respect of which the licence applies passes to any other person or persons; or
- (b) The holder of a licence is a company and by any means whatever the controlling interest in that company passes to any person or persons other than those named as shareholders or intending shareholders when the application for a licence was made

then, in either such event, the licence shall be deemed to be suspended as from the date of such passing unless the prior approval of the Authority has been obtained, or unless and until full details of the transaction or proposed transaction involving the passing of the controlling interest, as aforesaid, have been given to the Authority and its approval to such passing has been granted.

- (ii) Where by reason of transmission on death the provisions of subparagraph (i) herein would apply, the licence shall not be deemed to be suspended until after the expiration of 3 calendar months from the date of death.

This order shall come into effect on the 1st day of June 1969.  
Dated this 28th day of May 1969.

For and on behalf of the Air Services Licensing Authority:  
G. H. LUSK, Chairman.