EXEMPTION FROM SUBSECTION 507.06(2) AND PARAGRAPH 507.06(3)(b) 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 **persons who apply for a special certificate of airworthiness in the limited classification** from the requirement set out in subsection 507.06(2) and paragraph 507.06(3)(b) of the *Canadian Aviation Regulations (CARs)*, subject to the following conditions.

Subsection 507.06(2) states that a person who applies for a flight authority shall do so in the form and manner specified in Chapter 507 of the *Airworthiness Manual.*

Paragraph 507.06(3)(b) states that an applicant for a flight authority shall include with the application a declaration, made by a person authorized to do so pursuant to section 507.10, attesting that, in the case of an application for a special certificate of airworthiness, the aircraft meets the requirements of section 507.03.

Paragraph 507.03(a) states that 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 meets the criteria for one of the classifications of a special certificate of airworthiness specified in Chapter 507 of the *Airworthiness Manual.*

Section 507.09 states that where an aircraft does not meet the requirements for the issue of a flight authority that conforms to Article 31 of the *Convention*, the Minister shall make the flight authority subject to operating conditions where the conditions are required to ensure the safety of the aircraft, other aircraft, persons, animals or property.

Sections 507.06, 507.03, 507.09 are reproduced in **Appendix A** as well as section 507.11 which pertains to the duration of a flight authority.

Without limiting the generality of section 507.09, a special certificate of airworthiness in the limited classification issued pursuant to this exemption in respect of an aircraft will ordinarily be subject to the operating conditions listed in **Appendix B,** and the aircraft shall be operated in accordance with the Operating Conditions set out in the Operating Conditions document which has been dated and forms part of the special certificate of airworthiness in the limited classification.

PURPOSE

The purpose of this exemption is to allow **persons who apply for a special certificate of airworthiness in the limited classification** to submit their application in respect of an eligible aircraft in a form and manner other than that specified in Chapter 507 of the *Airworthiness Manual,* as required by subsection 507.06(2) of the CARs.

The purpose of this exemption is to allow persons to submit with their application a declaration which is different from the declaration attesting that the aircraft meets the requirements of section 507.03 of the CARs, as required by paragraph 507.06(3)(b) of the CARs.

The purpose of this exemption is to allow persons to submit an application for an aircraft other than those described in paragraph 507.03(b) of the CARs.

APPLICATION

This exemption applies to **persons who apply (hereafter "applicant") for a special certificate of airworthiness in the limited classification in respect of an eligible aircraft**, specifically an aircraft:

a) which has been serially and commercially manufactured to a distinct and definable type description;

b) which is not a model for which a type certificate has been issued or accepted by the Minister; and

c) which is not of an aircraft model which is in production and for which a foreign airworthiness authority having jurisdiction over the type design of the aircraft has issued a document that is the foreign equivalent of a type certificate.

This exemption does not apply to the applicant who cannot meet all of the conditions.

INTERPRETATION

For the purposes of section 507.11 of the CARs, a Special Certificate of Airworthiness in the limited classification issued by the Minister pursuant to this exemption constitutes a flight authority issued pursuant to *Subpart 507* of the CARs, entitled "*Flight Authority and Certificate of Noise Compliance*".

For the purposes of section 507.11 of the CARs, the conditions subject to which the flight authority was issued also include those operating conditions which form part of the Special Certificate of Airworthiness in the limited classification issued by the Minister pursuant to this exemption.

CONDITIONS

This exemption is subject to the following conditions:

1. The applicant shall allow the Minister to inspect, or cause to be inspected, the aircraft for which an application has been submitted, for the purposes of determining conformity with its description as set out in the application and its compliance with the applicable requirements.

2. The application shall pertain to an eligible aircraft.

3. The applicant shall also submit to the Minister documents, translated as necessary to either English or French, which contain to the satisfaction of the Minister the following information:

a) a general history and description of the aircraft type and model and the purpose for which the type was designed;

b) the purpose for which the aircraft is to be used;

c) all technical, historical or operational information which may be pertinent or relevant to the review of the application by the Minister, including but not limited to:

i) documentation concerning the model type description as originally manufactured and, regarding the aircraft for which the application is made, any non-conformity to that type description;

ii) information about any life limits established by the manufacturer of the aircraft or by another authoritative body, and the time remaining until any such limit is reached; and

iii) any applicable flight or operating limitations;

d) evidence of the approximate date of manufacture of the aircraft and the name of the manufacturer and, if the manufacturer is an entity, its legal name, along with the manufacturer's model designation and the aircraft serial number;

e) type and model data, including drawings or other technical data, required to perform the inspection referred to in (k) below and which establish the type description to which the aircraft's conformity will be attested;

f) the aircraft Journey Log and other technical records assigned to that aircraft as required by section 605.92 of the CARs, or in the case of an application made in respect of an imported foreign aircraft, the equivalent documents;

g) a current Weight and Balance report, together with an equipment list which includes the weight and moment arm of each item of equipment not forming part of the type description;

h) an approved maintenance schedule to which the aircraft shall be maintained

pursuant to section 605.86 of the CARs;

i) evidence showing that sufficient applicable information, equipment, supplies and spares are available to enable proper maintenance of the aircraft and evidence that persons with sufficient training, knowledge, experience and skill are available to properly perform maintenance on the aircraft;

j) an aircraft flight manual or an equivalent document that provides sufficient information to enable safe operation of the aircraft, and any applicable flight or operating limitations;

k) a written report to the Minister which is compiled and signed by a person who may sign a maintenance release as described in section 571.11 of *Standard 571 – Maintenance*, and which:

i) describes the results of an annual inspection as itemised in an approved maintenance schedule or an equivalent inspection described in the aircraft maintenance manual, supervised by the qualified person and including disassembly when necessary;

ii) details any maintenance accomplished as part of the inspection; and

iii) describes any repairs or modifications that were required and carried out to bring the aircraft to a condition of conformity to the type description and capable of safe operation, including the acceptable data used to accomplish the repair or modification.

4. Notwithstanding condition 3, the applicant shall provide any additional documentation requested by the Minister, and any other information that they possess or are aware of that may be pertinent for the Minister's purposes in considering the issuance of a special certificate of airworthiness in the limited classification for the aircraft, in determining the operating conditions to be part of the special certificate of airworthiness in the limited classification, if issued, and in forming an opinion regarding whether or not the aircraft is safe for flight and whether it can be maintained in a safe condition and operated without undue risk to the safety of the aircraft, other aircraft, persons, animals or property.

5. The applicant shall submit an application signed by himself or herself.

6. The applicant shall submit an attestation to the aircraft's condition and its conformity with the declared type description and to its safety for flight which is signed by a person authorized to do so pursuant to section 507.10 of the CARs.

CANCELLATION

This exemption cancels all previous exemptions issued on behalf of the Minister of Transport to persons who apply for a special certificate of airworthiness in the limited classification, including the following:

a) the exemption (**NCR-2002-123**) from Appendix F to Chapter 507 of the *Airworthiness Manual*, subsection 507.03(5) of the *Flight Authority and Certificate of Noise Compliance Standard* and subsection 507.03(a) of the *Canadian Aviation Regulations*, issued to persons who apply for a special certificate of airworthiness in the limited classification on **March 6, 2002** at Ottawa, Ontario, by Brian Whitehead, Acting Director, Aircraft Maintenance and Manufacturing, on behalf of the Minister of Transport, for which the expiry date is January 31, 2005;

b) the exemption (**NCR-2002-058**) from Appendix F to Chapter 507 of the *Airworthiness Manual*, subsection 507.03(5) of the *Flight Authority and Certificate of Noise Compliance Standard* and subsection 507.03(a) of the *Canadian Aviation Regulations*, issued to persons who apply for a special certificate of airworthiness in the limited classification on **June 6, 2002** at Ottawa, Ontario, by Jeffrey C. Phipps, Acting Director, Aircraft Maintenance and Manufacturing, on behalf of the Minister of Transport, for which the expiry date is January 31, 2005;

c) the exemption (**NCR-2004-097**) from Appendix F to Chapter 507 of the *Airworthiness Manual*, subsection 507.03(5) of the Airworthiness Manual and subsection 507.03(5) of the *Flight Authority and Certificate of Noise Compliance Standard* made pursuant to paragraph 507.03(a) of the *Canadian Aviation Regulations*, issued to persons who apply for a special certificate of airworthiness in the limited classification on **July 2, 2004** at Ottawa, Ontario, by Brian Whitehead, Acting Director, Aircraft Maintenance and Manufacturing, on behalf of the Minister of Transport, for which the expiry date is November 30, 2005;

d) the exemption (**NCR-2005-012**) from Appendix F to Chapter 507 of the *Airworthiness Manual*, subsection 507.03(5) of the *Flight Authority and Certificate of Noise Compliance Standard* made pursuant to paragraph 507.03(a) of the *Canadian Aviation Regulations*, issued to persons who apply for a special certificate of airworthiness in the limited classification on **November 17, 2005** at Ottawa, Ontario, by D. B. Sherritt, Director, Aircraft Maintenance and Manufacturing, on behalf of the Minister of Transport, for which there is no specific expiry date; and

e) the exemption (**NCR-2010-038**) from Appendix F and subsection 507.03(5) of Standard 507 - *Flight Authority and Certificate of Noise Compliance* and subsection 507.03(a) of the *Canadian Aviation Regulations*, issued to persons who apply for a special certificate of airworthiness in the limited classification on

August 12, 2010 at Ottawa, Ontario, by Don Sherritt, Director, Standards, on behalf of the Minister of Transport, for which there is no specific expiry date;

which are hereby cancelled because it is the opinion of the Minister that these exemptions are no longer in the public interest or are likely to adversely affect aviation safety.

VALIDITY

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

a) May 1, 2022 at 23:59 EDT;

b) the date on which an amendment to the appropriate provisions of the CARs or related standards specifically pertaining to the subject-matter of this exemption comes into effect; or

c) the date on which this 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.

DATED at Ottawa, Ontario, this 27 day of April, 2017 on behalf of the Minister of Transport.

Aaron McCrorie
Director General, Aviation Safety Regulatory Framework
Civil Aviation

APPENDIX A

PERTINENT PROVISIONS OF THE CARS

Application for Flight Authority

507.06 (1) An application for a flight authority shall be signed by the owner of the aircraft in respect of which it is submitted, or by a representative of the owner as defined in Chapter 507 of the *Airworthiness Manual.*

(2) A person who applies for a flight authority shall do so in the form and manner specified in Chapter 507 of the *Airworthiness Manual.*

(3) An applicant for a flight authority shall include with the application a declaration, made by a person authorized to do so pursuant to section 507.10, attesting that

> (a) in the case of an application for a certificate of airworthiness, the aircraft meets the requirements of section 507.02;
>
> (b) in the case of an application for a special certificate of airworthiness, the aircraft meets the requirements of section 507.03; or
>
> (c) in the case of an application for a flight permit, the aircraft meets the requirements of section 507.04.

(4) In the case of an application to validate a foreign flight authority, the applicant shall submit a copy of the foreign flight authority, including any operational limitation imposed in respect of that flight authority.

(5) The Minister may inspect, or may cause to be inspected, any aircraft for which an application for flight authority has been made, for the purposes of determining conformity with its type design and compliance with the applicable requirements of these 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.

Operating Conditions

507.09 Where an aircraft does not meet the requirements for the issue of a flight authority that conforms to Article 31 of the Convention, the Minister shall make the flight authority subject to operating conditions where the conditions are required to ensure the safety of the aircraft, other aircraft, persons, animals or property.

Duration of a Flight Authority

507.11 Unless surrendered, suspended or cancelled, a flight authority issued pursuant to this Subpart remains in force during the period or for the number of flights specified in it or, where no limit is specified, indefinitely, if the aircraft continues to meet the conditions subject to which the flight authority was issued.

APPENDIX B

GENERAL OPERATING CONDITIONS

1. The aircraft shall be safe for flight, in that it shall be maintained in a safe condition which enables its operation without presenting undue risk to the safety of the aircraft, other aircraft, persons, animals or property.

2. The aircraft shall be maintained in accordance with the maintenance requirements set out in Parts V and VI of the CARs.

3. All maintenance releases shall be signed by:

a) an appropriately rated Aircraft Maintenance Engineer (AME);

b) the holder of an applicable Restricted Certification Authority (RCA) for the aircraft type, issued in accordance with section 571.11 of the CARs; or

c) the holder of an Aircraft Maintenance Engineer licence who has been authorized to sign by the holder of an Approved Maintenance Organization (AMO) certificate issued under section 573.02 of the CARs and with a rating appropriate to the work performed, or by an appropriately rated foreign organization accepted under the terms of a Technical Arrangement or Bi-lateral Agreement.

4. All specialized maintenance shall be performed by an appropriately rated Canadian Approved Maintenance Organization (AMO) or by an appropriately rated foreign organization accepted under the terms of a Technical Arrangement or Bi-lateral Agreement.

5. If the aircraft is operated in any way for hire and reward, maintenance shall be performed by an appropriately rated Canadian Approved Maintenance Organisation (AMO) or by an appropriately rated foreign organization accepted under the terms of a Technical Arrangement or Bi-lateral Agreement.

6. If the aircraft is operated in any way for hire and reward, the aircraft shall be maintained in accordance with a Maintenance Schedule submitted to and formally approved by the Minister.

7. All modifications and repairs shall be performed in accordance with acceptable data as defined in section 571.06 of the *Airworthiness Manual.*

8. Where a person performs a modification or repair which has more than negligible effects on the weight and centre-of-gravity limits, structural strength, performance, power plant operation, flight characteristics or other qualities affecting the aircraft's airworthiness or environmental characteristic, the person performing the modification or

repair shall report it to the Minister in accordance with the procedures specified in section 571.12 of the *Airworthiness Manual.*

9. When the aircraft is modified or repaired in a way that could reasonably require a change to the Operating Conditions which form part of the special certificate of airworthiness in the limited classification, the owner or operator shall ensure that a modification or repair report is submitted to and reviewed by the Minister prior to the next flight of the aircraft.

10. The aircraft shall be operated in accordance with the operating rules set out in the *Canadian Aviation Regulations*, and with the procedures and limitations specified in the aircraft flight manual (AFM) or equivalent document listed in the Operating Conditions attached to the Special Certificate of Airworthiness – Limited, and with any procedures and limitations listed in the Operating Conditions.

11. When alterations or amendments are made to the flight manual or equivalent document specified in the Operating Conditions which form part of the special certificate of airworthiness in the limited classification, the owner or operator of the aircraft shall ensure that these changes are submitted to and reviewed by the Minister prior to the next flight of the aircraft.

12. In the case where the aircraft has been approved by the Minister for the carriage of passengers, the following, as applicable, shall be met:

a) the aircraft shall have a placard which contains a statement displayed either so that it is readily legible from each passenger station or on the side of the fuselage, stating in English and French that passengers fly in this aircraft at their own risk and that the aircraft does not comply with internationally recognized standards;

b) in the case where the placard is displayed on the side of the fuselage, it shall be in a position that is readily legible to persons entering the aircraft, in letters at least 10 mm (3/8 in.) high and of a colour contrasting with the background; and

c) all passengers shall be briefed before each flight on:

i) the meaning and implications of the placard;

ii) where applicable, which seats are not to be occupied during take-off and landing; and

iii) emergency procedures, including the operation of the seats, seat belts, and exits.