

**EXEMPTION FROM PARAGRAPH 700.02(2)(a) OF THE
CANADIAN AVIATION REGULATIONS
For Piston Powered Warbird Aeroplanes**

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 or security, I hereby exempt **persons operating a Canadian registered piston powered warbird aeroplane(s)** from the requirements set out in paragraph 700.02(2)(a) of the *Canadian Aviation Regulations* (CARs), subject to the conditions set out below.

Paragraph 700.02(2)(a) of the CARs states that subject to subsections (3) and (4), no person shall, unless the person holds and complies with the provisions of an *air operator certificate* that authorizes the person to do so, operate an aeroplane or helicopter to conduct aerial work involving:

(a) the carriage on board of *persons other than flight crew members*.

The complete text of the above provision is added as **Appendix A** to this exemption.

INTERPRETATION

In this exemption,

“warbird” for the purposes of this document means any aeroplane of a type manufactured for operation in military service, or of historical importance for its use in military service, and for which the flight authority is a *Certificate of Airworthiness* issued pursuant to section 507.02 of the CARs.

PURPOSE

This exemption allows a person who does not hold an Air Operator Certificate (AOC) issued under subpart 702 of the CARs but has the qualifications mentioned herein, to conduct aerial work involving the carriage for hire or reward of persons other than flight crew members while operating a Canadian registered piston powered aeroplane(s) with a *Certificate of Airworthiness* meeting the description of warbird.

APPLICATION

This exemption applies to a person when operating a Canadian registered piston powered aeroplane(s) with a **Certificate of Airworthiness** and meeting the description of warbird to conduct aerial work involving the carriage for hire and reward of persons other than flight crew members **without holding an AOC or PORD**.

The exemption ceases to apply to a person operating a Canadian registered piston powered warbird aeroplane(s) who breaches a condition of this exemption.

CONDITIONS

This exemption is subject to the following conditions:

GENERAL:

1. Individuals or museums operating aeroplanes under this exemption and their pilots henceforth referred to as “**the operator**” shall not engage in the transportation of passengers on a unit toll basis (fare per person), on point-to-point flights.
2. The “carriage of persons” shall be restricted to flights which take-off and land at the same aerodrome.
3. The operator shall maintain an accurate passenger manifest with name(s) of each passenger and their emergency contact information for each flight. The manifest shall be available to airport and or emergency agencies upon request.
4. The operator shall comply with all relevant provisions of the Canadian Aviation Regulations not specifically exempted in this legal instrument.
5. The operator shall maintain a list of registrations and serial numbers for all aeroplanes used for the carriage of persons.

MAINTENANCE:

6. All non-specialized maintenance shall be performed and released under the control of an approved maintenance organization with a rating appropriate to the work performed, or by the holder of an appropriately rated Aircraft Maintenance Engineer licence who holds a restricted certification authority issued by the Minister.
7. All specialized work shall be performed and released under the control of an approved maintenance organization with a rating appropriate to the work performed.
8. The aeroplane shall be maintained in accordance with a Maintenance Schedule submitted to and formally approved by Transport Canada.

IDENTIFICATION OF COMPANY PERSONNEL:

9. Operators shall ensure that all crew members and ground crew are clearly identified by one of the following methods; Company uniforms, shirt, hat or nametag for passengers to easily identify them at any time of the flight experience operation.

PASSENGER CONSENT:

10. Operators shall ensure the passengers are thoroughly briefed on the intended flight, that they understand the associated risks and that they agree to the proposed flight plan.
11. Prior to each flight, the operator shall notify the passengers that the aeroplane is operated in accordance with Ministerial exemptions from the regulations established for Commercial Air Operators.
12. Passengers shall be made aware of the risk inherent in the activity and that there is a higher level of risk than that involved in flying on a modern commercial carrier and that this activity could result in serious injury or death.
13. The operator shall carry a copy of this exemption on board and shall offer passengers an opportunity to review the exemption prior to each flight.

MEDICAL:

14. The operator shall ensure that passengers complete a medical declaration of fitness stating the individual(s) is capable of flying in a warbird aeroplane capable of high G manoeuvres and aerobatic flight.
15. As required, operators shall determine by measuring or weighing passengers as needed to ensure they meet any anthropometric restrictions of the specific aeroplane and related escape systems.
16. For aeroplane equipped with a parachute or with a seat minimum or maximum weight limit, this declaration shall include a recorded weight of each passenger.
17. Consideration shall be given to how passengers would cope in case of an aeroplane abandonment or ground egress from the aeroplane and only those deemed capable of coping with egress procedures shall be allowed on board.
18. Operators shall refuse to fly any person they judge will not have the capacity to climb in or out of the aeroplane, cope with cramped entryway, restrictions of a compact seating area in a cockpit or cabin including harness, parachute straps and wearing a helmet and oxygen mask (as applicable).

AGE RESTRICTION:

19. The operator shall restrict passengers to those 12 years of age and older, who meet the requirements of the medical conditions stated above and are capable of understanding the aeroplane safety features and the emergency procedures to be conveyed to them during the pre-flight briefing.

20. Passengers 18 and over shall sign a waiver to confirm they understand the training they have received and the risks associated with flying in the aeroplane.
21. For passengers 12 to 17 years of age the operator shall ensure that an accompanying adult shadows the minor during all briefings and or training and that adult shall sign the waiver to confirm they are satisfied the minor understands and is able of coping with the requirements of the flight.

ESCAPE SYSTEM TRAINING PROGRAM (ESTP) WITH PARACHUTES ONLY:

22. Pilots operating an airplane equipped with a parachute shall satisfactorily complete an ESTP meeting the points below:
23. The training shall be aeroplane and parachute make and model specific.

The ESTP training is valid until the first day of the thirteenth month after completion. The training and validity date shall be kept in the pilot file.

Note: An ESTP instructor who conducts a complete course of training required within this training program will be considered to have completed that course for his or her own training requirement with appropriate documentation.

24. These conditions are to be used as a minimum requirement when developing an ESTP as required by certain aeroplane's operating limitations. The conditions may also be used as a tool to evaluate the content of an operator's ESTP.
25. The ESTP shall contain the following elements:
 - a. An ESTP revision control process, that may include a table of contents, log of revisions, and a List of Effective Pages (LEP);
 - b. The ESTP shall contain a description of each training topic, including its objectives and standards with separate curricula for person(s) acting as PIC.
26. **Classroom Training:** The academic curriculum shall contain the following training topics as they relate to the act of bailing out of the aeroplane for each training position:
 - i. Introduction/Bailout Philosophy.
 - ii. Operational Risk Management Planning and Public Safety.
 - iii. Review of Aeroplane Operating Limitations and Requirement for ESTP.
 - iv. Crew Resource Management.
 - v. Single Pilot Resource Management.
 - vi. Making the Bailout Decision and Human Factors.
 - vii. Passenger Qualifications: Medical, Height, and Weight (if applicable).
 - viii. Passenger Practical Aeroplane Safety Briefing.

- ix. Post Bailout Communications and Survival, including Search and Rescue (SAR) considerations.
- x. Aeroplane-Specific Training. The aeroplane training specific to each make and model flown must include the following topics:
 - A. Overview of canopy system.
 - B. Bailout sequence through to touchdown.
 - C. Operational limitations and bail-out envelope: altitude, attitude, and speed.
 - D. Allowable heights and weights for occupants (if applicable).
 - E. Aeroplane and seat markings.
 - F. Emergency procedures requiring bailout.
 - G. Seat egress and emergency ground egress procedures.
 - H. Parachute system, harness, buckles and controls
 - I. Manual bailout procedures.
 - J. Post-bailout procedures, including common parachute malfunctions and ground hazards.
 - K. Possible injuries typically caused by bailout.

BRIEFINGS:

27. Aeroplanes *equipped with parachute*:

The following practical aircraft safety briefing items required for a passenger briefing prior to every flight are listed below. Passenger briefing must be completed by a pilot who has completed the classroom training, including aircraft-specific training, for that aircraft and must include these topics:

- a. Overview of the Canopy System.
- b. Aircraft and Seat Markings.
- c. Bailout Sequence.
- d. Strap-In.
- e. Seat Egress and Emergency Ground Egress.
- f. Bailout procedure.
- g. Post Bailout Procedures.
- h. Injuries Typically Caused by Bailout.
- i. Coordination, Communications, and Communications Failure Procedures.

Standard of Completion:

Passengers shall understand the basic concept of the Bailout procedure and be able to perform a bailout under normal supervision.

- 28. In addition to the requirements of Canadian Aviation Regulation 602.89 and the ESTP, passengers shall be briefed by the pilot flying with them or a designated and qualified

person to conduct such briefings prior to each flight on the following items (as applicable);

- Duration of flight
 - Proposed geographic area and route for the flight
 - Proposed maneuvers to be flown
 - Use or restrictions for their personal photographic equipment or smart phones
 - Aviation Life Support Equipment (ALSE) – flying suit, helmet, and oxygen mask. If oxygen masks are worn the operator shall ensure the passenger(s) know how to remove the mask during flight to use an airsickness bag.
 - The location of airsickness bags and where to stow the bag after use.
 - Proper footwear such as full coverage shoes or leather boots and gloves. Footwear that allows portions of the feet to be exposed, have high heels or are too loose in case of emergency egress shall not be worn.
 - Flight physiology: effects of G (gravity) and teach the AGSM (anti-G straining manoeuvres).
 - Aeroplane entrances, emergency exits, ladder and canopy functions.
 - Seating locations, brace positions or procedures for feet and hands in case of an emergency landing or aircraft abandonment if not covered in ESTP ground training.
 - Aeroplane’s aural or light signals and any hand signals in case of emergency.
 - Procedure to follow for ground egress.
29. For formations flights, the operator shall conduct a briefing prior to each flight to include all normal pre-flight considerations and ensure the briefing includes, but is not limited to, the following:
- Formation or aeroplane call sign / formation position / crew + passenger assignments.
 - Formation procedures for joint-up / formation changes and break up for landing
 - Formation calls / hand signals.
 - Procedure for passengers to communicate with the crew without interfering with pilot(s).
 - Knock-it-off call / signal for emergencies.
 - Emergency recovery procedures / formation break up procedure / safe altitudes & headings.
 - Briefing of route and areas to be avoided (built-up areas).
 - Camera aeroplane location and procedures (as applicable).

AEROPLANE ORIENTATION:

30. As necessary, the operator shall conduct cockpit or cabin orientation to include aeroplane steps, canopy procedures and review ESTP portion for seat harness system, parachute harness, seat functions.

31. The orientation shall include verbal or hand signal procedures to abandon or egress from the aeroplane. As such passengers shall be requested to repeat these signals as part of the orientation to satisfy the operator that they understand the signals.
32. For any aeroplane fitted with parachute, a ground based platform with a seat, harness, parachute and flight gear may be used to teach the equipment and associated emergency drills only if the seat and systems are identical to the aeroplane.
33. For aeroplanes where passengers are not seated in passenger cabin environment but rather in a cockpit layout such as a P51D or P40 (tandem or side by side) the passenger(s) shall demonstrate successful egress from the aeroplane on their own within 20 seconds.
34. The operator shall conduct flight control and intercom familiarization for passengers in a cockpit seat with flight controls. This shall instruct the passenger(s) on the protocol of “You Have Control – I Have Control” as well as instructing passengers of a safe place to rest their hands and feet or handhold locations during flight.

PASSENGER HANDLING DURING FLIGHT:

35. A designated flight crew member shall accompany passengers during the flight in each seating compartment for 2 or more passengers or have positive visual and or electronic communications with the passengers.
36. The operator shall ensure that at no time the crew to passenger ratio is not less than one flight crew per 4 passengers.
37. Passengers shall be seated in accepted seats, authorized by the Minister for the purpose of carrying passengers with seatbelts for all takeoffs and landings.

PILOT TRAINING & QUALIFICATIONS RECORDS:

38. The PIC shall hold at least a commercial pilot licence and a valid medical certificate.
39. **Pilot experience – Piston Powered Single-Engine Aeroplanes:**

The PIC shall meet the following minimum experience levels:

	Total Time	Time as PIC	Time in Category	Specific Aircraft Type	Tailwheel (as applicable)
Fixed pitch propeller & fixed landing gear	250	150	100	5	25
Complex aircraft	500	200	200	5	50
Type rating required	750	250	300	10	75

40. **Pilot experience – Piston Powered Multi-Engine Aeroplanes:**

The PIC shall meet the following minimum experience levels:

	Total Time	Time in Category & Class	Time as PIC in multi-engine aircraft	Specific Aircraft Type	Landings & takeoff in Type	Tailwheel (if applicable)
Type rating not required & 900 hp or less	500	100	100	10	10	50
Type rating required or more than 900 hp	1500	400	250	20	25	100

For aeroplanes designated as two crew the Second in Command (SIC) shall meet the following experience levels:

	Total Time	Time in Category & Class	Time as PIC in multi-engine aircraft	Specific Aircraft Type	Landings & takeoff in Type	Tailwheel (as applicable)
Type rating not required & 900 hp or less	500	100	50	10	10	50
Type rating required or more than 900 hp	1500	250	100	20	25	100

41. Pilots shall maintain the following currency minimums on the specific type of aeroplane to be flown:

- a. Complete an annual proficiency check flight; and
- b. Have 5 hours in the past 12 months; and
- c. Have at least 1 flight and 3 takeoffs and landings in the past 90 days.

42. To fly formation flights under this exemption pilots shall satisfy one of the following qualifications:

- a. Have graduated from military pilot training to wings standard, or

- b. Hold Formation Credential issued by FAST or FFI in accordance with their FAA-accepted formation program, or
 - c. Hold a Formation SAC issued by TCCA or the FAA based on recommendation of the International Council of Airshows in accordance with their TCCA/FAA accepted ACE manual.
43. Every PIC in the formation shall have flown at least one Formation sortie in the previous 90 days.
44. Every PIC in the formation shall have completed a periodic formation check flight within the previous 24 months.
45. The operator shall maintain a list of pilot qualifications and annual training in accordance with the conditions of this exemption. The list shall consist of at least the following information:
- Pilot name
 - Pilot licence and medical showing validity dates
 - Summary of hours showing evidence of meeting the required experience minimums.
 - TC validation for any lower experience minimums than those specified in this document.
 - F.A.S.T. card qualification of organization equivalent (formation pilots only)
46. The operator shall comply with their own Company Operations Manual should they elect to write one, any Standard Operating Procedures and the Aeroplane Flight Manual, accepted procedures or their own state restrictions for the type if those are more restrictive than this exemption.
47. The operator shall ensure that all pilots conduct “*Annual*” proficiency training in their type or category of aeroplane and are current in their type or category of aeroplane used for the carriage of persons.
48. Annual Proficiency Pilot Training shall include but is not limited to;
- An open book examination with a minimum of 25 questions, reviewed and corrected to 100%, on aeroplane systems and limitations, normal and emergency procedures, *ESTP*, owner or organization procedures for the carriage of persons.
 - Training flight(s) to ensure proficiency with a qualified pilot on aeroplane type or category, as designated by the Operator to review normal, abnormal and emergency procedures in accordance with the AFM (Aeroplane Flight Manual) or accepted procedures for the aeroplane.

- High performance manoeuvres such as aerobatics, overhead breaks and closed patterns to proficiency.
 - Formation flight training and currency in accordance with international organization Formation and Safety Team (F.A.S.T.) training or organization equivalent SOP.
49. The operator shall ensure that initial, annual and recurrent training program conducted in different category and type of aeroplane due to lack of full dual controls or limited availability of a specific type of aeroplane is submitted in writing to Transport Canada for approval prior to conducting passenger flights.
50. The operator shall record initial, annual and recurrent training for each pilot and a summary of training for each pilot with validity dates shall be made available to the Minister upon request. These records shall be retained for a period of 2 years minimum.

FLIGHT RESTRICTIONS:

51. The carriage of external stores is prohibited with the exception of external fuel tanks and properly mounted camera systems such as GoPro or Garmin VIRB.
52. Unless the aeroplane is equipped for IFR flight and the pilot(s) is suitably qualified, the flight shall be restricted to VFR operations.
53. For IFR equipped aeroplane with a suitably qualified pilot(s), IFR operations can be conducted to VFR-On-Top. These flights shall be limited to VFR weather for departure, arrival and alternate.
54. Flights below 1000 feet above ground level shall not be conducted unless for takeoff, landing or an emergency.
55. Aerobatic manoeuvres shall not be conducted below 3000 feet above ground or over built up areas.
56. At airports with air traffic control facilities, pilots may perform overhead breaks and closed patterns with ATC coordination and approval only. At uncontrolled airports pilots may perform overhead breaks and closed patterns only if they can ascertain that no conflict exists with other aircraft operating in the vicinity of that airport.
57. The operator shall ensure that the runway length conforms to the requirements specified in the aeroplane flight manual, or equivalent performance documentation or in accordance with the normal operations for the type for take-off and landing. The operator shall calculate distances for each flight and record this information for runways used.
58. Formation flights shall be conducted in accordance with the reference points, aircraft spacing and procedures/policies specified in the documentation provided by the organization who has issued the formation credentials.

59. Formation aeroplanes shall not fly closer than 1/2 wing span away from each other.
60. Formation aerobatic flights shall not be conducted with paying passengers.
61. Formations flights shall not exceed 4 aeroplanes plus a camera aeroplane. The camera aeroplane shall maintain a safe distance to ensure there is no conflict with any formation aeroplane that may need to pull out of formation for emergencies.

AERODROME OPERATION:

62. Operators shall respect any and all airport/aerodrome specific procedures for having passengers on the movement area.
63. Passenger(s) shall be escorted by the pilot or a trained representative at all times while on the aerodrome movement area.
64. When Crash Fire Rescue (CFR) services are located at the intended airport of operation, operators shall supply the CFR crews with an Extraction Package for each type of aeroplane flown. Such package shall consist but not be limited to the following information:
 - A diagram denoting exits and seating areas on the aircraft including any bulkheads which may separate seating sections.
 - Instructions on how to operate the emergency exits/canopy
 - Seat mechanisms and seatbelt operations
 - Instructions on how to fight fire
 - Location and type of hazardous fluids/material in the aeroplane
65. This exemption is only valid in Canadian airspace unless accompanied by specific approval in writing from another state's aviation authority. At no times shall the operations outside of Canada exceed 3 calendar months in any calendar year.

VALIDITY

The exemption is valid until the date on which the exemption is cancelled by the Minister in writing where she or he is of the opinion that it is no longer in the public interest or that it is likely to adversely affect aviation safety or security.

DATED at Ottawa, Ontario, Canada this 30th of April 2021, on **behalf of the Minister of Transport**.

A handwritten signature in black ink, appearing to read "Nicholas Robinson".

Nicholas Robinson
Director General
Civil Aviation

APPENDIX A

Pertinent provisions of the *Canadian Aviation Regulations*

Requirements for air operator certificate

700.02 (1) No person shall operate an air transport service unless the person holds and complies with the provisions of an air operator certificate that authorizes the person to operate that service.

(2) Subject to subsections (3) and (4), no person shall, unless the person holds and complies with the provisions of an air operator certificate that authorizes the person to do so, operate an aeroplane or helicopter to conduct aerial work involving

- (a) *the carriage on board of persons other than flight crew members;*
- (b) the carriage of helicopter Class B, C or D external loads;
- (c) the towing of objects; or
- (d) the dispersal of products.

(3) A person who does not hold an air operator certificate may conduct aerial work involving the dispersal of products if

- (a) the person is a farmer;
- (b) the person owns the aeroplane that is used to disperse the products;
- (c) the products are dispersed for agricultural purposes; and
- (d) the dispersal of the products takes place within 25 miles of the centre of the person's farm.

(4) A person who holds a flight training unit operator certificate may conduct aerial work involving the carriage of persons other than flight crew members on board a single-engined aircraft if

- (a) the pilot-in-command is the holder of a valid flight instructor rating in the appropriate category of aircraft;
- (b) the aircraft is operated in day VFR flight;
- (c) there are no more than nine passengers on board; and
- (d) the flight is conducted for the purpose of sightseeing operations.

(5) Despite subsections (1) and (2), a person who does not hold an air operator certificate may operate an air transport service, or operate an aeroplane or helicopter to conduct aerial work involving the transport of passengers or goods, if:

- (a) the person holds a private operator registration document;
- (b) the person operates the air transport service or conducts the aerial work under a management agreement with another person who has transferred to that person legal custody and control of the aeroplane used to operate the service or to conduct the work;

(c) the management agreement provides that the air transport service is operated or the aerial work is conducted exclusively in support of the activities of the person who has transferred legal custody and control of the aeroplane; and

(d) no payment is made in relation to the air transport service or the aerial work to a party to the management agreement by or on behalf of a passenger or the owner of a transported good unless the passenger or the owner is the person who has transferred legal custody and control of the aircraft.