

EXEMPTION FROM PARAGRAPH 401.06(1)(c) OF THE *CANADIAN AVIATION REGULATIONS* AND FROM PROVISIONS 421.20(5)(a) – GYROPLANE PERMIT, 421.21(5) – ULTRA-LIGHT AEROPLANE PERMIT, 421.22(5) – RECREATIONAL PILOT PERMIT – AEROPLANE, 421.24(5)(a) – GLIDER LICENCE, 421.25(5)(a) – BALLOON PILOT LICENCE, 421.26(5) – PRIVATE PILOT LICENCE – AEROPLANES, 421.27(5) – PRIVATE PILOT LICENCE – HELICOPTERS, 421.30(5) – COMMERCIAL PILOT LICENCE – AEROPLANES, 421.31(5) – COMMERCIAL PILOT LICENCE – HELICOPTERS, 421.34(5)(a) – AIRLINE TRANSPORT PILOT LICENCE – AEROPLANES, 421.35(5) – AIRLINE TRANSPORT PILOT LICENCE – HELICOPTERS, 421.37(5)(a) – FLIGHT ENGINEER LICENCE, 421.38(1)(b) – SEAPLANE RATING, 421.38(3)(a) - MULTI-ENGINE CLASS RATING, 421.40(3)(a)(iii), (3)(b)(iv), (3)(c)(iii), (3)(d)(ii), (3)(f)(iii), (3)(g), (3)(k) OR (3)(l) – TYPE RATING, 421.42(1)(b),(2)(b) AND (3)(b) – NIGHT RATING, 421.52(2) – SECOND OFFICER RATING AND 421.55(3) – PASSENGER CARRYING RATING OF STANDARD 421 – *FLIGHT CREW PERMITS, LICENCES AND RATINGS*

Pursuant to subsection 5.9(2) of the Aeronautics Act, and after having taken into account that this exemption is in the public interest and is not likely to adversely affect aviation safety or security, I hereby exempt **all licensing applicants for a permit, licence or rating having successful-flight test results from March 11th, 2020 to June 01st, 2021**, from the requirements of paragraph 401.06(1)(c) of the Canadian Aviation Regulations (CARs) and from the following provisions of the Standard 421 – *Flight Crew Permits, Licences and Ratings*, subject to the conditions set out below.

- 421.20(5)(a) – gyroplane permit,
- 421.21(5) – ultra-light aeroplane permit,
- 421.22(5) – recreational pilot permit – aeroplane,
- 421.24(5)(a) – glider licence,
- 421.25(5)(a) – balloon pilot licence,
- 421.26(5) – private pilot licence – aeroplanes,
- 421.27(5) – private pilot licence – helicopters,
- 421.30(5) – commercial pilot licence – aeroplanes,
- 421.31(5) – commercial pilot licence – helicopters,
- 421.34(5)(a) – airline transport pilot licence – aeroplanes,
- 421.35(5) – airline transport pilot licence – helicopters,
- 421.37(5)(a) – flight engineer licence,
- 421.38(1)(b) – seaplane rating,
- 421.38(3)(a) – multi-engine class rating
- 421.40(3)(a)(iii), (3)(b)(iv), (3)(c)(iii), (3)(d)(ii), (3)(f)(iii), (3)(g), (3)(k) or (3)(l) – type rating,
- 421.42(1)(b),(2)(b) and (3)(b) – night rating, 421.52(2) – second officer rating and
- 421.55(3) – passenger carrying rating

Paragraph 401.06(1)(c) of the CARs states that, subject to section 6.71 of the Act, the Minister shall, on receipt of an application submitted in the form and manner specified in the personnel licensing standards, issue a flight crew permit or licence to the applicant or endorse the applicant's flight crew permit or licence with a rating if the applicant provides documentation to the Minister that establishes that the applicant has successfully completed, within the applicable period specified in the personnel licensing standards preceding the date of application for the permit, licence or rating, a flight test in accordance with the personnel licensing standards.

The above mentioned provisions are reproduced in **Appendix A**.

PURPOSE

The purpose of this exemption is to adopt temporary measures in the public interest to reduce the potential of person to person transmission following the declaration of a pandemic outbreak of novel coronavirus (COVID-19) by the World Health Organization (WHO) on March 11th, 2020.

As the COVID-19 situation continues to evolve and Provincial and Municipal governments maintain social distancing measures that have led to limited access to flight schools across Canada, this exemption shall provide all applicants having successfully-completed flight test between March 11, 2020 and June 01, 2021, an extension of up to five (5) additional months to submit an application for a permit, licence or rating.

The present exemption grants an extension until June 01, 2021 extending the previous extension granted under exemption NCR-094-2020.

APPLICATION

This exemption applies only to applicants having successfully-completed flight test results between March 11, 2020 and June 01, 2021.

This exemption ceases to apply to a licensing applicant that breaches the conditions of this exemption.

CONDITIONS

This exemption is subject to the following conditions:

1. The extension shall only be applied to applications for a permit, licence or rating submitted between **March 11, 2020 and June 01, 2021**;
2. Applicants with outstanding applications, pursuant to the terms and conditions of this exemption, shall comply with the CARs in all respects. The CARs shall continue to apply

in all respects other than the specific exemption set out herein, or any other applicable exemption issued by the Minister of Transport

VALIDITY

This exemption is in effect from January 13, 2021 until the earliest of the following dates:

- a) June 01, 2021 at 23:59 (EDT); or
- b) The date on which the exemption is cancelled in writing by the Minister where he is of the opinion that it is no longer in the public interest or is likely to adversely affect aviation safety or security.

DATED at Ottawa, Ontario, this 12th day of January, 2021, on behalf of the Minister of Transport.

“Original signed by”

Nicholas Robinson
Director General
Civil Aviation
Transport Canada

Appendix A

Pertinent provisions of the *Canadian Aviation Regulations*

Issuance and Endorsement of Flight Crew Permits, Licences and Ratings

401.06 (1) Subject to section 6.71 of the Act, the Minister shall, on receipt of an application submitted in the form and manner specified in the personnel licensing standards, issue a flight crew permit or licence to the applicant or endorse the applicant's flight crew permit or licence with a rating if the applicant provides documentation to the Minister that establishes

- (a) the applicant's citizenship;
- (b) that the applicant meets the applicable requirements set out in the personnel licensing standards in respect of
 - (i) minimum age,
 - (ii) medical fitness,
 - (iii) knowledge,
 - (iv) experience, and
 - (v) skill; and
- (c) that the applicant has successfully completed, within the applicable period specified in the personnel licensing standards preceding the date of application for the permit, licence or rating, a flight test in accordance with the personnel licensing standards.

(1.1) An application shall also include

- (a) in the case of a licence or a permit, one photograph of the applicant that meets the requirements of subsection 421.06(3) of the personnel licensing standards; and
 - (b) in the case of a licence, documentation establishing that the applicant demonstrated, by means of an evaluation, their ability to speak and understand English or French, or both, at the operational or expert level in accordance with the language proficiency scale set out in the table to subsection 421.06(4) of the personnel licensing standards.
- (2)** The certification of additional privileges on a permit or licence expires at the end of the period specified on the licence or permit or on receipt of a new permit or licence granting those privileges, whichever is earlier.

(3) The Minister shall extend the validity period of a flight instructor rating for a period of not more than 90 days beginning on the day on which the rating would otherwise expire, if

- (a) the application for extension of the rating is made while the rating is still valid; and
- (b) the applicant demonstrates that there has been no reasonable opportunity to renew the rating within the 90 days before the day on which the rating would otherwise expire.

Pertinent provisions of Standard 421 – *Flight Crew Permits, Licences and Ratings*

421.20 Gyroplane – Requirements

[...]

(5) Skill

(a) Within the 12 month preceding the date of application for the permit, an applicant shall demonstrate in flight and on the ground to the holder of a Flight Instructor Rating - Gyroplane familiarity with, and the ability to perform both normal and emergency manoeuvres appropriate to the gyroplane used in the test, and with a degree of competency appropriate to that of the holder of a Pilot Permit - Gyroplane.

[...]

421.21 Ultra-light Aeroplane – Requirement

[...]

(5) Skill

Within the 12 months preceding the date of application for the permit, an applicant shall submit to the Minister a letter from the holder of a Flight Instructor Rating - Ultra-light Aeroplane, or the holder of a Flight Instructor Rating - Aeroplane certifying that the applicant has demonstrated the ability to perform both normal and emergency manoeuvres appropriate to the ultra-light aeroplane used for the training program, and with a degree of competency appropriate to that of the holder of a pilot permit - ultra-light aeroplane.

[...]

421.22 Recreational - Aeroplane - Requirements

[...]

(5) Skill

Within the 12 months preceding the date of application for the permit, an applicant shall successfully complete a flight test as pilot-in-command of an aeroplane in accordance with:

(a) Schedule 2 “Flight Test for the Issuance of a Recreational Pilot Permit – Aeroplane” of Standard 428 - Conduct of Flight Tests; or

(b) Schedule 3 “Flight Test for the Issuance of a Private Pilot Licence – Aeroplane” of Standard 428 - Conduct of Flight Tests.

[...]

421.24 Gliders - Requirements

[...]

(5) Skill

(a) Within the 12 months preceding the date of application for the licence, an applicant shall demonstrate in flight and on the ground familiarity with, and the ability to perform both normal and emergency manoeuvres appropriate to the glider used in the test and with a degree of competency appropriate to the holder of a pilot licence - glider.

[...]

421.25 Balloons – Requirements

[...]

(5) Skill

(a) Within the 12 months preceding the date of application for the licence an applicant shall demonstrate, in flight and on the ground, familiarity with and the ability to perform both normal and emergency manoeuvres and procedures appropriate to the balloon used in the test and with a degree of competency appropriate to the holder of a Pilot Licence - Balloon.

[...]

421.26 Aeroplanes - Requirements

[...]

(5) Skill

Within the 12 months preceding the date of application for the licence, an applicant shall successfully complete a flight test as pilot-in-command of an aeroplane in accordance with Schedule 3 “Flight Test for the Issuance of a Private Pilot Licence – Aeroplane” of Standard 428 - Conduct of Flight Tests.

[...]

421.27 Helicopters – Requirements

[...]

(5) Skill

Within the 12 months preceding the date of application for the licence, an applicant shall successfully complete a flight test as pilot-in-command of a helicopter, in accordance with Schedule 5 “Flight Test for the Issuance of a Private Pilot Licence – Helicopter” of Standard 428 — Conduct of Flight Tests.

[...]

421.30 Aeroplanes – Requirements

[...]

(5) Skill

Within the 12 months preceding the date of application for the licence, an applicant for a commercial pilot licence — aeroplane shall successfully complete a flight test as pilot-in-command of an aeroplane, in accordance with Schedule 4 “Flight Test for the Issuance of a Commercial Pilot Licence – Aeroplane” of Standard 428 — Conduct of Flight Tests.

[...]

421.31 Helicopters – Requirements

[...]

(5) Skill

Within the 12 months preceding the date of application for the licence, an applicant shall successfully complete a flight test as pilot-in-command of a helicopter, in accordance with Schedule 6 “Flight Test for the Issuance of a Commercial Pilot Licence – Helicopter” of Standard 428 — Conduct of Flight Tests.

[...]

421.34 Aeroplanes - Requirements

[...]

(5) Skill

(a) Within the 12 months preceding the date of application for the licence, an applicant shall demonstrate in a multi-engined aeroplane with no central thrust configuration and fitted with instruments and equipment suitable for IFR flight in controlled airspace, familiarity with and the ability:

(i) to perform both normal and emergency flight procedures and manoeuvres appropriate to the aeroplane in which the flight test is conducted; and

(ii) to execute all manoeuvres and procedures set forth in Division XIV for issue of a Group 1 instrument rating.

[...]

421.35 Helicopters – Requirement

[...]

(5) Skill

Within the 12 months preceding the date of application for the licence, an applicant shall demonstrate in flight and on the ground familiarity with and the ability to perform, as pilot-in-command of a helicopter required to be operated with a co-pilot, both normal and emergency procedures and manoeuvres appropriate to the privileges of an Airline Transport Pilot Licence - Helicopter.

[...]

421.37 Requirements

[...]

(5) Skill

(a) An applicant shall provide a letter certifying that within the 12 months preceding the date of application for the licence the applicant has, with respect to the aircraft type to be endorsed on the licence, demonstrated in the aeroplane type or approved aeroplane type simulator the ability to perform both normal and emergency procedures to a degree of competency appropriate to the privileges granted by the licence.

[...]

421.38 Requirements

(1) Seaplane Rating - Requirements

[...]

(b) Skill

Within the 12 months preceding the date of application for a seaplane rating, an applicant shall have successfully completed a qualifying flight under the supervision of a Transport Canada Inspector or a person qualified in accordance with CAR 425.21(6) by demonstrating the level of skill specified in the Instructor Guide - Seaplane Rating (TP 12668).

[...]

421.38 Multi-engine Class Rating - Requirements**(3)(a) Skill**

An applicant for a multi-engine class rating shall successfully complete a flight test as pilot-in-command of a multi-engine class aeroplane, in accordance with Schedule 7 “Flight Test for the Issuance of a Multi-Engine Class Rating – Aeroplane” of Standard 428 - Conduct of Flight Tests.

421.40 Blanket and Individual Type Ratings

[...]

(3) Individual Type Rating Requirements**(a) Aeroplane - Two Crew**

[...]

(iii) Skill

The applicant shall comply with one of the following requirements:

(A) An applicant shall have passed a pilot proficiency check conducted in accordance with Part VII of the *Canadian Aviation Regulations* for that aeroplane type within the 12 months preceding the application for the rating or passed a pilot proficiency check acceptable to the Minister for that aeroplane type within 12 months preceding the application for the rating;

(B) An applicant who successfully completes a Line Operational Evaluation (LOE) from an approved Advanced Qualification Program (AQP) within the 12 months preceding the application for the rating shall be considered to have met the pilot proficiency check requirement pursuant to Part VII of the *Canadian Aviation Regulations*; or

(C) When employed by the holder of a private operator certificate issued pursuant to section 604.03 of the *Canadian Aviation Regulations*, an applicant shall have successfully completed the operator’s training and proficiency program and be certified proficient for operations by the chief pilot within the 12 months preceding the application.

(b) Aeroplane - Two Crew - Restricted to Cruise Relief Pilot Duties Only

[...]

(iv) Skill

An applicant shall have passed a pilot proficiency check conducted in accordance with Part VI or Part VII, excluding the takeoffs and landings, for that aeroplane type within the 12 months preceding the application for the rating or passed a pilot proficiency check acceptable to the Minister for that aeroplane type within 12 months preceding the application for the rating.

(c) **High Performance Aeroplane**

[...]

(iii) **Skill**

Within the 12 months preceding the date of application for the rating, an applicant shall have successfully completed a qualifying flight under the supervision of a Transport Canada Inspector or a qualified person qualified in accordance with CAR 425.21(7)(a).

(d) **Flight Engineer**

[...]

(ii) **Skill**

An applicant shall have passed a Flight Engineer proficiency check on the aeroplane type, within the 12 months preceding the application for the rating.

[...]

(f) **Helicopter - Two Pilots**

[...]

(iii) **Skill**

An applicant shall have passed a pilot proficiency check conducted in accordance with Part VII for that helicopter type within the 12 months preceding the application for the rating or passed a pilot proficiency check acceptable to the Minister for that helicopter type within 12 months preceding the application for the rating.

[...]

(g) **Helicopter - One Pilot**

Within the 12 months preceding the application for the rating, an applicant for an individual aircraft type rating for a helicopter with a minimum flight crew requirement of one pilot shall have successfully completed:

(i) a flight test, on the helicopter type, for the issue of a Private or Commercial Pilot Licence - Helicopter; or

(ii) a Pilot Proficiency Check on the helicopter type; or

(iii) a qualifying flight under the supervision of a person qualified in accordance with CAR 425.21(7)(b).

[...]

(k) Gyroplane - Two-Seat

Within the 12 months preceding the application for rating, an applicant for an individual aircraft type rating for a gyroplane having more than one seat shall have successfully completed:

- (i) a flight test, on the gyroplane type, for the issue of a Pilot Permit - Gyroplane; or
- (ii) a qualifying flight under the supervision of a person qualified in accordance with CAR 425.21(7)(c).

(l) Any Other Individual Aircraft Type Rating

An applicant for any other individual aircraft type ratings shall have, within the 12 months preceding the application for rating, performed a qualifying flight under the supervision of a person who has been delegated the authority to supervise a qualifying flight.

[...]

421.42 Requirements

(1) Private Pilot Licence – Aeroplane

[...]

(b) Skill

Within the 12 months preceding the date of application for a night rating, an applicant shall have successfully completed a qualifying flight under the supervision of a Transport Canada Inspector or a person qualified in accordance with subsection 425.21(4) by demonstrating the level of skill specified in the Flight Instructor Guide-Aeroplane (TP 975).

[...]

(2) Private Pilot Licence – Helicopter

[...]

(b) Skill

Within the 12 months preceding the date of application for a night rating, an applicant shall have successfully completed a qualifying flight under the supervision of a Transport Canada Inspector or a person qualified in accordance with subsection 425.21(4) by demonstrating the level of skill specified in the Flight Instructor Guide-Aeroplane (TP 975).

[...]

(3) Pilot Permit – Gyroplane

[...]

(b) Skill

Within the 12 months preceding the application for a night rating, an applicant shall have successfully completed a qualifying flight under the supervision of a Transport Canada Inspector or a person qualified in accordance with subsection 425.21(4).

[...]

421.52 Requirements

[...]

(2) Skill

An applicant shall provide the report of a Second Officer proficiency check conducted during the 12 months preceding the date of application in the aeroplane type or approved aeroplane type simulator to be endorsed on the licence.

[...]

421.55 Requirements

[...]

(3) Skill

Within the 12 months preceding the date of application for the rating, an applicant shall successfully complete a flight test as pilot-in-command in accordance with Schedule 1 “Flight Test for the Issuance of a Passenger Carrying Rating – Ultra-light Aeroplane” of Standard 428 — Conduct of Flight Tests.

[...]