



PART 104

CAA Consolidation

Gliders - Operating Rule

DESCRIPTION

Part 104 prescribes rules-

- additional to Parts 91 and 43, for operation of gliders; or
- exceptions from, Parts 91 and 43, for the operation of gliders.

Part 104 does not apply to hang gliders.

This document is the current consolidated version of Part 104 produced by the Civil Aviation Authority, and serves as a reference only. It is compiled from the official ordinary rules that have been signed into law by the Minister of Road and Transport. Copies of the official rule and amendments as signed by Minister may be obtained from the Civil Aviation Authority or may be downloaded from the official web site at: www.mcaa.gov.mn

Bulletin

ICAO 29th Assembly Resolution A29-3 of year 1992 urges States to promote global harmonization of national rules.

In order to implement this Resolution, Mongolian Civil Aviation Regulation has been developed based on “Memorandum for Technical Cooperation” between CAA of Mongolia and New Zealand, signed on 6th of May, 1999.

Amendment history**Effective date**

Original issue	12 September 2002
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Note: This Part 104 re-issue has been released in Mongolian and English languages, based on NZCAR Part 104 Amend.5 of 01 Mar 2007.

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Subpart A - General

104.1. Purpose

- (a) This Part prescribes rules-
 - (1) additional to Part 91, for the operation of gliders; and
 - (2) additional to Part 43, for the maintenance of gliders; and
 - (3) exceptions from Part 91 for the operation of gliders; and
 - (4) exceptions from Part 43 for the maintenance of gliders.
- (b) This Part does not apply to hang gliders.

104.3. Definitions and abbreviations

Definitions and abbreviations relating to this Part are contained in CAR interpretation summary.

104.5. Pilot requirements

- (a) A pilot of a glider must-
 - (1) hold-
 - (i) a current glider pilot licence; or
 - (ii) a current private pilot licence (glider) issued in accordance with Part 61; or
 - (iii) a current commercial pilot licence (glider) issued in accordance with Part 61; and
 - (2) be-
 - (i) at least 16 years of age; or
 - (ii) individually authorised for each flight by an A or B category glider instructor; and
 - (3) comply with the privileges and limitations of the pilot licence or certificate, and any applicable rating; and
 - (4) comply with the operational standards and procedures of a gliding organisation.
- (b) Notwithstanding paragraph (a), a person may act as a pilot of a glider without complying with paragraph (a)(1), (2), and (3) if the person acts as a pilot of the glider under the direct supervision of the holder of an instructor rating issued by a gliding organisation.

104.6. Glider personnel (transition)

(a) Glider pilot must hold following licence and ratings:

- (1) student glider:
- (2) qualified glider pilot:
- (3) additional launch endorsements:
- (4) authority to carry passengers:
- (5) category C glider instructor:
- (6) category B glider instructor:
- (7) category A glider instructor:
- (8) additional launch instruction endorsements:
- (9) authority to give instruments flight instruction:
- (10) authority to fly IFR.

(b) Glider engineer must hold following approvals and ratings:

- (1) class 2 approval:
- (2) class 3 approval, with subdivisions W, M, and P:
- (3) class 4 approval, with subdivisions W, M, and P:
- (4) C rating:
- (5) S rating:
- (6) R rating:
- (7) E rating, with subdivisions E2, E3, and E4.

104.7. Test flights

(a) Notwithstanding rule 91.101(c)(4), the holder of a current glider pilot licence and an applicable type rating may act as pilot-in-command of a glider that is operated in accordance with rule 91.101(c) for the purpose of demonstrating the eligibility of the glider for the issue, renewal, or reinstatement of an airworthiness certificate.

(b) Notwithstanding rule 91.613(a)(1), the holder of a glider pilot licence and an applicable type rating may perform an operational flight check of a glider under rule 91.613 if the glider requires an operational flight check.

104.9. Flight manuals

Notwithstanding rule 91.111(2), a person may operate a glider without carrying a flight manual in the glider if-

- (1) the flight manual is available to the pilot for pre-flight planning; and
- (2) cockpit decals provide the reference information necessary for a pilot to safely operate the glider.

104.11. Simulated instrument flight

Notwithstanding 91.125(a)(1), the holder a glider pilot licence may act as a safety pilot in a glider for the purpose of simulated instrument flight.

104.13. Ground signal

If a ground signal is used to indicate that gliding operations are taking place, that signal shall consist of a large white arrow pointing in the direction of take-off and landing.

Subpart B - Flight Rules**104.51. Right of way rules**

(a) Notwithstanding 91.229(b), the pilot of a glider soaring on a ridge, where the ridge is to the right of the glider, is not required to turn right when approaching another glider head on.

(b) Notwithstanding 91.229(d), the pilot of a glider overtaking another glider soaring on a ridge shall pass on the ridge side of the glider being overtaken.

(c) Notwithstanding 91.229(f), where two gliders are on final landing approach, the pilot of the higher performance glider shall give way to the lower performance glider.

104.53. Instrument meteorological conditions

Notwithstanding rule 91.301, the pilot of a glider may fly in IMC without complying with subpart F of Part 91, if the flight is conducted within-

- (1) a restricted area designated for cloud flying; or
- (2) Class G airspace and the pilot confirms with the appropriate ATS unit at intervals not exceeding 15 minutes that there is no known IFR traffic in or near the proposed area of cloud flying.

104.55. Clearance below cloud

Notwithstanding 91.301(a)(2), the pilot of a glider, above an altitude of 3000 feet (900 m) and above a height of 1000 feet (300 m), but below an altitude of 11 000 feet (3300 m), shall fly no closer than 500 feet (150 m) below cloud within Class E or G airspace.

104.57. Fuel requirements

The requirements of 91.305(a) shall not apply to the pilot of a glider.

104.59. Minimum height

Notwithstanding rule 91.311(a)(2), the pilot of a glider may operate the glider below a height of 500 feet (150m) above the surface-

- (1) for ridge soaring, if the flight does not create a hazard to a person or property on the ground; or
- (2) if a gliding instructor is conducting launch failure training.

104.61. VFR cruising altitude and flight level

Notwithstanding 91.313, the pilot of a glider is not required to maintain the cruising altitude or flight level for their magnetic track.

Subpart C - Equipment and Maintenance Requirements**104.101. Aircraft equipment**

A person may not operate a glider unless the following equipment and operative instruments are installed-

- (1) an airspeed indicator; and
- (2) a pressure sensitive altimeter adjustable for barometric pressure; and
- (3) a magnetic compass; and
- (4) a safety harness for each seat; and
- (5) a first aid kit; and
- (6) for powered gliders-
 - (i) a quantity gauge for each main fuel tank; and
 - (ii) an oil pressure gauge or warning device for each engine other than a two-stroke engine; and
 - (iii) a tachometer, RPM indicator, or engine governor light for each engine; and
- (7) for IMC flight-
 - (i) a variometer; and
 - (ii) a turn and slip indicator or artificial horizon; and
 - (iii) a aeronautical radiotelephone transceiver that meets the requirements of Part 91 Appendix A, A.9(c) and is capable of communication with the appropriate ATS unit.

104.103. General maintenance requirements

An operator of a glider must ensure that-

- (1) the glider is maintained in an airworthy condition; and
- (2) every applicable airworthiness directive is complied with in accordance with the requirements prescribed in Part 39; and
- (3) the glider is inspected in accordance with-
 - (i) this Subpart; and
 - (ii) the applicable requirements prescribed in Subpart G of Part 91; and
- (4) mandatory replacement times, inspection intervals, and related procedures specified in the airworthiness limitations of the manufacturer's maintenance manual or instructions for continued airworthiness issued for the glider are complied with; and
- (5) between required inspections, a defect is rectified in accordance with Part 43.

104.105. Maintenance inspections

A person must not operate a glider unless, within the preceding 12 months, the glider-

- (1) has been inspected in accordance with a maintenance program required under rule 104.107 and has been certified for released-to-service in accordance with Part 43; or
- (2) has passed an inspection for the issue of an airworthiness certificate in accordance with Part 21.

104.107. Maintenance programs

An operator of a glider must maintain the glider, including the airframe, any engine or propeller, component, survival equipment, and emergency equipment, in accordance with the applicable requirements prescribed in Subpart G of Part 91 and-

- (1) the current maintenance schedule recommended by the manufacturer; or
- (2) a maintenance program-
 - (i) authorised by a gliding organisation in accordance with rule 104.109 and the applicable procedures in the gliding organisation's exposition; or
 - (ii) approved by the Director in accordance with rule 104.109.

104.109. Authorisation and Approval of maintenance program

(a) An operator of a glider who wishes to maintain the glider in accordance with a maintenance program under rule 104.107(2) must submit the program in writing to a gliding organisation for authorisation or, to the Director for approval.

(b) The program required under rule 104.107(2) must include the following information:

- (1) a statement as to whether or not the glider is to be used for a training operation;
- (2) a schedule for performing the inspections proposed by the program expressed in terms of the time in service, calendar time, or any combination of these;
- (3) instructions and procedures for the conduct of maintenance for the particular make and model of the glider, including necessary tests and checks. The instructions and procedures must detail the parts and areas of the airframe, engine, propeller and component, including survival and emergency equipment, required to be inspected.

(c) If the operator of a glider amends the maintenance program that is authorised or approved under paragraph (a), the operator must apply the time-in-service or calendar times accumulated under the previous program when determining inspection due times under the new program.

(d) An operator of a glider who maintains the glider in accordance with a maintenance program required under rule 104.107(2) must amend the maintenance program in accordance with any instruction issued by the gliding organisation that authorised the program, or the Director, if the gliding organisation or the Director determines that an amendment is required to ensure the continued adequacy of the program.

104.111. Reserved

104.113. Technical log

(a) Each operator of a glider shall provide a technical log for the aircraft which has provision for recording-

- (1) the name and address of the operator; and
- (2) the identity of the maintenance program to which the glider is maintained; and
- (3) a statement of the inspection status of the glider including the identity of the next due inspection and the date of that inspection; and
- (4) the date the last annual review of airworthiness was performed; and
- (5) the daily hours flown including the total time in service; and
- (6) the pilot daily inspection signature; and
- (7) the first and second control check signatures after rigging; and
- (8) any defects found by the pilot during or following a flight; and

(9) details of rectification of defects occurring between scheduled inspections and the certificate of release to service for that rectification; and

(10) details of any deferred rectification including any inoperative equipment allowed to be inoperative under 91.537.

(b) The operator shall record the information specified in paragraph (a) in the technical log and ensure that the information is current, except that the daily hours flown, and total time in service, may be recorded in daily flying sheets that are of a permanent nature.

104.115. Pilot maintenance

(a) Notwithstanding rule 43.51(b), a person who holds a current glider pilot licence may perform the maintenance listed in A.1 and A.2 of Appendix A of Part 43 on a glider if the person is the owner or operator of the glider.

(b) Notwithstanding rule 43.101(a)(6), a person who performs maintenance on a glider under paragraph (a) may certify the glider for release-to-service after performing the maintenance.

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