EXEMPTION FROM PARAGRAPH 604.03(1)(b) OF THE *CANADIAN AVIATION REGULATIONS*

Pursuant to subsection 5.9(2) of the *Aeronautics Act*, and after taking into account that this exemption is in the public interest and is not likely to adversely affect aviation safety or security, I hereby exempt **persons operating a turbine engine powered "warbird" aeroplane, as further described, for the purpose of transporting passengers or goods in operations other than those for which an air operator certificate is required** without holding a Private Operator Registration Document (PORD) from the requirements of paragraph 604.03(1)(b) of the *Canadian Aviation Regulations* (CARs), subject to the conditions stated here below.

Paragraph 604.03(1)(b) of the CARs is reproduced in **Appendix A**.

INTERPRETATION

"warbird" means any aeroplane of a type manufactured for operation in military service, and for which the flight authority is a Special Certificate of Airworthiness – Limited issued pursuant to section 507.03 of the CARs or a relevant exemption.

PURPOSE

The purpose of this exemption is to allow Canadian operators of privately registered ex-military turbine powered aeroplanes (including turbo-jet and turbo-propeller) and their flight crew members not operating pursuant to Part IV or VII of the CARs to operate **for the purpose of transporting passengers or goods in operations other than those for which an air operator certificate is required** without holding a PORD as required by paragraph 604.03(1)(b) of the CARs.

APPLICATION

This exemption applies to **persons** operating turbine-powered warbird aeroplanes registered in Canada, **for the purpose of transporting passengers or goods in operations other than those for which an air operator certificate is required** without holding a PORD as required by paragraph 604.03(1)(b) of the CARs.

This exemption ceases to apply to a person who breaches a condition of the exemption.

CONDITIONS

This exemption is subject to the following conditions:

1. Persons operating aircraft under this exemption shall comply with all applicable regulatory requirements set out in Part VI, Subpart 2 (*Operating and Flight Rules*) and Part VI, Subpart 5 (*Aircraft Requirements*) of the CARs.

2. Operators who do not hold a PORD do not qualify for any special authorizations (SAs), including those required for any operations in performance–based navigation (PBN) airspace. Flights in any airspace requiring special authorizations or regulatory approvals shall not be authorized.

3. Ex-military turbo-jet aeroplane operators intending to conduct aerial work as warbirds aeroplanes involving the carriage for hire or reward of persons other than flight crew members shall also hold the applicable exemption issued and valid for that purpose and must comply with all conditions stated therein.

4. The aeroplane shall be maintained in accordance with a Maintenance Schedule submitted to and formally approved by Transport Canada.

5. The pilot in command shall ensure that a copy of this exemption is carried on board the aeroplane.

VALIDITY

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

a) August 31, 2025 at 23:59 (EDT); or

b) The date on which this exemption is cancelled in writing by the Minister, where he is of the opinion 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 21st day of September, 2020 on behalf of the Minister of Transport.

"Original signed by"

Nicholas Robinson,
Director General, Civil Aviation
Transport Canada

APPENDIX A

Relevant provisions of the *Canadian Aviation Regulations*

Special Certificate of Airworthiness

507.03 Where an application for a flight authority is made pursuant to section 507.06, the Minister shall issue a special certificate of airworthiness in respect of an aircraft that

(a) meets the criteria for one of the classifications of a special certificate of airworthiness specified in Chapter 507 of the Airworthiness Manual;

(b) conforms to the applicable type design or, in the case of an amateur-built aircraft, is designed and constructed in a way that ensures its airworthiness, in conformity with the requirements of Chapter 549 of the Airworthiness Manual; and

(c) is safe for flight.

[…]

Prohibition

604.03 (1) Subject to subsection (2), no person shall operate any of the following Canadian aircraft for the purpose of transporting passengers or goods unless the person is the holder of a private operator registration document:

(a) a large aeroplane;

(b) a turbo-jet-powered aeroplane; or

(c) a turbine-powered pressurized aeroplane certificated for more than six passenger seats.

(2) Subsection (1) does not apply to the operation of an aircraft referred to in paragraphs (1)(a) to (c) by

(a) an air operator who operates the aircraft in accordance with the requirements of Part VII; or

(b) a person who operates the aircraft under a flight permit issued under section 507.04.