NCR-007-2024

EXEMPTION FROM SUBSECTIONS 605.04(1), 605.18(h), 605.36(1) AND 702.43(a) AND FROM PARAGRAPH 602.60(1)(e) 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 conducting a take-off in a "warbird" aircraft, as further described,** from the requirements of paragraph 602.60(1)(e), subsection 605.04(1), subsection 605.18(h), subsection 605.36(1) and subsection 702.43(a) of the *Canadian Aviation Regulations* (CARs), subject to the conditions stated here below.

Paragraph 602.60(1)(e), subsection 605.04(1), subsection 605.18(h), subsection 605.36(1) and subsection 702.43(a) of the CARs are reproduced in **Appendix A**.

INTERPRETATION

A ***"warbird"*** is an aircraft 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 CAR 507.03 or a relevant exemption.

PURPOSE

The purpose of this exemption is to allow persons to conduct a take-off and operate in flight in Canada an aircraft operating with a Special Certificate of Airworthiness in the Limited classification, when that aircraft meets the definition above of "warbird" without the aircraft being equipped with one or more of the following items:

(a) a hand-held fire extinguisher;

(b) a hard copy of the entire aircraft flight manual;

(c) an alternative source of static pressure;

(d) an autopilot; and

(e) an altitude alerting system or device (turbo-jet aircraft only).

This exemption extends the regulatory relief previously granted under exemption NCR-005-2020 and enhances it through the addition of the provision under subsection 702.43(a) of the CARs. In consequence, exemption NCR-005-2020 will be cancelled once this exemption is in effect.

APPLICATION

This exemption applies to persons conducting a take-off and operating in flight in Canada an aircraft operating with a Special Certificate of Airworthiness in the Limited classification, when that aircraft meets the definition above of "warbird", and is to allow flight operations when the warbird aircraft is not equipped with one or more of the following items:

(a) a hand-held fire extinguisher;

(b) a hard copy of the entire aircraft flight manual;

(c) an alternative source of static pressure;

(d) an autopilot; and

(e) an altitude alerting system or device (turbo-jet aircraft only).

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. A placard or placards shall be installed to draw attention to the absence of an altitude alerting system, fire extinguisher, alternate source of static, and autopilot when there is none.
2. The flight crew shall have available at their duty stations during flight the aircraft flight manual, or one or more of these acceptable alternatives:
    i. an electronic copy of the Aircraft Flight Manual (AFM), or
    ii. a checklist-like document that contains all the limitations, normal and abnormal/emergency procedures contained in the approved AFM, or
    iii. a copy of the Flight Manual contained in a Flight Management System (FMS).
3. Aircraft shall be operated and maintained in accordance with the Operating Conditions associated with their Special Certificate of Airworthiness – Limited.
4. Aeroplanes operating under the terms of this exemption shall obtain specific authorizations or regulatory approvals for operations in performance-based navigation (PBN) airspace or Reduced Vertical Separation Minima (RVSM) airspace.
5. A copy of this exemption shall be carried on board the aeroplane.

VALIDITY

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

a) May 1, 2029, 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.

CANCELLATION

The exemption NCR-005-2020 from the requirements of paragraph 602.60(1)(e), subsection 605.04(1), paragraph 605.18(h) and subsection 605.36(1) of the *Canadian Aviation Regulations* (CARs), issued on October 2, 2020 at Ottawa, Ontario, by the Director General, Civil Aviation on behalf of the Minister of Transport is hereby cancelled because it is the opinion of the Minister that it is no longer in the public interest.

DATED at Ottawa, Ontario, Canada, this 16th day of April 2024, on behalf of the Minister of Transport.

"Original signed by"

Félix Meunier,
Director General
Civil Aviation
Transport Canada

APPENDIX A

Pertinent provisions of the *Canadian Aviation Regulations*

Requirements for Power-driven Aircraft

602.60 (1) No person shall conduct a take-off in a power-driven aircraft, other than an ultra-light aeroplane, unless the following operational and emergency equipment is carried on board:

(a) a checklist or placards that enable the aircraft to be operated in accordance with the limitations specified in the aircraft flight manual, aircraft operating manual, pilot operating handbook or any equivalent document provided by the manufacturer;

(b) all of the necessary current aeronautical charts and publications covering the route of the proposed flight and any probable diversionary route, if the aircraft is operated in VFR OTT, night VFR flight or IFR flight;

(c) a current database, if the aircraft is operated in IFR flight, in VFR OTT flight or in night VFR flight under Subpart 4 of Part VI or Subpart 2, 3, 4 or 5 of Part VII and databasedependent navigation equipment is used;

(d) current data covering the route of the proposed flight and any probable diversionary route, if the aircraft is operated in VFR OTT flight other than VFR OTT flight referred to in paragraph (c) and database-dependent navigation equipment is used; **(e)** a hand-held fire extinguisher in the cockpit that

(i) is of a type suitable for extinguishing fires that are likely to occur,

(ii) is designed to minimize the hazard of toxic gas concentrations, and

(iii)is readily available to each flight crew member;

(f) a timepiece that is readily available to each flight crew member and that displays the time in hours, minutes and seconds;

(g) a flashlight that is readily available to each crew member, if the aircraft is operated at night; and

(h) a first aid kit.

(2) A checklist or placards referred to in paragraph (1)(a) shall enable the aircraft to be operated in normal, abnormal and emergency conditions and shall include

(a) a pre-start check;

(b) a pre-take-off check;

(c) a post-take-off check;

(d) a pre-landing check; and **(e)** emergency procedures.

(3) Emergency procedures referred to in paragraph (2)(e) shall include

(a) emergency operation of fuel, hydraulic, electrical and mechanical systems, where applicable;

(b) emergency operation of instruments and controls, where applicable;

(c) engine inoperative procedures; and

(d) any other procedure that is necessary for aviation safety.

(4) Checks and emergency procedures referred to in subsections (2) and (3) shall be performed and followed where they are applicable.

[…]

Availability of Aircraft Flight Manual

605.04 (1) No person shall conduct a take-off in an aircraft, for which an aircraft flight manual is required by the applicable standards of airworthiness, unless the aircraft flight manual or, if an aircraft operating manual has been established under section 604.37 or Part VII, the aircraft operating manual is available to the flight crew members at their duty stations.

[…]

Power-driven Aircraft – IFR

605.18 No person shall conduct a take-off in a power-driven aircraft for the purpose of IFR flight unless it is equipped with

(a) when it is operated by day, the equipment required pursuant to paragraphs 605.16(1)(a) to (h);

(b) when it is operated by night, the equipment required pursuant to paragraphs 605.16(1)(a) to (k);

(c) an attitude indicator;

(d) a vertical speed indicator;

(e) an outside air temperature gauge;

(f) a means of preventing malfunction caused by icing for each airspeed indicating system;

(g) a power failure warning device or vacuum indicator that shows the power available to gyroscopic instruments from each power source;

(h) an alternative source of static pressure for the altimeter, airspeed indicator and vertical speed indicator;

(i) sufficient radiocommunication equipment to permit the pilot to conduct two-way communications on the appropriate frequency; and

(j) sufficient radio navigation equipment to permit the pilot, in the event of the failure at any stage of the flight of any item of that equipment, including any associated flight instrument display,

(i) to proceed to the destination aerodrome or proceed to another aerodrome that is suitable for landing, and

(ii) where the aircraft is operated in IMC, to complete an instrument approach and, if necessary, conduct a missed approach procedure.

[…]

Altitude Alerting System or Device

605.36 (1) Subject to subsection (2), no person shall conduct a take-off in a turbo-jet-powered aeroplane unless it is equipped with an altitude alerting system or device that conforms to the *Aircraft Equipment and Maintenance Standards*.

(2) Subsection (1) does not apply in respect of an aeroplane without a serviceable altitude alerting system or device if

(a) a minimum equipment list has been approved by the Minister in respect of the operator of the aeroplane pursuant to subsection 605.07(3) and the aeroplane is operated in accordance with the minimum equipment list; or

(b) a minimum equipment list has not been approved by the Minister in respect of the operator of the aeroplane and the aeroplane is operated

(i) from the place where the operator or pilot-in-command takes possession of the aeroplane to a place where the aeroplane can be equipped with such a system or device,

(ii) for the sole purpose of conducting a flight test, a competency check, a pilot proficiency check or flight crew member training, or

(iii) where the system or device becomes unserviceable after take-off, until it reaches an aerodrome at which the system or device can be repaired or replaced.

[…]

Autopilot

702.43 No air operator shall operate an aircraft on a single-pilot operation in IFR flight unless the aircraft is equipped with

(a) an auto-pilot that is capable of operating the aircraft controls to maintain flight and manoeuvre the aircraft about the lateral and longitudinal axes;

[…]