

EXEMPTION FROM PARAGRAPH 401.03(1)(b) AND SECTION 401.48 OF THE CANADIAN AVIATION REGULATIONS

Pursuant to subsection 5.9(2) of the *Aeronautics Act*, and after taking into account that the exemption is in the public interest and is not likely to adversely affect aviation safety, I hereby exempt **the holders of a Canadian Private Pilot Licence, a Canadian Commercial Pilot Licence and a Canadian Airline Transport Pilot Licence endorsed with an Instrument Rating and the holders of a Canadian Multi-crew Pilot Licence** from the requirement set out in paragraph 401.03(1)(b) of the *Canadian Aviation Regulations* (CARs) pertaining to an instrument rating only and from the requirement of section 401.48 of the CARs, subject to the following conditions.

Subsection 401.03(1) of the CARs states:

“Subject to subsection (2), no person shall act as a flight crew member or exercise the privileges of a flight crew permit, licence or rating unless

- (a) the person holds the appropriate permit, licence or rating;
- (b) the permit, licence or rating is valid;
- (c) the person holds the appropriate medical certificate; and
- (d) the person can produce the permit, licence or rating, and the certificate, when exercising those privileges.”

Section 401.48 of the CARs states :

“An instrument rating is valid for the period specified on the licence in accordance with the personnel licensing standards, where the period does not exceed 24 months.”

PURPOSE

The purpose of this exemption is to allow the holders of an instrument rating to exercise the privileges of the instrument rating, as described in section 401.47, beyond the 2 year validity date as set out in section 401.48, if the holders meet recency requirements set out in the conditions.

APPLICATION

This exemption applies to the holder of a Canadian Private Pilot Licence, a Canadian Commercial Pilot Licence or a Canadian Airline Transport Pilot Licence endorsed with an Instrument Rating or to a holder of a Canadian Multi-crew Pilot Licence.

CONDITIONS

This exemption is subject to the following conditions:

1. In addition to the requirements set out in subsections 401.05(1) and 401.05(2) of the CARs, the holder of a Canadian pilot licence endorsed with an instrument rating or to which is attached instrument rating privileges shall not exercise the privileges unless the holder has within the 24 months preceding the flight successfully completed one of the following:

a) an instrument rating flight test in an aircraft or in a Level B, C or D full-flight simulator of the same group as the aircraft;

b) a Canadian Forces Instrument Rating flight test;

c) an instrument proficiency check (IPC):

(i) which consists of tasks representative of those required by sections 1 to 4 of Schedule 8(5) of Section 428 of the Personnel Licensing and Training Standards – Conduct of Flight Tests;

(ii) which is carried out in accordance with *Advisory Circular 401-004 – Conduct of Instrument Proficiency Checks (IPC)*;

(iii) which is carried out in:

(A) an aircraft of the same group pursuant to subsection 421.46(1) meeting the requirements of section 605.18; or

(B) a flight simulation training device (FSTD) that is approved for instrument flight testing and configured for the same aircraft group pursuant to subsection 421.46(1);

(iv) which is conducted by any of the following persons that hold a valid instrument rating for the same group of aircraft pursuant to subsection 421.46(1):

(A) a qualified Canadian Pilot Examiner authorized to conduct Instrument Rating flight tests pursuant to 4.3(1) of the *Aeronautics Act*;

(B) a Canadian Approved Check Pilot authorized for the specific type of aircraft on which the instrument proficiency check is conducted;

(C) a person who holds an authorization equivalent to a Canadian pilot examiner or an approved check pilot from a Contracting state having a reciprocal licensing agreement with Canada; or

(D) a Canadian Forces Instrument Check Pilot, provided that the person being tested is a member of the Canadian Forces; and

(v) after which the licence holder is given a copy of the IPC report which the holder retains with their licence to comply with paragraph 401.03(1)(d) and after which an endorsement to the following effect is entered in the license holder's log book:

An instrument proficiency check has been successfully completed on (insert date) by (include the name, signature and licence number of the person conducting the IPC);

d) one of the following checks for which the validity period has not expired and that includes the instrument procedures portion of:

(i) a Proficiency check or Competency check completed under Subpart 4 of Part VI;

(ii) a Line Operational Evaluation (LOE) from an approved Advanced Qualification Program (AQP) conducted by a Canadian Advanced Qualification Program Evaluator;

(iii) a foreign pilot proficiency or competency check approved by a Contracting State, conducted by a foreign Check Pilot authorized to conduct instrument proficiency checks for commercial and private air operators of that State, while the holder is working for hire and reward for a foreign commercial or private air operator; or

(iv) one of the following pilot proficiency checks in accordance with the PPC schedules to the *Commercial Air Services Standards* in respect of the corresponding aircraft operated under Subparts 2 to 5 of Part VII:

(A) Schedule I to Standard 722 — *Aerial Work* in respect of aeroplanes operated under Subpart 2;

(B) Schedule II to Standard 722 — *Aerial Work* in respect of helicopters operated under Subpart 2;

(C) Schedule I to section 723.88 of Standard 723 — *Air Taxi — Aeroplanes* in respect of aeroplanes operated under Subpart 3;

(D) the Helicopter Schedule to section 723.88 of Standard 723 — *Air Taxi — Helicopters* in respect of helicopters operated under Subpart 3;

(E) Schedule I or II to section 724.108 of Standard 724 — *Commuter Operations — Aeroplanes* in respect of aeroplanes operated under Subpart 4;

(F) the Helicopter Schedule to section 724.108 of Standard 724 — *Commuter Operations — Helicopters* in respect of helicopters operated under Subpart 4;
or

(G) Schedule I, II or III to section 725.106 of Standard 725 — *Airline Operations — Aeroplanes* in respect of aeroplanes operated under Subpart 5;

and shall have evidence of having met the recency requirements in accordance with Subpart 4 of Part VI or Subparts 2, 3, 4 or 5 of Part VII of the CARs, as applicable or, in the case of a check by a foreign check pilot, a record of competency in accordance with the regulations of the Contracting State.

2. Following the first day of the 13th month following the completion of one of the items listed in condition 1, within the six months preceding the flight, the holder of the Canadian pilot licence shall have acquired six hours of instrument time and completed six instrument approaches to the minima according to approved instrument approach procedures in:

- a) an aircraft, in actual or simulated instrument meteorological conditions;
- b) an aircraft, in actual or simulated instrument meteorological conditions, while acting as a flight instructor conducting training in respect of the endorsement of a flight crew licence or permit with an instrument rating;
- c) a Level B, C or D full-flight simulator of the same category as the aircraft; or
- d) a flight training device under the supervision of a person who holds the qualifications referred to in subsection 425.21(9) of the *Personnel Licensing and Training Standards respecting Flight Training*.

VALIDITY

This exemption is in effect until the earliest of the following:

- a) October 1, 2020 at 23:59 (EDT);

- b) the date on which any condition set out in this exemption is breached;
- c) the date on which an amendment to the appropriate provisions of the CARs or related standards, modifying the subject-matter specifically addressed in this exemption, comes into effect; or
- d) the date on which this exemption is cancelled in writing by the Minister where she is of the opinion that it is no longer in the public interest or is likely to adversely affect aviation safety.

CANCELLATION

The exemptions from paragraph 401.03(1)(b) of the CARs issued to the holders of a Canadian Private Pilot Licence, a Commercial Pilot Licence and an Airline Transport Pilot Licence endorsed with an Instrument Rating pursuant to section 401.46 and the holders of a Multi-crew Pilot Licence pursuant to section 401.32 on January 7, 2015 (NCR-068-2014) and on March 2, 2015 (NCR-009-2015) in Ottawa, Ontario by the Director General, Civil Aviation on behalf of the Minister of Transport are hereby cancelled because it is the opinion of the Minister that they are no longer in the public interest or are likely to adversely affect aviation safety.

DATED at Ottawa, Ontario, this 16 day of September 2015, on behalf of the Minister of Transport.

Aaron McCrorie

Director General, Aviation Safety Regulatory Framework
Civil Aviation