



CIVIL AVIATION PUBLICATION

CAP 29

FRACTIONAL OWNERSHIP PROGRAMME OPERATIONS

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CHAPTER 1

INTRODUCTION

1.1 General

Fractional ownership is a method in which several unrelated parties can share in, and mitigate the risk of, ownership of an aircraft. It can be done for strictly monetary reasons, but typically there is some amount of personal access involved.

This CAP provides background information, and describes fractional ownership programmes and the application process for obtaining management specifications to operate under CAR OPS 2A.015/2H.007

Note: [The term “management specifications”(Mspecs) is the attachment to the specific approval required under CAR OPS 2A.104/2H.107.]

This CAP describes;

- (a) the regulatory definitions and safety standards for fractional ownership programmes;
- (b) defines the programme and programme elements;
- (c) allocates operational control responsibilities and authority to the owners and programme manager;
- (d) increased operational and maintenance safety requirements for fractional ownership programmes; and
- (e) explains the application process.

1.2 Applicability

[This CAP is applicable to CAR OPS 2A, Part II for aeroplanes and CAR OPS 2H for helicopters. (Refer to CAR OPS 2A.015 & CAR OPS 2H.007 as appropriate.)]

1.3 Oversight

Fractional ownership programmes are private, general aviation programmes conducted under CAR OPS 2A Part II/CAR OPS 2H although it is possible for the programme to be also conducted under CAR OPS 1/3 as appropriate.]

Fractional ownership programmes are subject to a CAA oversight programme similar to that provided to commercial air transport operators, with the exception of line checks and en-route inspections.

CAA aviation safety inspectors will conduct scheduled and unscheduled inspections, and surveillance of personnel, aircraft, records, and other documents to ensure compliance with the regulations.



1.4 Directives

[The Programme Manager Directives of Chapter 2 are mandatory requirements as specified in CAR OPS 2A.015(a)/2H.007(a) and non-compliance will be considered in the same way as non-compliance with regulations.]

1.5 Definitions

(a) The following definitions apply to fractional ownership programmes;

- (1) *affiliate of a programme manager* means a manager that, directly, or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with, another programme manager. [The holding of at least forty percent (40 percent) of the equity and forty percent (40 percent) of the voting power of an entity will be presumed to constitute control for purposes of determining an affiliation under OPS 2A.010/2H.005;]
- (2) *a dry-lease aircraft exchange* means an arrangement, documented by the written programme agreements, under which the programme aircraft are available, on an as needed basis without crew, to each fractional owner;
- (3) *a fractional owner or owner* means an individual or entity that possesses a minimum fractional ownership interest in a programme aircraft and that has entered into the applicable programme agreements; provided, however, that in the case of the flight operations described in paragraph (a)(6)(ii), and solely for purposes of requirements pertaining to those flight operations, the fractional owner operating the aircraft will be deemed to be a fractional owner in the programme managed by the affiliate;
- (4) *fractional ownership interest* means the ownership of an interest or holding of a multi-year leasehold interest and/or a multi-year leasehold interest that is convertible into an ownership interest in a programme aircraft;
- (5) *a fractional ownership programme or programme* means any system of aircraft ownership and exchange that consists of all of the following elements;
 - (i) the provision for fractional ownership programme management services by a single fractional ownership programme manager on behalf of the fractional owners;
 - (ii) two or more airworthy aircraft;
 - (iii) one or more fractional owners per programme aircraft, with at least one programme aircraft having more than one owner;
 - (iv) possession of at least a minimum fractional ownership interest in one or more programme aircraft by each fractional owner;



- (v) a dry-lease aircraft exchange arrangement among all of the fractional owners; and
 - (vi) multi-year programme agreements covering the fractional ownership, fractional ownership programme management services, and dry-lease aircraft exchange aspects of the programme.
- (6) *a fractional ownership programme aircraft or programme aircraft* means;
- (i) an aircraft in which a fractional owner has a minimal fractional ownership interest and that has been included in the dry-lease aircraft exchange pursuant to the programme agreements, or
 - (ii) in the case of a fractional owner from one programme operating an aircraft in a different fractional ownership programme managed by an affiliate of the operating owner's programme manager, the aircraft being operated by the fractional owner, so long as the aircraft is;
 - (A) included in the fractional ownership programme managed by the affiliate of the operating owner's programme manager, and
 - (B) included in the operating owner's program's dry-lease aircraft exchange pursuant to the programme agreements of the operating owner's programme;
 - (iii) an aircraft owned in whole or in part by the programme manager that has been included in the dry-lease aircraft exchange and is used to supplement programme operations;
- (7) *a fractional ownership programme flight or programme flight* means a flight under this CAP when one or more passengers or property designated by a fractional owner are on board the aircraft;
- (8) *fractional ownership programme management services or programme management services* mean administrative and aviation support services furnished in accordance with the applicable requirements of this CAP or provided by the programme manager on behalf of the fractional owners, including, but not limited to, the;
- (i) establishment and implementation of programme safety guidelines;
 - (ii) employment, furnishing, or contracting of pilots and other crewmembers;
 - (iii) training and qualification of pilots and other crewmembers and personnel;
 - (iv) scheduling and coordination of the programme aircraft and crews;
 - (v) maintenance of programme aircraft;



- (vi) satisfaction of recordkeeping requirements;
 - (vii) development and use of a programme operations manual and procedures;
and
 - (viii) application for and maintenance of management specifications and other authorisations and approvals;
- (9) *a fractional ownership programme manager* means the entity that offers fractional ownership programme management services to fractional owners, and is designated in the multi-year programme agreements to fulfil the requirements applicable to the manager of the programme containing the aircraft being flown. When a fractional owner is operating an aircraft in a fractional ownership programme managed by an affiliate of the owner's programme manager, the references in this CAP to the flight-related responsibilities of the programme manager apply, with respect to that particular flight, to the affiliate of the owner's programme manager rather than to the owner's programme manager.
- (10) *a minimum fractional ownership interest* means a fractional ownership interest equal to, or greater than;
- (i) [one-sixteenth (1/16) of at least one subsonic, fixed-wing or powered-lift programme aircraft;
 - (ii) One-thirty-second (1/32) of at least one helicopter programme aircraft.]
- (b) The directives that refer to a fractional owner or a fractional ownership programme manager also apply to any person who engages in an operation governed by OPS 2A.015/2H.007 without the management specifications required.



CHAPTER 2

PROGRAMME MANAGEMENT DIRECTIVES

Note: [The term “management specifications” is the attachment to the specific approval required under CAR OPS 2A.104/2H.107.]

2.1 Management contract between owner and programme manager

Each owner must have a contract with the programme manager that;

- (a) requires the programme manager to ensure that the programme conforms to all applicable requirements of OPS 2A.015/2H.007;
- (b) provides the owner the right to inspect and to audit, or have a designee of the owner inspect and audit, the records of the programme manager pertaining to the operational safety of the programme and those records required to show compliance with the management specifications and all applicable regulations. These records include, but are not limited to, the management specifications, authorisations, approvals, manuals, log books, and maintenance records maintained by the programme manager;
- (c) designates the programme manager as the owner's agent to receive service of notices pertaining to the programme that the Authority seeks to provide to owners and authorises the Authority to send such notices to the programme manager in its capacity as the agent of the owner for such service;
- (d) acknowledges the Authority's right to contact the owner directly if the Authority determines that direct contact is necessary.

2.2 Prohibitions and limitations

- (a) [Except as provided in OPS 2A.010/2H.005, no owner may carry persons or property for compensation or hire on a programme flight.
- (b) During the term of the multi-year programme agreements under which a fractional owner has obtained a minimum fractional ownership interest in a programme aircraft, the flight hours used during that term by the owner on programme aircraft must not exceed the total hours associated with the fractional owner's share of ownership.
- (c) No person may sell or lease an aircraft interest in a fractional ownership programme that is smaller than that prescribed in the definition of “minimum fractional ownership interest” in section 1.5(a)(10) unless flights associated with that interest are operated under CAR OPS 1/3 and are conducted by a commercial air transport operator certificated under CAR OPS 1/3.

2.3 Flight conducted under CAR OPS 1/3.

- (a) Except as provided in OPS 2A.010(a)/2H.005(a), when a non-programme aircraft is used to substitute for a programme flight, the flight must be operated in compliance with CAR OPS 1/3;



- (b) A programme manager who holds an air operator certificate under CAR OPS 1/3 may conduct a flight for the use of a fractional owner under CAR OPS 1/3 if the aircraft is listed on the operations specifications of the air operator certificate holder for CAR OPS 1/3;
- (c) the fractional owner must be informed when a flight is being conducted as a programme flight or is being conducted under CAR OPS 1/3.]

2.4 Operational control

- (a) An owner is in operational control of a programme flight when the owner;
 - (1) has the rights and is subject to the limitations set forth in paragraphs 2.1 through 2.6
 - (2) has directed that a programme aircraft carry passengers or property designated by that owner; and
 - (3) the aircraft is carrying those passengers or property.
- (b) An owner is not in operational control of a flight in the following circumstances;
 - (1) a programme aircraft is used for a flight for administrative purposes such as demonstration, positioning, ferrying, maintenance, or crew training, and no passengers or property designated by such owner are being carried; or
 - (2) [the aircraft being used for the flight is being operated under CAR OPS 1/3.]

2.5 Operational control responsibilities and delegation

- (a) [Each owner in operational control of a programme flight is ultimately responsible for safe operations and for complying with all applicable requirements of CAR OPS 2A/2H, including those related to airworthiness and operations in connection with the flight.
- (b) Each owner may delegate some or all of the performance of the tasks associated with carrying out this responsibility to the programme manager, and may rely on the programme manager for aviation expertise and programme management services. When the owner delegates performance of tasks to the programme manager or relies on the programme manager's expertise, the owner and the programme manager are jointly and individually responsible for compliance.
- (c) The management specifications, authorisations and approvals required by CAR OPS 2A/2H are issued to, and in the sole name of, the programme manager on behalf of the fractional owners collectively.] The management specifications, authorisations, and approvals will not be affected by any change in ownership of a programme aircraft, as long as the aircraft remains a programme aircraft in the identified programme.



2.6 Operational control briefing and acknowledgment

- (a) Upon the signing of an initial programme management services contract, or a renewal or extension of a programme management services contract, the programme manager must brief the fractional owner on the owner's operational control responsibilities, and the owner must review and sign an acknowledgment of these operational control responsibilities.
 - (1) The acknowledgment must be included with the programme management services contract.
 - (2) The acknowledgment must define when a fractional owner is in operational control and the owner's responsibilities and liabilities under the programme. These include;
 - (i) responsibility for compliance with the management specifications and all applicable regulations.
 - (ii) enforcement actions for any non-compliance.
 - (iii) liability risk in the event of a flight-related occurrence that causes personal injury or property damage.
- (b) The fractional owner's signature on the acknowledgment will serve as the owner's affirmation that the owner has read, understands, and accepts the operational control responsibilities described in the acknowledgment.
 - (1) Each programme manager must ensure that the fractional owner or owner's representatives have access to the acknowledgments for such owner's programme aircraft.
 - (2) Each programme manager must ensure that the Authority has access to the acknowledgments for all programme aircraft.

2.7 Issuing or denying management specifications

- (a) A person applying for management specifications must submit an application;
 - (1) In a form and manner prescribed by the CAA; and
 - (2) Containing any information the CAA requires the applicant to submit.
- (b) Management specifications will be issued to the programme manager on behalf of the fractional owners if, after investigation, the CAA finds that the applicant;
 - (1) meets the applicable requirements of this CAP; and
 - (2) [is properly and adequately equipped in accordance with the requirements of CAR OPS 2A/2H and is able to conduct safe operations under appropriate provisions of this CAP and the management specifications.]



- (c) An application for management specifications will be denied if the CAA finds that the applicant is not properly or adequately equipped or is not able to conduct safe operations.

2.8 Management specifications

- (a) Each person conducting operations or furnishing fractional ownership programme management services to fractional owners must do so in accordance with management specifications issued by the CAA as MSspecs (Form SM 86C) to the fractional ownership programme manager. Management specifications will include;
 - (1) The current list of all fractional owners and types of aircraft, registration markings and serial numbers;
 - (2) The authorisations, limitations, and certain procedures under which these operations are to be conducted,
 - (3) Certain other procedures under which each class and size of aircraft is to be operated;
 - (4) Authorisation for an aircraft maintenance inspection programme approved under 2.55, including the type of aircraft, the registration markings and serial numbers of each aircraft to be operated under the programme. No person may conduct any programme flight using any aircraft not listed.
 - (5) [Time limitations, or standards for determining time limitations, for overhauls, inspections, and checks for airframes, engines, propellers, rotors, appliances, and emergency equipment of aircraft.]
 - (6) The specific location of the programme manager's principal base of operations and, if different, the address that will serve as the primary point of contact for correspondence between the CAA and the programme manager and the name and mailing address of the programme manager's agent for service;
 - (7) Other business names the programme manager may use;
 - (8) Authorisation for the method of controlling weight and balance of aircraft;
 - (9) Any authorised deviation and exemption granted from any requirement of this chapter; and
 - (10) Any other information the CAA determines is necessary.
- (b) The programme manager may keep the current list of all fractional owners required by paragraph (a)(1) at its principal base of operation or other location approved by the CAA and referenced in its management specifications. Each programme manager shall make this list of owners available for inspection by the CAA.
- (c) Management specifications issued are effective unless;



- (1) The management specifications are amended under 2.9; or
- (2) The CAA suspends or revokes the management specifications.
- (d) At least 30 days before it proposes to establish or change the location of its principal base of operations, its main operations base, or its main maintenance base, a programme manager must provide written notification to the CAA.
- (e) Each programme manager must maintain a complete and separate set of its management specifications at its principal base of operations, or at a place approved by the CAA, and must make its management specifications available for inspection by the CAA and the fractional owner(s) to whom the programme manager furnishes its services for review and audit.
- (f) Each programme manager must insert pertinent excerpts of its management specifications, or references thereto, in its programme manual and must;
 - (1) clearly identify each such excerpt as a part of its management specifications; and
 - (2) state that compliance with each management specifications requirement is mandatory.
- (g) Each programme manager must keep each of its employees and other persons who perform duties material to its operations informed of the provisions of its management specifications that apply to that employee's or person's duties and responsibilities.

2.9 Amending programme manager's management specifications

- (a) The CAA may amend any management specifications if;
 - (1) The CAA determines that safety and the public interest require the amendment of any management specifications; or
 - (2) The programme manager applies for the amendment of any management specifications, and the CAA determines that safety and the public interest allows the amendment.
- (b) Except as provided in paragraph (e) when the CAA initiates an amendment of a programme manager's management specifications, the following procedure applies;
 - (1) The CAA will notify the programme manager in writing of the proposed amendment.
 - (2) The CAA will set a reasonable period (but not less than 7 days) within which the programme manager may submit written information, views, and arguments on the amendment.
 - (3) After considering all material presented, the CAA will notify the programme manager of;



- (i) The adoption of the proposed amendment;
 - (ii) The partial adoption of the proposed amendment, or
 - (iii) The withdrawal of the proposed amendment.
- (4) If the CAA issues an amendment of the management specifications, it becomes effective not less than 30 days after the programme manager receives notice of it unless;
 - (i) The CAA finds under paragraph (e) that there is an emergency requiring immediate action with respect to safety; or
 - (ii) The programme manager petitions for reconsideration of the amendment under paragraph (d)
- (c) When the programme manager applies for an amendment to its management specifications, the following procedure applies;
 - (1) The programme manager must file an application to amend its management specifications;
 - (i) At least 90 days before the date proposed by the applicant for the amendment to become effective, unless a shorter time is approved, in cases such as mergers, acquisitions of operational assets that require an additional showing of safety (for example, proving tests or validation tests), and resumption of operations following a suspension of operations as a result of bankruptcy actions.
 - (ii) At least 15 days before the date proposed by the applicant for the amendment to become effective in all other cases.
 - (2) The application must be submitted to the CAA in a form and manner prescribed by the CAA.
 - (3) After considering all material presented, the CAA will notify the programme manager of;
 - (i) The adoption of the applied for amendment;
 - (ii) The partial adoption of the applied for amendment; or
 - (iii) The denial of the applied for amendment. The programme manager may petition for reconsideration of a denial under paragraph (d)
 - (4) If the CAA approves the amendment, following coordination with the programme manager regarding its implementation, the amendment is effective on the date the CAA approves it.



- (d) When a programme manager seeks reconsideration of a decision of the CAA concerning the amendment of management specifications, the following procedure applies;
 - (1) The programme manager must petition for reconsideration of that decision within 30 days of the date that the programme manager receives a notice of denial of the amendment of its management specifications, or of the date it receives notice of a CAA-initiated amendment of its management specifications, whichever circumstance applies.
 - (2) The programme manager must address its petition to the Director General.
 - (3) A petition for reconsideration, if filed within the 30-day period, suspends the effectiveness of any amendment issued by the CAA unless it has found, under paragraph (e) that an emergency exists requiring immediate action with respect to safety.
 - (4) If a petition for reconsideration is not filed within 30 days, the procedures of paragraph (c) apply.
- (e) If the CAA finds that an emergency exists requiring immediate action with respect to safety that makes the procedures set out in this section impracticable or contrary to the public interest;
 - (1) The CAA amends the management specifications and makes the amendment effective on the day the programme manager receives notice of it; and
 - (2) In the notice to the programme manager, the CAA will articulate the reasons for its finding that an emergency exists requiring immediate action with respect to safety or that makes it impracticable or contrary to the public interest to stay the effectiveness of the amendment.

2.10 Conducting tests and inspections.

- (a) At any time or place, the CAA may conduct an inspection or test, other than an en-route inspection, to determine whether a programme manager is complying with the applicable regulations and the programme manager's management specifications.
- (b) The programme manager must;
 - (1) make available to the CAA at the programme manager's principal base of operations, or at a place approved by the CAA, the programme manager's management specifications; and
 - (2) allow the CAA to make any test or inspection, other than an en-route inspection, to determine compliance respecting any matter stated in paragraph (a).
- (c) Each employee of, or person used by, the programme manager who is responsible for maintaining the programme manager's records required by or necessary to demonstrate compliance must make those records available to the CAA.



- (d) The CAA may determine a programme manager's continued eligibility to hold its management specifications on any appropriate grounds.
- (e) Failure by any programme manager to make available to the CAA upon request, the management specifications, or any required record, document, or report is grounds for suspension of all or any part of the programme manager's management specifications.

2.11 Internal safety reporting and incident/accident response

- (a) Each programme manager must establish an internal anonymous safety reporting procedure that fosters an environment of safety without any potential for retribution for filing the report.
- (b) Each programme manager must establish procedures to respond to an aviation incident/accident.

Note: [These procedures should be in accordance with the operator's SMS required by CAR OPS 2A for aeroplanes.]

2.12 Programme operating manual requirements

- (a) [Each programme manager must prepare and keep current a programme operating manual, acceptable to the CAA, setting forth procedures and policies of the fractional ownership management.] The programme manager's management, flight, ground, and maintenance personnel must use this manual to conduct operations.
- (b) Each programme manager must maintain at least one copy of the manual at its principal base of operations.
- (c) No manual may be contrary to any applicable regulations, foreign regulations applicable to the programme flights in foreign countries, or the programme manager's management specifications.
- (d) The programme manager must make a copy of the manual, or appropriate portions of the manual (and changes and additions), available to its maintenance and ground operations personnel and must furnish the manual to;
 - (1) its crewmembers; and
 - (2) representatives of the CAA assigned to the programme manager.
- (e) Each employee of the programme manager to whom a manual or appropriate portions of it are furnished under paragraph (d)(1) must keep it up-to-date with the changes and additions furnished to them.
- (f) Except as provided in paragraph (h) the appropriate parts of the manual must be carried on each aircraft when away from the principal operations base. The appropriate parts must be available for use by ground or flight personnel.



- (g) For the purpose of complying with paragraph (d) a programme manager may furnish the persons listed therein with all or part of its manual in the English language. If the programme manager furnishes all or part of the manual in other than printed form, it must ensure there is a compatible reading device available to those persons that provides a legible image of the maintenance information and instructions, or a system that is able to retrieve the maintenance information and instructions in the English language.
- (h) If a programme manager conducts aircraft inspections or maintenance at specified facilities where the approved aircraft inspection programme is available, the programme manager is not required to ensure that the approved aircraft inspection programme is carried aboard the aircraft en-route to those facilities.
- (i) [Programme managers that are also certificated to operate under CAR OPS 1/3 may be authorised to use the operating manual required by that regulation to meet the manual requirements, provided;]
 - (1) the policies and procedures are consistent for both operations, or
 - (2) when policies and procedures are different, the applicable policies and procedures are identified and used.

2.13 Programme operating manual contents

[Each programme operating manual must have the date of the last revision on each revised page. Unless otherwise authorised by the CAA, the manual must include the requirements of Appendix 1 to CAR OPS 2A.215 (aeroplanes only) and the following for all aircraft;]

- (a) Procedures for ensuring compliance with aircraft weight and balance limitations;
- (b) Copies of the programme manager's management specifications or appropriate extracted information, including area of operations authorised, category and class of aircraft authorised, crew complements, and types of operations authorised;
- (c) Procedures for complying with accident notification requirements;
- (d) Procedures for ensuring that the pilot in command knows that required airworthiness inspections have been made and that the aircraft has been approved for return to service in compliance with applicable maintenance requirements;
- (e) Procedures for reporting and recording mechanical irregularities that come to the attention of the pilot in command before, during, and after completion of a flight;
- (f) Procedures to be followed by the pilot in command for determining that mechanical irregularities or defects reported for previous flights have been corrected or that correction of certain mechanical irregularities or defects have been deferred;



- (g) Procedures to be followed by the pilot in command to obtain maintenance, preventive maintenance, and servicing of the aircraft at a place where previous arrangements have not been made by the programme manager or owner, when the pilot is authorised to so act for the operator;
- (h) [Where provided, MEL procedures for the release of, and continuation of flight if any item of equipment required for the particular type of operation becomes inoperative or unserviceable en-route;]
- (i) Procedures for refuelling aircraft, eliminating fuel contamination, protecting from fire (including electrostatic protection), and supervising and protecting passengers during refuelling;
- (j) Procedures to be followed by the pilot in command in the briefing under 2.18.
- (k) Procedures for ensuring compliance with emergency procedures, including a list of the functions assigned each category of required crewmembers in connection with emergency and emergency evacuation duties;
- (l) The approved aircraft inspection programme, when applicable;
- (m) Procedures for the evacuation of persons who may need the assistance of another person to move expeditiously to an exit if an emergency occurs;
- (n) Procedures for performance planning that take into account take off, landing and en-route conditions;
- (o) An approved Destination Airport Analysis, when required by 2.19(c), that includes the following elements, supported by aircraft performance data supplied by the aircraft manufacturer for the appropriate runway conditions;
 - (1) Pilot qualifications and experience;
 - (2) Aircraft performance data to include normal, abnormal and emergency procedures as supplied by the aircraft manufacturer;
 - (3) Airport facilities and topography;
 - (4) Runway conditions (including contamination);
 - (5) Airport or area weather reporting;
 - (6) Appropriate additional runway safety margins, if required;
 - (7) [Aircraft inoperative equipment;]
 - (8) Environmental conditions; and
 - (9) Other criteria that affect aircraft performance.



- (p) A suitable system (which may include a coded or electronic system) that provides for preservation and retrieval of maintenance recordkeeping information required by 2.57 in a manner acceptable to the CAA that provides;
 - (1) A description (or reference to date acceptable to the CAA) of the work performed;
 - (2) The name of the person performing the work if the work is performed by a person outside the organisation of the programme manager; and
 - (3) The name or other positive identification of the individual approving the work.
- (q) Flight locating and scheduling procedures; and
- (r) Other procedures and policy instructions regarding programme operations that are issued by the programme manager or required by the CAA; such as;
 - (1) Safety Management Systems; and
 - (2) Quality Management Systems.

2.14 Recordkeeping

- (a) Each programme manager must keep at its principal base of operations or at other places approved by the CAA, and must make available for inspection by the CAA all of the following;
 - (1) The programme manager's management specifications;
 - (2) A current list of the aircraft used or available for use in operations and the operations for which each is equipped (for example, RNP5/10, RVSM.);
 - (3) An individual record of each pilot used in operations, including the following information;
 - (i) The full name of the pilot.
 - (ii) The pilot licence (by type and number), ratings and validations, if applicable, that the pilot holds.
 - (iii) The pilot's aeronautical experience in sufficient detail to determine the pilot's qualifications to pilot aircraft in operations.
 - (iv) The pilot's current duties and the date of the pilot's assignment to those duties.
 - (v) The effective date and class of the medical certificate that the pilot holds.



- (vi) The date and result of each of the initial and recurrent competency tests and proficiency checks and the type of aircraft flown during that test or check.
 - (vii) The pilot's flight time in sufficient detail to determine compliance with the flight time limitations.
 - (viii) The pilot's check pilot authorisation, if any.
 - (ix) Any action taken concerning the pilot's release from employment for physical or professional disqualification; and
 - (x) The date of the satisfactory completion of initial, transition, upgrade, and differences training and each recurrent training phase.
- (4) An individual record for each cabin crewmember used in operations, including the following information:
- (i) The full name of the cabin crewmember, and
 - (ii) The date and result of training required by 2.32, as applicable.
- (5) A current list of all fractional owners and associated aircraft. This list or a reference to its location must be included in the management specifications and should be of sufficient detail to determine the minimum fractional ownership interest of each aircraft.
- (b) Each programme manager must keep each record required by paragraph (a)(2) for at least 6 months, and must keep each record required by paragraphs (a)(3) and (a)(4) for at least 12 months. When an employee is no longer employed or affiliated with the programme manager or fractional owner, each record required by paragraphs (a)(3) and (a)(4) must be retained for at least 12 months.
- (c) Each programme manager is responsible for the preparation and accuracy of a load manifest in duplicate containing information concerning the loading of the aircraft. The manifest must be prepared before each take-off and must include;
- (1) The number of passengers;
 - (2) The total weight of the loaded aircraft;
 - (3) The maximum allowable take-off weight for that flight;
 - (4) The centre of gravity limits;
 - (5) The centre of gravity of the loaded aircraft, except that the actual centre of gravity need not be computed if the aircraft is loaded according to a loading schedule or other approved method that ensures that the centre of gravity of the loaded aircraft is within approved limits. In those cases, an entry must be made on the



manifest indicating that the centre of gravity is within limits according to a loading schedule or other approved method;

- (6) The registration number of the aircraft or flight number;
 - (7) The origin and destination; and
 - (8) Identification of crewmembers and their crew position assignments.
- (d) The pilot in command of the aircraft for which a load manifest must be prepared must carry a copy of the completed load manifest in the aircraft to its destination. The programme manager must keep copies of completed load manifest for at least 30 days at its principal operations base, or at another location used by it and approved by the CAA.
- (e) Each programme manager is responsible for providing a written document that states the name of the entity having operational control on that flight. The pilot in command of the aircraft must carry a copy of the document in the aircraft to its destination. The programme manager must keep a copy of the document for at least 30 days at its principal operations base, or at another location used by it and approved by the CAA.
- (f) Records may be kept either in paper or digital format provided there are means of displaying a digital copy.
- (g) [Programme managers that are also certificated to operate under CAR OPS 1/3 may satisfy the recordkeeping requirements with records maintained to fulfil equivalent obligations under CAR OPS 1/3].

2.15 Flight scheduling and locating requirements

- (a) Each programme manager must establish and use an adequate system to schedule and release programme aircraft.
- (b) Except as provided in paragraph (d) each programme manager must have adequate procedures established for locating each flight, for which a flight plan is not filed, that;
 - (1) provide the programme manager with at least the information required to be included in a VFR flight plan;
 - (2) provide for timely notification of a CAA facility or search and rescue facility, if an aircraft is overdue or missing; and
 - (3) provide the programme manager with the location, date, and estimated time for re-establishing radio or telephone communications, if the flight will operate in an area where communications cannot be maintained.
- (c) Flight locating information must be retained at the programme manager's principal base of operations, or at other places designated by the programme manager in the flight locating procedures, until the completion of the flight.



- (d) The flight locating requirements of paragraph (b) do not apply to a flight for which a CAA flight plan has been filed and the flight plan is cancelled within 25 nautical miles of the destination airport.

2.16 Pilot in command or second in command: Designation required.

- (a) Each programme manager must designate a;
 - (1) Pilot in command for each programme flight; and
 - (2) Second in command for each programme flight requiring two pilots.
- (b) The pilot in command, as designated by the programme manager, must remain the pilot in command at all times during that flight.

2.17 Operating information required

- (a) Each programme manager must, for all programme operations, provide the following materials, in current and appropriate form, accessible to the pilot at the pilot station, and the pilot must use them;
 - (1) A cockpit checklist;
 - (2) For multi-engine aircraft or for aircraft with retractable landing gear, an emergency cockpit checklist containing the procedures required by paragraph (c), as appropriate;
 - (3) At least one set of pertinent aeronautical charts; and
 - (4) For IFR operations, at least one set of pertinent navigational en-route, terminal area, and instrument approach procedure charts.
- (b) Each cockpit checklist required by paragraph (a)(1) must contain the following procedures;
 - (1) Before starting engines;
 - (2) Before take-off;
 - (3) Cruise;
 - (4) Before landing;
 - (5) After landing; and
 - (6) Stopping engines.
- (c) Each emergency cockpit checklist required by paragraph (a)(2) must contain the following procedures, as appropriate;



- (1) Emergency operation of fuel, hydraulic, electrical, and mechanical systems.
- (2) Emergency operation of instruments and controls.
- (3) Engine inoperative procedures.
- (4) Any other emergency procedures necessary for safety.

2.18 Passenger awareness

- (a) Prior to each take-off, the pilot in command of an aircraft carrying passengers on a programme flight must ensure that all passengers have been orally briefed on;
 - (1) *Smoking*: Each passenger must be briefed on when, where, and under what conditions smoking is prohibited. This briefing must include a statement, as appropriate, that the regulations require passenger compliance with lighted passenger information signs and no smoking placards, prohibit smoking in lavatories, and require compliance with crewmember instructions with regard to these items;
 - (2) *Use of safety belts, shoulder harnesses, and child restraint systems*: Each passenger must be briefed on when, where and under what conditions it is necessary to have his or her safety belt and, if installed, his or her shoulder harness fastened about him or her, and if a child is being transported, the appropriate use of child restraint systems, if available. This briefing must include a statement, as appropriate, that the regulations require passenger compliance with the lighted passenger information sign and/or crewmember instructions with regard to these items;
 - (3) The placement of seat backs in an upright position before take-off and landing;
 - (4) Location and means for opening the passenger entry door and emergency exits;
 - (5) Location of survival equipment;
 - (6) Ditching procedures and the use of flotation equipment required for a flight over water;
 - (7) The normal and emergency use of oxygen installed in the aircraft; and
 - (8) Location and operation of fire extinguishers.
- (b) Prior to each take-off, the pilot in command of an aircraft carrying passengers on a programme flight must ensure that each person who may need the assistance of another person to move expeditiously to an exit if an emergency occurs and that person's attendant, if any, has received a briefing as to the procedures to be followed if an evacuation occurs. This paragraph does not apply to a person who has been given a briefing before a previous leg of that flight in the same aircraft.



- (c) Prior to each take-off, the pilot in command must advise the passengers of the name of the entity in operational control of the flight.
- (d) The oral briefings required by paragraphs (a), (b), and (c) must be given by the pilot in command or another crewmember.
- (e) The oral briefing required by paragraph (a) may be delivered by means of an approved recording playback device that is audible to each passenger under normal noise levels.
- (f) The oral briefing required by paragraph (a) must be supplemented by printed cards that must be carried in the aircraft in locations convenient for the use of each passenger. The cards must;
 - (1) Be appropriate for the aircraft on which they are to be used;
 - (2) Contain a diagram of, and method of operating, the emergency exits; and
 - (3) Contain other instructions necessary for the use of emergency equipment on board the aircraft.

2.19 CAR OPS 2A, Part II Aeroplane limitations, destination and alternate airports

- (a) No programme manager or any other person may permit a CAR OPS 2A, Part II aeroplane on a programme flight to take-off that aeroplane at a weight that (allowing for normal consumption of fuel and oil in flight to the destination or alternate airport) the weight of the aeroplane on arrival would exceed the landing weight in the Aeroplane Flight Manual for the elevation of the destination or alternate airport and the ambient temperature expected at the time of landing.
- (b) Except as provided in paragraph (c), no programme manager or any other person may permit a CAR OPS 2A, Part II aeroplane on a programme flight to take off that aeroplane unless its weight on arrival, allowing for normal consumption of fuel and oil in flight (in accordance with the landing distance in the Aeroplane Flight Manual for the elevation of the destination airport and the wind conditions expected there at the time of landing), would allow a full stop landing at the intended destination airport within 60 percent of the effective length of each runway described below from a point 50 feet above the intersection of the obstruction clearance plane and the runway. For the purpose of determining the allowable landing weight at the destination airport, the following is assumed:
 - (1) The aeroplane is landed on the most favourable runway and in the most favourable direction, in still air.
 - (2) The aeroplane is landed on the most suitable runway considering the probable wind velocity and direction and the ground handling characteristics of that aeroplane, and considering other conditions such as landing aids and terrain.



- (c) A programme manager or other person flying a CAR OPS 2A, Part II aeroplane on a programme flight may permit that aeroplane to take off at a weight in excess of that allowed by paragraph (b) if all of the following conditions exist:
- (1) The operation is conducted in accordance with an approved Destination Airport Analysis in that person's programme operating manual that contains the elements listed in 2.13(o).
 - (2) The aeroplane's weight on arrival, allowing for normal consumption of fuel and oil in flight (in accordance with the landing distance in the Aeroplane Flight Manual for the elevation of the destination airport and the wind conditions expected there at the time of landing), would allow a full stop landing at the intended destination airport within 80 percent of the effective length of each runway described below from a point 50 feet above the intersection of the obstruction clearance plane and the runway. For the purpose of determining the allowable landing weight at the destination airport, the following is assumed;
 - (i) The aeroplane is landed on the most favourable runway and in the most favourable direction, in still air.
 - (ii) The aeroplane is landed on the most suitable runway considering the probable wind velocity and direction and the ground handling characteristics of that aeroplane, and considering other conditions such as landing aids and terrain.
 - (3) The operation is authorised by management specifications.
- (d) No programme manager or other person may select an airport as an alternate airport for a CAR OPS 2A, Part II aeroplane unless (based on the assumptions in paragraph (b) of this section) that aeroplane, at the weight expected at the time of arrival, can be brought to a full stop landing within 80 percent of the effective length of the runway from a point 50 feet above the intersection of the obstruction clearance plane and the runway.
- (e) Unless, based on a showing of actual operating landing techniques on wet runways, a shorter landing distance (but never less than that required by paragraph (b) or (c) of this section) has been approved for a specific type and model aeroplane and included in the Aeroplane Flight Manual, no person may take off a turbojet aeroplane when the appropriate weather reports or forecasts, or any combination of them, indicate that the runways at the destination or alternate airport may be wet or slippery at the estimated time of arrival unless the effective runway length at the destination airport is at least 115 percent of the runway length required under paragraph (b) or (c)

2.20 IFR take-off, approach and landing minimums

- (a) No pilot on a programme aircraft operating a programme flight may begin an instrument approach procedure to an airport unless;
- (1) [Either that airport or the alternate airport has a weather reporting facility operated by a source approved by the State where the airport is located; and]



- (2) The latest weather report issued by the weather reporting facility includes a current local altimeter setting for the destination airport. If no local altimeter setting is available at the destination airport, the pilot must obtain the current local altimeter setting from a source provided by the facility designated on the approach chart for the destination airport.
- (b) For flight planning purposes, if the destination airport does not have a weather reporting facility described in paragraph (a)(1) the pilot must designate as an alternate an airport that has a weather reporting facility meeting that criteria.
- (c) The MDA or Decision Altitude and visibility landing minimums prescribed or in the programme manager's management specifications are increased by 100 feet and 800 m ($\frac{1}{2}$ mile) respectively, but not to exceed the ceiling and visibility minimums for that airport when used as an alternate airport, for each pilot in command of a turbine-powered aircraft who has not served at least 100 hours as pilot in command in that type of aircraft.
- (d) No person may take off an aircraft under IFR from an airport where weather conditions are at or above take-off minimums but are below authorised IFR landing minimums unless there is an alternate airport within one hour's flying time (at normal cruising speed, in still air) of the airport of departure.
- (e) Each pilot making an IFR take-off or approach and landing at an airport must comply with applicable instrument approach procedures and take-off and landing weather minimums prescribed by the authority having jurisdiction over the airport. In addition, no pilot may take off at that airport when the visibility is less than 180 m (600 feet), unless otherwise authorised in the programme manager's management specifications for EVS operations.

2.21 Aircraft proving and validation tests.

- (a) No programme manager may permit the operation of an aircraft, other than a turbojet aircraft, for which two pilots are required by the type certification requirements for operations under VFR, if it has not previously proved such an aircraft in operations in at least 25 hours of proving tests acceptable to the CAA including;
 - (1) Five hours of night time, if night flights are to be authorised;
 - (2) Five instrument approach procedures under simulated or actual conditions, if IFR flights are to be authorised; and
 - (3) Entry into a representative number of en-route airports as determined by the CAA.
- (b) No programme manager may permit the operation of a turbojet aeroplane if it has not previously proved a turbojet aeroplane in operations in at least 25 hours of proving tests acceptable to the CAA including;
 - (1) Five hours of night time, if night flights are to be authorised;



- (2) Five instrument approach procedures under simulated or actual conditions, if IFR flights are to be authorised; and
- (3) Entry into a representative number of en-route airports as determined by the CAA.
- (c) No programme manager may carry passengers in an aircraft during proving tests, except those needed to make the tests and those designated by the CAA to observe the tests. However, pilot flight training may be conducted during the proving tests.
- (d) Validation testing is required to determine that a programme manager is capable of conducting operations safely and in compliance with applicable regulatory standards. Validation tests are required for the following authorisations:
 - (1) The addition of an aircraft for which two pilots are required for operations under VFR or a turbojet aeroplane, if that aircraft or an aircraft of the same make or similar design has not been previously proved or validated in operations.
 - (2) [Operations outside the officially designated operational service volumes of ICAO) standard ground-based NAVAIDs, such as VOR, VOR/DME, and NDB or navigation is dependent on the use of a LRNS with a requirement to at least once an hour "Reliably Fix" the aircraft position.]
 - (3) Special performance or operational authorisations (e.g. RNP/NAT HLA etc.)
- (e) Validation tests must be accomplished by test methods acceptable to the CAA. Actual flights may not be required when an applicant can demonstrate competence and compliance with appropriate regulations without conducting a flight.
- (f) Proving tests and validation tests may be conducted simultaneously when appropriate.
- (g) The CAA may authorise deviations if the CAA finds that special circumstances make full compliance with this section unnecessary.

2.22 [Additional equipment requirements]

No person may operate a programme aircraft on a programme flight unless the aircraft is equipped with the following;

- (a) Aeroplanes having a passenger-seat configuration of more than 30 seats or a payload capacity of more than 3,175 kg (7,500 lbs);
 - (1) A cockpit voice recorder as required by CAR OPS 1 as applicable to the aircraft specified.
 - (2) A flight recorder as required by CAR OPS 1 as applicable to the aircraft specified.
 - (3) A terrain awareness and warning system as required by CAR OPS 1 as applicable to the aircraft specified.



- (4) A traffic alert and collision avoidance system as required by CAR OPS 1 as applicable to the aircraft specified.
 - (5) Airborne weather radar as required by CAR OPS 1, as applicable to the aircraft specified.
- (b) [Aeroplanes having a passenger-seat configuration of 30 seats or fewer, excluding each crewmember, and a payload capacity of 3,175 kg (7,500 lbs) or less, and any helicopter as applicable];
- (1) A cockpit voice recorder as required by CAR OPS 2A/2H as applicable to the aircraft specified.
 - (2) A flight recorder as required by CAR OPS 2A.425(a) through (f) or CAR OPS 2H.429 as applicable to the aircraft specified.
- Note: The exemption granted under CAR OPS 2A.425(g) or CAR OPS 2H.429(f) is not applicable for a programme aircraft wanting to operate on a programme flight.*
- (3) A terrain awareness and warning system as required CAR OPS 2A/2H as applicable to the aircraft specified.
 - (4) A traffic alert and collision avoidance system as required CAR OPS 2A/2H as applicable to the aircraft specified.
 - (5) As applicable to the aircraft specified, either:
 - (i) Airborne thunderstorm detection equipment as required by CAR OPS 2A/2H; or
 - (ii) Airborne weather radar as required by CAR OPS 2A/2H.]

2.23 Drug and alcohol misuse education programme

- (a) Each programme manager must provide each direct employee performing flight crewmember, cabin crewmember, flight instructor, or aircraft maintenance duties with drug and alcohol misuse education.
- (b) No programme manager may use any contract employee to perform flight crewmember, cabin crewmember, flight instructor, or aircraft maintenance duties for the programme manager unless that contract employee has been provided with drug and alcohol misuse education.
- (c) Programme managers must disclose to their owners and prospective owners the existence of a company drug and alcohol misuse testing programme. If the programme manager has implemented a company testing programme, the programme manager's disclosure must include the following;



- (1) Information on the substances that they test for, for example, alcohol and a list of the drugs;
 - (2) The categories of employees tested, the types of tests, for example, pre-employment, random, reasonable cause/suspicion, post-accident, return to duty and follow-up; and
 - (3) The degree to which the programme manager's company testing programme is comparable to the federally mandated drug and alcohol testing programme regarding the information in paragraphs (c)(1) and (c)(2).
- (d) If a programme aircraft is operated on a programme flight into an airport at which no maintenance personnel are available that are subject to the requirements of paragraphs (a) or (b) and emergency maintenance is required, the programme manager may use persons not meeting the requirements of paragraphs (a) or (b) to provide such emergency maintenance under both of the following conditions;
- (1) The programme manager must notify the CAA in writing within 10 days after being provided emergency maintenance in accordance with this paragraph. The programme manager must retain copies of all such written notifications for two years.
 - (2) The aircraft must be re-inspected by maintenance personnel who meet the requirements of paragraph (a) or (b) when the aircraft is next at an airport where such maintenance personnel are available.
- (e) For purposes emergency maintenance means maintenance that;
- (1) is not scheduled, and
 - (2) is made necessary by an aircraft condition not discovered prior to the departure for that location.
- (f) Notwithstanding paragraphs (a) and (b) drug and alcohol misuse education conducted under a CAA approved drug and alcohol misuse prevention programme may be used to satisfy these requirements.

2.24 Personnel

- (a) Each programme manager and each fractional owner must use in programme operations on programme aircraft flight crews meeting 2.26 criteria and qualified under the appropriate regulations. The programme manager must provide oversight of those crews.
- (b) Each programme manager must employ (either directly or by contract) an adequate number of pilots per programme aircraft. Flight crew staffing must be determined based on the following factors, at a minimum:
 - (1) Number of programme aircraft.



- (2) Programme manager flight, duty, and rest time considerations, and in all cases within the limits set forth in 2.28 through 2.30.
 - (3) Vacations.
 - (4) Operational efficiencies.
 - (5) Training.
 - (6) Single pilot operations, if authorised by deviation under paragraph (d)
- (c) Each programme manager must publish pilot and cabin crewmember duty schedules sufficiently in advance to follow the flight, duty, and rest time limits in 2.28 through 2.30 in programme operations.
- (d) Unless otherwise authorised by the CAA, when any programme aircraft is flown in programme operations with passengers on board, the crew must consist of at least two qualified pilots employed or contracted by the programme manager or the fractional owner.
- (e) The programme manager must ensure that trained and qualified scheduling or flight release personnel are on duty to schedule and release programme aircraft during all hours that such aircraft are available for programme operations.

2.25 Pilot safety background check

Within 90 days of an individual beginning service as a pilot, the programme manager must request the following information;

- (a) CAA records pertaining to;
- (1) Current pilot licences, validations and associated type ratings.
 - (2) Current medical certificates.
 - (3) Summaries of legal enforcement actions resulting in a finding by the CAA of a violation.
- (b) Records from all previous employers during the five years preceding the date of the employment application where the applicant worked as a pilot. If any of these firms are in bankruptcy, the records must be requested from the trustees in bankruptcy for those employees. If the previous employer is no longer in business, a documented good faith effort must be made to obtain the records. Records from previous employers must include, as applicable;
- (1) Crewmember records.
 - (2) Drug testing—collection, testing, and rehabilitation records pertaining to the individual.



- (3) Alcohol misuse prevention programme records pertaining to the individual.
- (4) The applicant's individual record that includes licences, ratings, aeronautical experience, effective date and class of the medical certificate.

2.26 Crewmember experience

- (a) No programme manager or owner may use any person, nor may any person serve, as a pilot in command or second in command of a programme aircraft, or as a cabin crewmember on a programme aircraft, in programme operations unless that person has met the applicable requirements CAR LIC and has the following experience and ratings:
 - (1) Total flight time for all pilots;
 - (i) Pilot in command—A minimum of 1,500 hours.
 - (ii) Second in command—A minimum of 500 hours.
 - (2) For multi-engine turbine-powered aeroplanes, the following CAA licence and ratings requirements;
 - (i) Pilot in command—Airline transport pilot and applicable type ratings.
 - (ii) Second in command—Commercial pilot and instrument ratings.
 - (iii) Cabin crewmember (if required or used)—Appropriately trained personnel.
 - (3) For all other aircraft, the following CAA certification and rating requirements:
 - (i) Pilot in command—Commercial pilot and instrument ratings.
 - (ii) Second in command—Commercial pilot and instrument ratings.
 - (iii) Cabin crewmember (if required or used)—Appropriately trained personnel.
- (b) The CAA may authorise deviations from paragraph (a)(1) if the CAA that issued the programme manager's management specifications finds that the crewmember has comparable experience, and can effectively perform the functions associated with the position in accordance with the requirements of this chapter. Grants of deviation under this paragraph may be granted after consideration of the size and scope of the operation, the qualifications of the intended personnel and the circumstances set forth in 2.27(b)(1) through (3). The CAA may, at any time, terminate any grant of deviation authority issued under this paragraph.

2.27 Pilot operating limitations and pairing requirement

- (a) [If the second in command of an aeroplane programme aircraft has fewer than 100 hours of flight time as second in command flying in the aircraft make and model and, if a type rating is required, in the type aircraft being flown, and the pilot in command is not an



appropriately qualified check pilot, the pilot in command shall make all take-offs and landings in any of the following situations;]

- (1) Landings at the destination airport when a Destination Airport Analysis is required by 2.19(c); and
- (2) In any of the following conditions;
 - (i) The prevailing visibility for the airport is at or below 1200 m ($\frac{3}{4}$ mile).
 - (ii) The runway visual range for the runway to be used is at or below 4,000 feet.
 - (iii) The runway to be used has water, snow, slush, ice or similar contamination that may adversely affect aircraft performance.
 - (iv) The braking action on the runway to be used is reported to be less than "good."
 - (v) The crosswind component for the runway to be used is in excess of 15 knots.
 - (vi) Windshear is reported in the vicinity of the airport.
 - (vii) Any other condition in which the pilot in command determines it to be prudent to exercise the pilot in command's authority.
- (b) No programme manager may release a programme flight unless, for that aircraft make or model and, if a type rating is required, for that type aircraft, either the pilot in command or the second in command has at least 75 hours of flight time, either as pilot in command or second in command. The CAA may, upon application by the programme manager, authorise deviations from the requirements of this paragraph by an appropriate amendment to the management specifications in any of the following circumstances;
 - (1) A newly authorised programme manager does not employ any pilots who meet the minimum requirements of this paragraph.
 - (2) An existing programme manager adds to its fleet a new category and class aircraft not used before in its operation.
 - (3) An existing programme manager establishes a new base to which it assigns pilots who will be required to become qualified on the aircraft operated from that base.
- (c) No person may be assigned in the capacity of pilot in command in a programme operation to more than two aircraft types that require a separate type rating.

2.28 Flight, duty and rest time requirements: All crewmembers.

- (a) For purposes of this section;



Augmented flight crew means at least three pilots.

Calendar day means the period of elapsed time, using Coordinated Universal Time or local time that begins at midnight and ends 24 hours later at the next midnight.

Duty period means the period of elapsed time between reporting for an assignment involving flight time and release from that assignment by the programme manager. All time between these two points is part of the duty period, even if flight time is interrupted by non-flight-related duties. The time is calculated using either Coordinated Universal Time or local time to reflect the total elapsed time.

Extension of flight time means an increase in the flight time because of circumstances beyond the control of the programme manager or flight crewmember (such as adverse weather) that are not known at the time of departure and that prevent the flight crew from reaching the destination within the planned flight time.

Cabin crewmember means an individual, other than a flight crewmember, who is assigned by the programme manager, in accordance with the required minimum crew complement under the programme manager's management specifications or in addition to that minimum complement, to duty in an aircraft during flight time and whose duties include but are not necessarily limited to cabin-safety-related responsibilities.

Multi-time zone flight means an easterly or westerly flight or multiple flights in one direction in the same duty period that results in a time zone difference of 5 or more hours and is conducted in a geographic area that is south of 60 degrees north latitude and north of 60 degrees south latitude.

Reserve status means that status in which a flight crewmember, by arrangement with the programme manager: Holds himself or herself fit to fly to the extent that this is within the control of the flight crewmember; remains within a reasonable response time of the aircraft as agreed between the flight crewmember and the programme manager; and maintains a ready means whereby the flight crewmember may be contacted by the programme manager. Reserve status is not part of any duty period or rest period.

Rest period means a period of time required pursuant to this CAP that is free of all responsibility for work or duty prior to the commencement of, or following completion of, a duty period, and during which the flight crewmember or cabin crewmember cannot be required to receive contact from the programme manager. A rest period does not include any time during which the programme manager imposes on a flight crewmember or cabin crewmember any duty or restraint, including any actual work or present responsibility for work should the occasion arise.

Standby means that portion of a duty period during which a flight crewmember is subject to the control of the programme manager and holds himself or herself in a condition of readiness to undertake a flight. Standby is not part of any rest period.

- (b) A programme manager may assign a crewmember and a crewmember may accept an assignment for flight time only when the applicable requirements and 2.29 and 2.30 are met.



- (c) No programme manager may assign any crewmember to any duty during any required rest period.
- (d) Time spent in transportation, not local in character, that a programme manager requires of a crewmember and provides to transport the crewmember to an airport at which he or she is to serve on a flight as a crewmember, or from an airport at which he or she was relieved from duty to return to his or her home station, is not considered part of a rest period.
- (e) A flight crewmember may continue a flight assignment if the flight to which he or she is assigned would normally terminate within the flight time limitations, but because of circumstances beyond the control of the programme manager or flight crewmember (such as adverse weather conditions), is not at the time of departure expected to reach its destination within the planned flight time. The extension of flight time under this paragraph may not exceed the maximum time limits set forth in 2.29.
- (f) Each flight assignment must provide for at least 10 consecutive hours of rest during the 24-hour period that precedes the completion time of the assignment.
- (g) The programme manager must provide each crewmember at least 13 rest periods of at least 24 consecutive hours each in each calendar quarter.
- (h) A flight crewmember may decline a flight assignment if, in the flight crewmember's determination, to do so would not be consistent with the standard of safe operation required.
- (i) Any rest period required may occur concurrently with any other rest period.
- (j) If authorised by the CAA, a programme manager may use the applicable flight time limitations, duty period limitations, and rest requirements of CAR OPS 1/3, Subpart Q instead of the flight time limitations, duty period limitations and rest requirements.

2.29 Flight time limitations and rest requirements: One or two pilot crews

- (a) No programme manager may assign any flight crewmember, and no flight crewmember may accept an assignment, for flight time as a member of a one or two pilot crew if that crewmember's total flight time in all commercial flying will exceed;
 - (1) 500 hours in any calendar quarter;
 - (2) 800 hours in any two consecutive calendar quarters;
 - (3) 1,400 hours in any calendar year.
- (b) Except as provided in paragraph (c), during any 24 consecutive hours the total flight time of the assigned flight, when added to any commercial flying by that flight crewmember, may not exceed;
 - (1) 8 hours for a flight crew consisting of one pilot; or



- (2) 10 hours for a flight crew consisting of two pilots qualified for the operation being conducted.
- (c) No programme manager may assign any flight crewmember, and no flight crewmember may accept an assignment, if that crewmember's flight time or duty period will exceed, or rest time will be less than;

	Normal duty	Extension of flight time
(1) Minimum Rest Immediately Before Duty	10 Hours	10 Hours.
(2) Duty Period	Up to 14 Hours	Up to 14 Hours.
(3) Flight Time For 1 Pilot	Up to 8 Hours	Exceeding 8 Hours up to 9 Hours.
(4) Flight Time For 2 Pilots	Up to 10 Hours	Exceeding 10 Hours up to 12 Hours.
(5) Minimum After Duty Rest	10 Hours	12 Hours.
(6) Minimum After Duty Rest Period for Multi-Time Zone Flights	14 Hours	18 Hours.

2.30 Augmented flight crews

- (a) No programme manager may assign any flight crewmember, and no flight crewmember may accept an assignment, for flight time as a member of an augmented crew if that crewmember's total flight time in all commercial flying will exceed;
- (1) 500 hours in any calendar quarter;
 - (2) 800 hours in any two consecutive calendar quarters;
 - (3) 1,400 hours in any calendar year.
- (b) No programme manager may assign any pilot to an augmented crew, unless the programme manager ensures;
- (1) Adequate sleeping facilities are installed on the aircraft for the pilots.
 - (2) No more than 8 hours of flight deck duty is accrued in any 24 consecutive hours.
 - (3) For a three-pilot crew, the crew must consist of at least the following;
 - (i) A pilot in command (PIC) who meets the applicable flight crewmember requirements.
 - (ii) A PIC qualified pilot who meets the applicable flight crewmember requirements.



- (iii) A second in command (SIC) who meets the SIC qualifications. For flight under IFR, that person must also meet the recent instrument experience requirements.
- (4) For a four-pilot crew, at least three pilots who meet the conditions of paragraph (b)(3), plus a fourth pilot who meets the SIC qualifications of this CAP. For flight under IFR, that person must also meet the recent instrument experience requirements.
- (c) No programme manager may assign any flight crewmember, and no flight crewmember may accept an assignment, if that crewmember's flight time or duty period will exceed, or rest time will be less than;

	3-Pilot crew	4-Pilot crew
(1) Minimum Rest Immediately Before Duty	10 Hours	10 Hours
(2) Duty Period	Up to 16 Hours	Up to 18 Hours
(3) Flight Time	Up to 12 Hours	Up to 16 Hours
(4) Minimum After Duty Rest	12 Hours	18 Hours
(5) Minimum After Duty Rest Period for Multi-Time Zone Flights	18 hours	24 hours

2.31 Duty periods and rest requirements: Cabin crewmembers

- (a) Except as provided in paragraph (b), a programme manager may assign a duty period to a cabin crewmember only when the assignment meets the applicable duty period limitations and rest requirements.
 - (1) Except as provided in paragraphs (a)(4), (a)(5), and (a)(6) no programme manager may assign a cabin crewmember to a scheduled duty period of more than 14 hours.
 - (2) Except as provided in paragraph (a)(3) a cabin crewmember scheduled to a duty period of 14 hours or less as provided under paragraph (a)(1) must be given a scheduled rest period of at least 9 consecutive hours. This rest period must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.
 - (3) The rest period required under paragraph (a)(2) may be scheduled or reduced to 8 consecutive hours if the cabin crewmember is provided a subsequent rest period of at least 10 consecutive hours; this subsequent rest period must be scheduled to begin no later than 24 hours after the beginning of the reduced rest period and must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.
 - (4) A programme manager may assign a cabin crewmember to a scheduled duty period of more than 14 hours, but no more than 16 hours, if the programme manager has assigned to the flight or flights in that duty period at least one cabin



crewmember in addition to the minimum cabin crewmember complement required for the flight or flights in that duty period under the programme manager's management specifications.

- (5) A programme manager may assign a cabin crewmember to a scheduled duty period of more than 16 hours, but no more than 18 hours, if the programme manager has assigned to the flight or flights in that duty period at least two cabin crewmembers in addition to the minimum cabin crewmember complement required for the flight or flights in that duty period under the programme manager's management specifications.
 - (6) A programme manager may assign a cabin crewmember to a scheduled duty period of more than 18 hours, but no more than 20 hours, if the programme manager has assigned to the flight or flights in that duty period at least three cabin crewmembers in addition to the minimum cabin crewmember complement required for the flight or flights in that duty period under the programme manager's management specifications.
 - (7) Except as provided in paragraph (a)(8) a cabin crewmember scheduled to a duty period of more than 14 hours but no more than 20 hours, as provided in paragraphs (a)(4), (a)(5), and (a)(6), must be given a scheduled rest period of at least 12 consecutive hours. This rest period must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.
 - (8) The rest period required under paragraph (a)(7) may be scheduled or reduced to 10 consecutive hours if the cabin crewmember is provided a subsequent rest period of at least 14 consecutive hours; this subsequent rest period must be scheduled to begin no later than 24 hours after the beginning of the reduced rest period and must occur between the completion of the scheduled duty period and the commencement of the subsequent duty period.
 - (9) Notwithstanding paragraphs (a)(4), (a)(5), and (a)(6) if a programme manager elects to reduce the rest period to 10 hours as authorised by paragraph (a)(8) the programme manager may not schedule a cabin crewmember for a duty period of more than 14 hours during the 24-hour period commencing after the beginning of the reduced rest period.
- (b) Notwithstanding paragraph (a) a programme manager may apply the flight crewmember flight time and duty limitations and rest requirements of this part to cabin crewmembers for all operations conducted provided that the programme manager establishes written procedures that;
- (1) Apply to all cabin crewmembers used in the programme manager's operation;
 - (2) Include the flight crewmember rest and duty requirements of 2.28, 2.29, and 2.30, as appropriate to the operation being conducted, except that rest facilities on board the aircraft are not required;



- (3) Include provisions to add one cabin crewmember to the minimum cabin crewmember complement for each flight crewmember who is in excess of the minimum number required in the aircraft type certificate data sheet and who is assigned to the aircraft under the provisions of 2.30; and
- (4) Are approved by the CAA and described or referenced in the programme manager's management specifications.

2.32 Testing and training: Applicability and terms used

- (a) Sections 2.33 through 2.54:
 - (1) Prescribe the tests and checks required for pilots and cabin crewmembers and for the approval of check pilots in operations;
 - (2) Prescribe the requirements for establishing and maintaining an approved training programme for crewmembers, check pilots and instructors, and other operations personnel employed or used by the programme manager;
 - (3) Prescribe the requirements for the qualification, approval and use of aircraft simulators and flight training devices in the conduct of an approved training programme; and
 - (4) Permits training centre personnel who meet the requirements of 2.38 to conduct training, testing and checking under contract or other arrangements to those persons.
- (b) If authorised by the CAA, a programme manager may comply with the applicable training and testing sections of CAR OPS 1/3, Subparts N and O, except for the operating experience requirements.
- (d) For the purposes of this CAP, the following terms and definitions apply:
 - (1) *Initial training.* The training required for crewmembers who have not qualified and served in the same capacity on an aircraft.
 - (2) *Transition training.* The training required for crewmembers who have qualified and served in the same capacity on another aircraft.
 - (3) *Upgrade training.* The training required for crewmembers who have qualified and served as second in command on a particular aircraft type, before they serve as pilot in command on that aircraft.
 - (4) *Differences training.* The training required for crewmembers who have qualified and served on a particular type aircraft, when the CAA finds differences training is necessary before a crewmember serves in the same capacity on a particular variation of that aircraft.



- (5) *Recurrent training.* The training required for crewmembers to remain adequately trained and currently proficient for each aircraft crewmember position, and type of operation in which the crewmember serves.
- (6) *In flight.* The manoeuvres, procedures, or functions that will be conducted in the aircraft.
- (7) *Training centre.* An organisation governed by the applicable requirements of either FAR Part 142 or EASA Part FCL that conducts training, testing, and checking under contract or other arrangement to programme managers.
- (8) *Requalification training.* The training required for crewmembers previously trained and qualified, but who have become unqualified because of not having met within the required period any of the following:
 - (i) Recurrent crewmember training requirements of 2.54.
 - (ii) Instrument proficiency check requirements of 2.35.
 - (iii) Testing requirements of 2.33.
 - (iv) Recurrent cabin crewmember testing requirements of 2.34.

2.33 Initial and recurrent pilot testing requirements

- (a) No programme manager or owner may use a pilot, nor may any person serve as a pilot, unless, since the beginning of the 12th month before that service, that pilot has passed either a written or oral test (or a combination), given by the CAA or an authorised check pilot, on that pilot's knowledge in the following areas;
 - (1) [The appropriate provisions of CAR LIC and CAR OPS 2A/2H and the management specifications and the operating manual of the programme manager;]
 - (2) For each type of aircraft to be flown by the pilot, the aircraft powerplant, major components and systems, major appliances, performance and operating limitations, standard and emergency operating procedures, and the contents of the accepted operating manual or equivalent, as applicable;
 - (3) For each type of aircraft to be flown by the pilot, the method of determining compliance with weight and balance limitations for take-off, landing and en-route operations;
 - (4) Navigation and use of air navigation aids appropriate to the operation or pilot authorisation, including, when applicable, instrument approach facilities and procedures;
 - (5) Air traffic control procedures, including IFR procedures when applicable;



- (6) Meteorology in general, including the principles of frontal systems, icing, fog, thunderstorms, and windshear, and, if appropriate for the operation of the programme manager, high altitude weather;
 - (7) Procedures for;
 - (i) Recognising and avoiding severe weather situations;
 - (ii) Escaping from severe weather situations, in case of inadvertent encounters, including low-altitude windshear (except that helicopter pilots are not required to be tested on escaping from low-altitude windshear); and
 - (iii) Operating in or near thunderstorms (including best penetration altitudes), turbulent air (including clear air turbulence), icing, hail, and other potentially hazardous meteorological conditions; and
 - (8) New equipment, procedures, or techniques, as appropriate.
- (b) [No programme manager or owner may use a pilot, nor may any person serve as a pilot, in any aircraft unless, since the beginning of the 12th month before that service, that pilot has passed a competency check given by the CAA or an authorised check pilot in that class of aircraft, if single-engine aircraft other than turbojet, or that type of aircraft, if helicopter (basic make and model), multi-engine aircraft, or turbojet aeroplane, to determine the pilot's competence in practical skills and techniques in that aircraft or class of aircraft.] The extent of the competency check will be determined by the CAA or authorised check pilot conducting the competency check. The competency check may include any of the manoeuvres and procedures currently required for the original issuance of the particular pilot licence required for the operations authorised and appropriate to the category, class and type of aircraft involved. For the purposes of this paragraph, type, as to an aeroplane, means any one of a group of aeroplanes determined by the CAA to have a similar means of propulsion, the same manufacturer, and no significantly different handling or flight characteristics.
- (c) The instrument proficiency check required by 2.35 may be substituted for the competency check required by this section for the type of aircraft used in the check.
- (d) For the purpose of this CAP, competent performance of a procedure or manoeuvre by a person to be used as a pilot requires that the pilot be the obvious master of the aircraft, with the successful outcome of the manoeuvre never in doubt.
- (e) The CAA or authorised check pilot certifies the competency of each pilot who passes the knowledge or flight check in the programme manager's pilot records.
- (f) All or portions of a required competency check may be given in a FAR Part 142 or EASA Part FCL aircraft simulator or other appropriate training device.



- (g) If the programme manager is authorised to conduct EVS operations, the competency check in paragraph (b) must include tasks appropriate to the EVS operations the licence holder is authorised to conduct.

2.34 Initial and recurrent cabin crewmember testing requirements

No programme manager or owner may use a cabin crewmember, nor may any person serve as a cabin crewmember unless, since the beginning of the 12th month before that service, the programme manager has determined by appropriate initial and recurrent testing that the person is knowledgeable and competent in the following areas as appropriate to assigned duties and responsibilities;

- (a) Authority of the pilot in command;
- (b) Passenger handling, including procedures to be followed in handling deranged persons or other persons whose conduct might jeopardize safety;
- (c) Crewmember assignments, functions, and responsibilities during ditching and evacuation of persons who may need the assistance of another person to move expeditiously to an exit in an emergency;
- (d) Briefing of passengers;
- (e) Location and operation of portable fire extinguishers and other items of emergency equipment;
- (f) Proper use of cabin equipment and controls;
- (g) Location and operation of passenger oxygen equipment;
- (h) Location and operation of all normal and emergency exits, including evacuation slides and escape ropes; and
- (i) Seating of persons who may need assistance of another person to move rapidly to an exit in an emergency as prescribed by the programme manager's operations manual.

2.35 Flight crew: Instrument proficiency check requirements.

- (a) No programme manager or owner may use a pilot, nor may any person serve, as a pilot in command of an aircraft under IFR unless, since the beginning of the 6th month before that service, that pilot has passed an instrument proficiency check administered by the CAA or an authorised check pilot.
- (b) No programme manager or owner may use a pilot, nor may any person serve, as a second command pilot of an aircraft under IFR unless, since the beginning of the 12th month before that service, that pilot has passed an instrument proficiency check administered by the CAA or an authorised check pilot.



- (c) No pilot may use any type of precision instrument approach procedure under IFR unless, since the beginning of the 6th month before that use, the pilot satisfactorily demonstrated that type of approach procedure. No pilot may use any type of non-precision approach procedure under IFR unless, since the beginning of the 6th month before that use, the pilot has satisfactorily demonstrated either that type of approach procedure or any other two different types of non-precision approach procedures. The instrument approach procedure(s) must include at least one straight-in approach, one circling approach, and one missed approach to published minimums for those procedures.
- (d) The instrument proficiency checks required by paragraphs (a) and (b) consists of either an oral or written equipment test (or a combination) and a flight check under simulated or actual IFR conditions. The equipment test includes questions on emergency procedures, engine operation, fuel and lubrication systems, power settings, stall speeds, best engine-out speed, propeller and supercharger operations, and hydraulic, mechanical, and electrical systems, as appropriate. The flight check includes navigation by instruments, recovery from simulated emergencies, and standard instrument approaches involving navigational facilities which that pilot is to be authorised to use.
- (e) Each pilot taking the instrument proficiency check must show that standard of competence required by 2.33(d).
 - (1) The instrument proficiency check must;
 - (i) For a pilot in command of an aircraft requiring that the PIC hold an airline transport pilot licence, include the procedures and manoeuvres for an airline transport pilot licence in the particular type of aircraft, if appropriate; and
 - (ii) For a second in command of any aircraft requiring that the SIC hold a commercial pilot licence include the procedures and manoeuvres for a commercial pilot licence with an instrument rating and, if required, for the appropriate type rating.
 - (2) The instrument proficiency check must be given by an authorised check pilot or by the CAA.
- (f) If the pilot is assigned to pilot only one type of aircraft, that pilot must take the instrument proficiency check required by paragraph (a) in that type of aircraft.
- (g) If the pilot in command is assigned to pilot more than one type of aircraft, that pilot must take the instrument proficiency check required by paragraph (a) in each type of aircraft to which that pilot is assigned, in rotation, but not more than one flight check during each period described in paragraph (a)
- (h) If the pilot in command is assigned to pilot both single-engine and multi-engine aircraft, that pilot must initially take the instrument proficiency check required by paragraph (a) in a multi-engine aircraft, and each succeeding check alternately in single-engine and multi-engine aircraft, but not more than one flight check during each period described in paragraph (a)



- (i) All or portions of a required flight check may be given in an aircraft simulator or other appropriate training device, if approved by the CAA.

2.36 Crewmember: Tests and checks, grace provisions, training to accepted standards

- (a) If a crewmember who is required to take a test or a flight check, completes the test or flight check in the month before or after the month in which it is required, that crewmember is considered to have completed the test or check in the month in which it is required.
- (b) If a pilot being checked fails any of the required manoeuvres, the person giving the check may give additional training to the pilot during the course of the check. In addition to repeating the manoeuvres failed, the person giving the check may require the pilot being checked to repeat any other manoeuvres that are necessary to determine the pilot's proficiency. If the pilot being checked is unable to demonstrate satisfactory performance to the person conducting the check, the programme manager may not use the pilot, nor may the pilot serve, as a flight crewmember in operations until the pilot has satisfactorily completed the check. [If a pilot who demonstrates unsatisfactory performance is employed as a pilot for a certificate holder operating under CAR OPS 1/3, he or she must notify that certificate holder of the unsatisfactory performance.]

2.37 Training programme: General

- (a) Each programme manager must have a training programme and must;
 - (1) Establish, obtain the appropriate initial and final approval of, and provide a training programme that meets this CAP and that ensures that each crewmember, including each cabin crewmember if the programme manager uses a cabin crewmember, flight instructor, check pilot, and each person assigned duties for the carriage and handling of hazardous materials (as defined in CAR DG) is adequately trained to perform these assigned duties.
 - (2) Provide adequate ground and flight training facilities and properly qualified ground instructors for the training required.
 - (3) Provide and keep current for each aircraft type used and, if applicable, the particular variations within the aircraft type, appropriate training material, examinations, forms, instructions, and procedures for use in conducting the training and checks required.
 - (4) Provide enough flight instructors, check pilots, and simulator instructors to conduct required flight training and flight checks, and simulator training courses allowed.
- (b) Whenever a crewmember who is required to take recurrent training completes the training in the month before, or the month after, the month in which that training is required, the crewmember is considered to have completed it in the month in which it was required.



- (c) Each instructor, supervisor, or check pilot who is responsible for a particular ground training subject, segment of flight training, course of training, flight check, or competence check must certify as to the proficiency and knowledge of the crewmember, flight instructor, or check pilot concerned upon completion of that training or check. That certification must be made a part of the crewmember's record. When the certification required by this paragraph is made by an entry in a computerized recordkeeping system, the certifying instructor, supervisor, or check pilot, must be identified with that entry. However, the signature of the certifying instructor, supervisor, or check pilot is not required for computerised entries.
- (d) Training subjects that apply to more than one aircraft or crewmember position and that have been satisfactorily completed during previous training while employed by the programme manager for another aircraft or another crewmember position, need not be repeated during subsequent training other than recurrent training.
- (e) Aircraft simulators and other training devices may be used in the programme manager's training programme if approved by the CAA or accepted under CAP 14 – Advance Pilot Training.
- (f) Each programme manager is responsible for establishing safe and efficient crew management practices for all phases of flight in programme operations including crew resource management training for all crewmembers used in programme operations.
- (g) If an aircraft simulator has been approved by the CAA for use in the programme manager's training programme, the programme manager must ensure that each pilot annually completes at least one flight training session in an approved simulator for at least one programme aircraft. The training session may be the flight training portion of any of the pilot training or check requirements of this CAP, including the initial, transition, upgrade, requalification, differences, or recurrent training, or the accomplishment of a competency check or instrument proficiency check. If there is no approved simulator for that aircraft type in operation, then all flight training and checking must be accomplished in the aircraft.

2.38 Training programme: Special rules

Other than the programme manager, only the following are eligible to conduct training, testing, and checking under contract or other arrangement to those persons subject to the requirements of this CAP.

- (a) [Another programme manager operating under CAR OPS 2A.010/2H.005;
- (b) A training centre certificated under FAR Part 142 or EASA Part FCL to conduct training, testing, and checking required;
- (c) A holder of an AOC issued by the CAA;]
- (d) A training centre approved by the CAA.



2.39 Training programme and revision: Initial and final approval

- (a) To obtain initial and final approval of a training programme, or a revision to an approved training programme, each programme manager must submit to the CAA;
 - (1) An outline of the proposed or revised curriculum, that provides enough information for a preliminary evaluation of the proposed training programme or revision; and
 - (2) Additional relevant information that may be requested by the CAA.
- (b) If the proposed training programme complies with this CAP, the CAA grants initial approval in writing after which the programme manager may conduct the training under that programme. The CAA then evaluates the effectiveness of the training programme and advises the programme manager of deficiencies, if any, that must be corrected.
- (c) The CAA grants final approval of the proposed training programme or revision if the programme manager shows that the training conducted under the initial approval in paragraph (b) ensures that each person who successfully completes the training is adequately trained to perform that person's assigned duties.
- (d) Whenever the CAA finds that revisions are necessary for the continued adequacy of a training programme that has been granted final approval, the programme manager must, after notification by the CAA, make any changes in the programme that are found necessary by the CAA. Within 30 days after the programme manager receives the notice, it may file a petition to reconsider the notice with the CAA. The filing of a petition to reconsider stays the notice pending a decision by the CAA. However, if the CAA finds that there is an emergency that requires immediate action in the interest of safety, the CAA may, upon a statement of the reasons, require a change effective without stay.

2.40 Training programme: Curriculum

- (a) Each programme manager must prepare and keep current a written training programme curriculum for each type of aircraft for each crewmember required for that type aircraft. The curriculum must include ground and flight training required.
- (b) Each training programme curriculum must include the following:
 - (1) A list of principal ground training subjects, including emergency training subjects that are provided.
 - (2) A list of all the training devices, mock-ups, systems trainers, procedures trainers, or other training aids that the programme manager will use.
 - (3) Detailed descriptions or pictorial displays of the approved normal, abnormal, and emergency manoeuvres, procedures and functions that will be performed during each flight training phase or flight check, indicating those manoeuvres, procedures and functions that are to be performed during the inflight portions of flight training and flight checks.



2.41 Crewmember training requirements

- (a) Each programme manager must include in its training programme the following initial and transition ground training as appropriate to the particular assignment of the crewmember;
 - (1) Basic indoctrination ground training for newly hired crewmembers including instruction in at least the;
 - (i) Duties and responsibilities of crewmembers as applicable;
 - (ii) Appropriate provisions of this CAP;
 - (iii) Contents of the programme manager's management specifications (not required for cabin crewmembers); and
 - (iv) Appropriate portions of the programme manager's operating manual.
 - (2) The initial and transition ground training in 2.51 and 2.53, as applicable.
 - (3) Emergency training in 2.42.
- (b) Each training programme must provide the initial and transition flight training in 2.52, as applicable.
- (c) Each training programme must provide recurrent ground and flight training as provided in 2.54.
- (d) Upgrade training in 2.51 and 2.52 for a particular type aircraft may be included in the training programme for crewmembers who have qualified and served as second in command on that aircraft.
- (e) In addition to initial, transition, upgrade and recurrent training, each training programme must provide ground and flight training, instruction, and practice necessary to ensure that each crewmember;
 - (1) Remains adequately trained and currently proficient for each aircraft, crewmember position, and type of operation in which the crewmember serves; and
 - (2) Qualifies in new equipment, facilities, procedures, and techniques, including modifications to aircraft.

2.42 Crewmember emergency training

- (a) Each training programme must provide emergency training for each aircraft type, model, and configuration, each crewmember, and each kind of operation conducted, as appropriate for each crewmember and the programme manager.



- (b) Emergency training must provide the following;
- (1) Instruction in emergency assignments and procedures, including coordination among crewmembers.
 - (2) Individual instruction in the location, function, and operation of emergency equipment including;
 - (i) Equipment used in ditching and evacuation;
 - (ii) First aid equipment and its proper use; and
 - (iii) Portable fire extinguishers, with emphasis on the type of extinguisher to be used on different classes of fires.
 - (3) Instruction in the handling of emergency situations including;
 - (i) [Rapid decompression (aeroplane);]
 - (ii) Fire in flight or on the surface and smoke control procedures with emphasis on electrical equipment and related circuit breakers found in cabin areas;
 - (iii) Ditching and evacuation;
 - (iv) Illness, injury, or other abnormal situations involving passengers or crewmembers; and
 - (v) Hijacking and other unusual situations.
 - (4) Review and discussion of previous aircraft accidents and incidents involving actual emergency situations.
- (c) Each crewmember must perform at least the following emergency drills, using the proper emergency equipment and procedures, unless the CAA finds that, for a particular drill, the crewmember can be adequately trained by demonstration;
- (1) Ditching, if applicable.
 - (2) Emergency evacuation.
 - (3) Fire extinguishing and smoke control.
 - (4) Operation and use of emergency exits, including deployment and use of evacuation slides, if applicable.
 - (5) Use of crew and passenger oxygen.



- (6) Removal of life rafts from the aircraft, inflation of the life rafts, use of lifelines, and boarding of passengers and crew, if applicable.
- (7) Donning and inflation of life vests and the use of other individual flotation devices, if applicable.
- (d) Crewmembers who serve in operations above 25,000 feet must receive instruction in the following;
 - (1) Respiration.
 - (2) Hypoxia.
 - (3) Duration of consciousness without supplemental oxygen at altitude.
 - (4) Gas expansion.
 - (5) Gas bubble formation.
 - (6) Physical phenomena and incidents of decompression.

2.43 Hazardous materials recognition training

No programme manager may use any person to perform, and no person may perform, any assigned duties and responsibilities for the handling or carriage of hazardous materials (as defined in CAR DG), unless that person has received training in the recognition of hazardous materials.

2.44 Approval of aircraft simulators and other training devices

- (a) Training courses using aircraft simulators and other training devices may be included in the programme manager's training programme if approved by the CAA.
- (b) Each aircraft simulator and other training device that is used in a training course or in checks required must meet the following requirements:
 - (1) It must be specifically approved for;
 - (i) The programme manager; and
 - (ii) The particular manoeuvre, procedure, or crewmember function involved.
 - (2) It must maintain the performance, functional, and other characteristics that are required for approval.
 - (3) Additionally, for aircraft simulators, it must be;
 - (i) Approved for the type aircraft and, if applicable, the particular variation within type for which the training or check is being conducted; and



- (ii) Modified to conform with any modification to the aircraft being simulated that changes the performance, functional, or other characteristics required for approval.
- (c) A particular aircraft simulator or other training device may be used by more than one programme manager.
- (d) In granting initial and final approval of training programs or revisions to them, the CAA considers the training devices, methods, and procedures listed in the programme manager's curriculum under 2.40.

2.45 Qualifications: Check pilots (aircraft) and check pilots (simulator)

- (a) For the purposes of this section;
 - (1) A check pilot (aircraft) is a person who is qualified to conduct flight checks in an aircraft, in a flight simulator, or in a flight training device for a particular type aircraft.
 - (2) A check pilot (simulator) is a person who is qualified to conduct flight checks, but only in a flight simulator, in a flight training device, or both, for a particular type aircraft.
 - (3) Check pilots (aircraft) and check pilots (simulator) are those check pilots who perform the functions described in 2.37(a)(4) and (c).
- (b) No programme manager may use a person, nor may any person serve as a check pilot (aircraft) in a training programme established unless, with respect to the aircraft type involved, that person;
 - (1) Holds the pilot licences and ratings required to serve as a pilot in command in operations;
 - (2) Has satisfactorily completed the training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations;
 - (3) Has satisfactorily completed the proficiency or competency checks that are required to serve as a pilot in command in operations;
 - (4) Has satisfactorily completed the applicable training requirements of 2.47;
 - (5) Holds at least a Class III medical certificate unless serving as a required crewmember, in which case holds a Class I or Class II medical certificate as appropriate; and
 - (6) For holders of a San Marino licence, has been approved by the CAA for the check pilot duties involved.



- (c) No programme manager may use a person, nor may any person serve as a check pilot (simulator) in a training programme established unless, with respect to the aircraft type involved, that person meets the provisions of paragraph (b) or;
 - (1) Holds the applicable pilot licences and ratings, except medical certificate, required to serve as a pilot in command in operations;
 - (2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations;
 - (3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command in operations;
 - (4) Has satisfactorily completed the applicable training requirements of 2.47; and
 - (5) For holders of a San Marino licence, has been approved by the CAA for the check pilot (simulator) duties involved.
- (d) Completion of the requirements in paragraphs (b)(2), (3), and (4) or (c)(2), (3), and (4) as applicable, must be entered in the individual's training record maintained by the programme manager.
- (e) A check pilot who does not hold an appropriate medical certificate may function as a check pilot (simulator), but may not serve as a flight crewmember in operations.
- (f) A check pilot (simulator) must accomplish the following;
 - (1) Fly at least two flight segments as a required crewmember for the type, class, or category aircraft involved within the 12 month period preceding the performance of any check pilot duty in a flight simulator; or
 - (2) Before performing any check pilot duty in a flight simulator, satisfactorily complete an approved line-observation programme within the period prescribed by that programme.
- (g) The flight segments or line-observation programme required in paragraph (f) are considered to be completed in the month required if completed in the month before or the month after the month in which they are due.

2.46 Qualifications: Flight instructors (aircraft) and flight instructors (simulator)

- (a) For the purposes of this section and 2.48:
 - (1) A flight instructor (aircraft) is a person who is qualified and approved under CAR LIC, Subpart J, FAR Part 142 or EASA Part FCL, as applicable, to instruct in an aircraft, in a flight simulator, or in a flight training device for a particular type, class, or category aircraft.



- (2) A flight instructor (simulator) is a person who is qualified and approved under CAR LIC, Subpart J, FAR Part 142 or EASA Part FCL, as applicable, to instruct in a flight simulator, in a flight training device, or in both, for a particular type, class, or category aircraft.
- (3) Flight instructors (aircraft) and flight instructors (simulator) are those instructors who perform the functions described in 2.37(a)(4) and (c).
- (b) No programme manager may use a person, nor may any person serve as a flight instructor (aircraft) in a training programme established unless, with respect to the type, class, or category aircraft involved, that person;
 - (1) Holds the pilot licences and ratings required to serve as a pilot in command in operations;
 - (2) Has satisfactorily completed the training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations;
 - (3) Has satisfactorily completed the proficiency or competency checks that are required to serve as a pilot in command in operations;
 - (4) Has satisfactorily completed the applicable training requirements of 2.48; and
 - (5) Holds at least a Class III medical certificate.
- (c) No programme manager may use a person, nor may any person serve as a flight instructor (simulator) in a training programme established, unless, with respect to the type, class, or category aircraft involved, that person meets the provisions of paragraph (b) or;
 - (1) Holds the pilot licences and ratings, except medical certificate, required to serve as a pilot in command in operations;
 - (2) Has satisfactorily completed the appropriate training phases for the aircraft, including recurrent training, that are required to serve as a pilot in command in operations;
 - (3) Has satisfactorily completed the appropriate proficiency or competency checks that are required to serve as a pilot in command in operations; and
 - (4) Has satisfactorily completed the applicable training requirements of 2.48.
- (d) Completion of the requirements in paragraphs (b)(2), (3), and (4) or (c)(2), (3), and (4) as applicable, must be entered in the individual's training record maintained by the programme manager.
- (e) A pilot who does not hold a medical certificate may function as a flight instructor in an aircraft if functioning as a non-required crewmember, but may not serve as a flight crewmember in operations.



- (f) A flight instructor (simulator) must accomplish the following;
 - (1) Fly at least two flight segments as a required crewmember for the type, class, or category aircraft involved within the 12-month period preceding the performance of any flight instructor duty in a flight simulator; or
 - (2) Satisfactorily complete an approved line-observation programme within the period prescribed by that programme preceding the performance of any flight instructor duty in a flight simulator.
- (g) The flight segments or line-observation programme required in paragraph (f) are considered completed in the month required if completed in the month before, or in the month after, the month in which they are due.

2.47 Initial and transition training and checking: Check pilots (aircraft), check pilots (simulator)

- (a) No programme manager may use a person nor may any person serve as a check pilot unless;
 - (1) That person meets CAR LIC, Subpart K, FAR Part 142 or EASA Part FCL, as applicable; and
 - (2) Within the preceding 24 months, that person satisfactorily conducts a proficiency or competency check under the observation of a CAA inspector or an aircrew designated examiner employed by the programme manager. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device.
- (b) The observation check required by paragraph (a)(2) is considered to have been completed in the month required if completed in the month before or the month after the month in which it is due.
- (c) Check pilots shall meet the requirements of the State that issued the rating. (e.g. EASA Part FCL, Subpart K). For check pilots holding a USA FAA certificate the initial ground training for check pilots must include the following:
 - (1) Check pilot duties, functions, and responsibilities.
 - (2) The applicable provisions of the Code of Federal Regulations and the programme manager's policies and procedures.
 - (3) The applicable methods, procedures, and techniques for conducting the required checks.
 - (4) Proper evaluation of student performance including the detection of;
 - (i) Improper and insufficient training; and
 - (ii) Personal characteristics of an applicant that could adversely affect safety.



- (5) The corrective action in the case of unsatisfactory checks.
- (6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft.
- (d) The transition ground training for a check pilot must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the aircraft to which the check pilot is in transition.
- (e) The initial and transition flight training for a check pilot must include the following;
 - (1) The safety measures for emergency situations that are likely to develop during a check;
 - (2) The potential results of improper, untimely, or non-execution of safety measures during a check;
 - (3) Training and practice in conducting flight checks from the left and right pilot seats in the required normal, abnormal, and emergency procedures to ensure competence to conduct the pilot flight checks required; and
 - (4) The safety measures to be taken from either pilot seat for emergency situations that are likely to develop during checking.
- (f) The requirements of paragraph (e) may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.
- (g) The initial and transition flight training for a check pilot (simulator) must include the following:
 - (1) Training and practice in conducting flight checks in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight checks required. This training and practice must be accomplished in a flight simulator or in a flight training device.
 - (2) Training in the operation of flight simulators, flight training devices, or both, to ensure competence to conduct the flight checks required.

2.48 Initial and transition training and checking: Flight instructors (aircraft), flight instructors (simulator).

- (a) No programme manager may use a person nor may any person serve as a flight instructor unless that person meets the requirements of the State that issued the flight instructor rating. (e.g. EASA Part FCL, Subpart K);
 - (1) for flight instructors holding a USA FAA certificate, that person has satisfactorily completed initial or transition flight instructor training; and



- (2) Within the preceding 24 months, that person referred to in paragraph (1) satisfactorily conducts instruction under the observation of a CAA inspector, a programme manager check pilot, or an aircrew designated examiner employed by the programme manager. The observation check may be accomplished in part or in full in an aircraft, in a flight simulator, or in a flight training device.
- (b) The observation check required by paragraph (a)(2) is considered to have been completed in the month required if completed in the month before, or the month after, the month in which it is due.
- (c) The initial ground training for flight instructors holding a USA FAA certificate must include the following:
 - (1) Flight instructor duties, functions, and responsibilities.
 - (2) The applicable regulations and the programme manager's policies and procedures.
 - (3) The applicable methods, procedures, and techniques for conducting flight instruction.
 - (4) Proper evaluation of student performance including the detection of:
 - (i) Improper and insufficient training; and
 - (ii) Personal characteristics of an applicant that could adversely affect safety.
 - (5) The corrective action in the case of unsatisfactory training progress.
 - (6) The approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures in the aircraft.
 - (7) Except for holders of a flight instructor certificate;
 - (i) The fundamental principles of the teaching-learning process;
 - (ii) Teaching methods and procedures; and
 - (iii) The instructor-student relationship.
- (d) The transition ground training for flight instructors holding a USA FAA certificate must include the approved methods, procedures, and limitations for performing the required normal, abnormal, and emergency procedures applicable to the type, class, or category aircraft to which the flight instructor is in transition.
- (e) The initial and transition flight training for flight instructors (aircraft) holding a USA FAA certificate must include the following:
 - (1) The safety measures for emergency situations that are likely to develop during instruction;



- (2) The potential results of improper or untimely safety measures during instruction;
 - (3) Training and practice from the left and right pilot seats in the required normal, abnormal, and emergency manoeuvres to ensure competence to conduct the flight instruction required; and
 - (4) The safety measures to be taken from either the left or right pilot seat for emergency situations that are likely to develop during instruction.
- (f) The requirements of paragraph (e) may be accomplished in full or in part in flight, in a flight simulator, or in a flight training device, as appropriate.
- (g) The initial and transition flight training for a flight instructor (simulator) holding a USA FAA certificate must include the following:
- (1) Training and practice in the required normal, abnormal, and emergency procedures to ensure competence to conduct the flight instruction required. These manoeuvres and procedures must be accomplished in full or in part in a flight simulator or in a flight training device.
 - (2) Training in the operation of flight simulators, flight training devices, or both, to ensure competence to conduct the flight instruction required.

2.49 Pilot and cabin crewmember training programmes

- (a) Each programme manager must establish and maintain an approved pilot training programme, and each programme manager who uses a cabin crewmember must establish and maintain an approved cabin crewmember training programme, that is appropriate to the operations to which each pilot and cabin crewmember is to be assigned, and will ensure that they are adequately trained to meet the applicable knowledge and practical testing requirements of 2.33 through 2.36.
- (b) Each programme manager required to have a training programme by paragraph (a) must include in that programme ground and flight training curriculums for;
- (1) Initial training;
 - (2) Transition training;
 - (3) Upgrade training;
 - (4) Differences training;
 - (5) Recurrent training; and
 - (6) Requalification training.
- (c) Each programme manager must provide current and appropriate study materials for use by each required pilot and cabin crewmember.



- (d) The programme manager must furnish copies of the pilot and cabin crewmember training programme, and all changes and additions, to the assigned representative of the CAA. If the programme manager uses training facilities of other persons, a copy of those training programmes or appropriate portions used for those facilities must also be furnished. Curricula that follow CAA published curricula may be cited by reference in the copy of the training programme furnished to the CAA and need not be furnished with the programme.

2.50 Crewmember initial and recurrent training requirements

No programme manager may use a person, nor may any person serve, as a crewmember in operations unless that crewmember has completed the appropriate initial or recurrent training phase of the training programme appropriate to the type of operation in which the crewmember is to serve since the beginning of the 12th month before that service.

2.51 Pilots: Initial, transition, and upgrade ground training

Initial, transition, and upgrade ground training for pilots must include instruction in at least the following, as applicable to their duties;

- (a) General subjects;
 - (1) The programme manager's flight locating procedures;
 - (2) Principles and methods for determining weight and balance, and runway limitations for take-off and landing;
 - (3) Enough meteorology to ensure a practical knowledge of weather phenomena, including the principles of frontal systems, icing, fog, thunderstorms, windshear and, if appropriate, high altitude weather situations;
 - (4) Air traffic control systems, procedures, and phraseology;
 - (5) Navigation and the use of navigational aids, including instrument approach procedures;
 - (6) Normal and emergency communication procedures;
 - (7) Visual cues before and during descent below Decision Altitude or MDA; and
 - (8) Other instructions necessary to ensure the pilot's competence.
- (b) For each aircraft type;
 - (1) A general description;
 - (2) Performance characteristics;
 - (3) [Engines and propellers or rotors;]



- (4) Major components;
- (5) Major aircraft systems (that is, flight controls, electrical, and hydraulic), other systems, as appropriate, principles of normal, abnormal, and emergency operations, appropriate procedures and limitations;
- (6) Knowledge and procedures for;
 - (i) Recognising and avoiding severe weather situations;
 - (ii) Escaping from severe weather situations, in case of inadvertent encounters, including low-altitude windshear
 - (iii) Operating in or near thunderstorms (including best penetration altitudes), turbulent air (including clear air turbulence), inflight icing, hail, and other potentially hazardous meteorological conditions; and
 - (iv) Operating aeroplanes during ground icing conditions, (that is, any time conditions are such that frost, ice, or snow may reasonably be expected to adhere to the aircraft), if the programme manager expects to authorise take-offs in ground icing conditions, including;
 - (A) The use of holdover times when using de-icing/anti-icing fluids;
 - (B) Aeroplane de-icing/anti-icing procedures, including inspection and check procedures and responsibilities;
 - (C) Communications;
 - (D) Surface contamination (that is, adherence of frost, ice, or snow) and critical area identification, and knowledge of how contamination adversely affects aeroplane performance and flight characteristics;
 - (E) Types and characteristics of de-icing/anti-icing fluids, if used by the programme manager;
 - (F) Cold weather pre-flight inspection procedures;
 - (G) Techniques for recognizing contamination on the aeroplane;
- (7) Operating limitations;
- (8) Fuel consumption and cruise control;
- (9) Flight planning;
- (10) Each normal and emergency procedure; and
- (11) The approved Aircraft Flight Manual or equivalent.

**2.52 Pilots: Initial, transition, upgrade, requalification, and differences flight training**

- (a) Initial, transition, upgrade, requalification, and differences training for pilots must include flight and practice in each of the manoeuvres and procedures contained in each of the curriculums that are a part of the approved training programme.
- (b) The manoeuvres and procedures required by paragraph (a) must be performed in flight, except to the extent that certain manoeuvres and procedures may be performed in an aircraft simulator, or an appropriate training device, as allowed.
- (c) If the programme manager's approved training programme includes a course of training using an aircraft simulator or other training device, each pilot must successfully complete;
 - (1) Training and practice in the simulator or training device in at least the manoeuvres and procedures in this CAP that are capable of being performed in the aircraft simulator or training device; and
 - (2) A flight check in the aircraft or a check in the simulator or training device to the level of proficiency of a pilot in command or second in command, as applicable, in at least the manoeuvres and procedures that are capable of being performed in an aircraft simulator or training device.

2.53 Cabin crewmembers: Initial and transition ground training

Initial and transition ground training for cabin crewmembers must include instruction in at least the following;

- (a) General subjects;
 - (1) The authority of the pilot in command; and
 - (2) Passenger handling, including procedures to be followed in handling deranged persons or other persons whose conduct might jeopardize safety.
- (b) For each aircraft type;
 - (1) A general description of the aircraft emphasizing physical characteristics that may have a bearing on ditching, evacuation, and inflight emergency procedures and on other related duties;
 - (2) The use of both the public address system and the means of communicating with other flight crewmembers, including emergency means in the case of attempted hijacking or other unusual situations; and
 - (3) Proper use of electrical galley equipment and the controls for cabin heat and ventilation.



2.54 Recurrent training

- (a) Each programme manager must ensure that each crewmember receives recurrent training and is adequately trained and currently proficient for the type aircraft and crewmember position involved.
- (b) Recurrent ground training for crewmembers must include at least the following:
 - (1) A quiz or other review to determine the crewmember's knowledge of the aircraft and crewmember position involved.
 - (2) Instruction as necessary in the subjects required for initial ground training, as appropriate, including low-altitude windshear training and training on operating during ground icing conditions, as prescribed in 2.49 and described in 2.51, and emergency training.
- (c) Recurrent flight training for pilots must include, at least, flight training in the manoeuvres or procedures in this CAP, except that satisfactory completion of the check required by 2.33 within the preceding 12 months may be substituted for recurrent flight training.

2.55 Aircraft maintenance - Approved aircraft maintenance programme

- (a) The Programme Manager must establish an Aircraft Maintenance Programme (AMP) for each make and model of programme aircraft and ensure each aircraft is inspected in accordance with that AMP. The maintenance programme must contain details, including frequency, of all maintenance required to be carried out. The maintenance programme will be required to include a reliability programme when the Authority determines that such a reliability programme is necessary
- (b) The Programme Manager shall provide the AMP referred to above, for the use and guidance of maintenance and operational personnel concerned. The AMP, approved by the Authority, must contain the following information;
 - (1) [maintenance tasks and the intervals at which these are to be performed, taking into account the anticipated utilization of the aircraft;]
 - (2) when applicable, a continuing structural integrity programme;
 - (3) procedures for changing or deviating from (1) and (2) above; and
 - (4) when applicable, condition monitoring and reliability programme descriptions for aircraft systems, components and engines.
- (c) Maintenance tasks and intervals that have been specified as mandatory in approval of the type design shall be identified as such.
- (d) The design and application of the Programme Manager's maintenance programme shall observe Human Factors principles.



- (e) Copies of all amendments to the maintenance programme shall be furnished promptly to all organisations or persons to whom the maintenance programme has been issued.
- (f) The Programme Manager's approved aircraft maintenance programme must be subject to periodic reviews and amended when necessary. The reviews will ensure that the maintenance programme continues to be valid in light of operating experience whilst taking into account new and/or modified maintenance instructions promulgated by the Type Certificate holder.
- (g) The Programme Manager's approved aircraft maintenance programme must reflect applicable mandatory regulatory requirements addressed in documents issued by the Authority and Type Certificate holder to comply with aircraft certification requirements.
- (h) The Programme Manager's aircraft maintenance programme and any subsequent amendment must be approved by the CAA, as the State of Registry.
- (i) The periods prescribed by the CAA's approved maintenance programme may be varied by the operator provided that such variations are within the limits agreed by CAA. Variations are only permitted when the periods prescribed by the maintenance programme, or documents in support of the maintenance programme, cannot be complied with due to circumstances which could not reasonably have been foreseen by the Programme Manager. Particulars of every variation so made shall be entered in the appropriate aircraft record
- (j) The name and address of the person responsible for scheduling the maintenance tasks required by the approved maintenance programme. A copy of the approved maintenance programme must be made available to the person performing maintenance on the aircraft.

2.56 Competency and training

The Programme Manager must ensure that all personnel involved in the continuing airworthiness management and/or the maintenance of a programme aircraft has received initial and continuation training appropriate to their assigned tasks and responsibilities. In addition, the programme manager shall be assured all Continuing Airworthiness (CAW) and maintenance staff have been assessed for their competence, qualification and capability to carry out their intended duties.

2.57 Aircraft continuing airworthiness and maintenance recordkeeping

The Programme Manager must ensure the applicable continuing airworthiness and maintenance records are kept (using the system specified in the manual required in 2.13) and for the periods specified in CAR AIR, Subpart D

2.58 MEL - inoperable instruments and equipment

- (a) No programme aircraft may be operated with inoperable instruments or equipment installed unless the following conditions are met:
 - (1) An approved Minimum Equipment List exists for that aircraft.



- (2) The programme manager has been issued management specifications authorising operations in accordance with an approved Minimum Equipment List.
 - (3) The flight crew must have direct access at all times prior to flight to all of the information contained in the approved Minimum Equipment List through printed or other means approved by the CAA in the programme manager's management specifications. An approved Minimum Equipment List, as authorised by the management specifications, constitutes an approved change to the type design without requiring recertification.
 - (4) The approved Minimum Equipment List must;
 - (i) Be prepared in accordance with the limitations specified in paragraph (b).
 - (ii) Provide for the operation of the aircraft with certain instruments and equipment in an inoperable condition.
 - (5) Records identifying the inoperable instruments and equipment and the information required by (a)(4)(ii) must be available to the pilot.
 - (6) The aircraft is operated under all applicable conditions and limitations contained in the Minimum Equipment List and the management specifications authorising use of the Minimum Equipment List.
- (b) The following instruments and equipment may not be included in the Minimum Equipment List;
- (1) Instruments and equipment that are either specifically or otherwise required by the airworthiness requirements under which the aircraft is type certificated and that are essential for safe operations under all operating conditions.
 - (2) Instruments and equipment required by an airworthiness directive to be in operable condition unless the airworthiness directive provides otherwise.
 - (3) Instruments and equipment required for specific operations by this CAP.
- (c) Notwithstanding paragraphs (b)(1) and (b)(3) an aircraft with inoperable instruments or equipment may be operated under a Permit to Fly in accordance with CAR 21 Subpart P if considered appropriate and approved by CAA.
- (d) A person authorised to use an approved Minimum Equipment List issued for a specific aircraft under CAR OPS 1/3 must use that Minimum Equipment List to comply with this section

2.59 Continuous airworthiness maintenance programme use by the fractional ownership programme manager

Fractional ownership programme aircraft should be maintained under a programme of continuing airworthiness management under 2.60 through 2.73. The programme manager must



utilise the services of an acceptable organisation to comply with 2.60 through 2.73. For the purposes of this CAP the acceptable organisation will be called the “Continuing Airworthiness Manager” (CAM).

An acceptable Organisation (CAM) is considered to be one of the following:

- (a) A San Marino CAR OPS 1/3 Approval Holder who performs the management of Continuing Airworthiness tasks in compliance with Subpart M, for the subject programme aircraft types operated and listed on the AOC.
- (b) An Organisation approved by an EASA Member State National Aviation Authority holding an EASA Continuing Airworthiness Management Organisation (CAMO) Approval with the subject programme aircraft type included in their Scope of Approval.
- (c) Alternatively, an Organisation holding either of the following approvals, with the subject programme aircraft type included in their Scope of Approval.
 - (1) UAE GCAA CAR M Subpart G Approval;
 - (2) An OTAR Part 39 Approval;

2.60 Responsibility for airworthiness

- (a) For programme aircraft maintained in accordance with a Continuing Airworthiness Management Programme, each programme manager is primarily responsible for the following:
 - (1) [Maintaining the airworthiness of the programme aircraft, including airframes, aircraft engines, propellers, rotors, appliances, and parts.]
 - (2) Maintaining its aircraft in accordance with the applicable CAA requirements.
 - (3) The appropriate repair of non-routine/ad-hoc defects that occur between scheduled maintenance defined in the approved maintenance programme.
- (b) Each programme manager who maintains programme aircraft under a CAMP must;
 - (1) Utilise the services of a Continuing Airworthiness Manager (CAM) or equivalent position. The CAM must be competent for the continuing airworthiness management of the aircraft types and has responsibility for the maintenance programme on all programme aircraft maintained under a continuing airworthiness management programme.
 - (2) Ensure that the CAM arranges for all the maintenance of a programme aircraft to be conducted by an appropriate CAR 145 approved organisation or an organisation accepted in accordance with CAR GEN.010(a).



2.61 Mandatory occurrence reporting

- (a) Each programme manager who maintains programme aircraft under a CAMP must report the occurrence or detection of each failure, malfunction, or defect in an aircraft occurrence subject to mandatory reporting as described in CAP 21 – Mandatory Occurrence Reporting;
- (b) The programme manager must transmit the reports required by this section on a form and in a manner prescribed by the CAA, and must include as much of the following as is available:
 - (1) The type and identification number of the aircraft.
 - (2) The name of the programme manager.
 - (3) The date.
 - (4) The nature of the failure, malfunction, or defect.
 - (5) Identification of the part and system involved, including available information pertaining to type designation of the major component and time since last overhaul, if known.
 - (6) Apparent cause of the failure, malfunction or defect (for example, wear, crack, design deficiency, or personnel error).
 - (7) Other pertinent information necessary for more complete identification, determination of seriousness, or corrective action.
- (c) No person may withhold a report required by this section even when not all information required by this section is available.
- (d) When the programme manager receives additional information, including information from the manufacturer or other agency, concerning a report required by this section, the programme manager must expeditiously submit it as a supplement to the first report and reference the date and place of submission of the first report.

2.62 Maintenance responsibility - Aircraft reliability programmes and engine health monitoring

- (a) Each Programme Manager shall ensure that appropriate procedures are established for the applicable reliability programmes or health and usage monitoring system. It is important that service interruptions due to technical failures are fully reported and investigated.
- (b) Programme Managers shall ensure that communication and liaison meetings are held with airworthiness management and maintenance staff in order to confirm that any required technical and reliability assessments are undertaken and that the continued effectiveness of the AMP is assured.



2.63 Maintenance responsibility - Maintenance organisations

Unless the programme manager is appropriately approved in accordance with CAR 145 to perform and certify the release of aircraft after any required maintenance; the programme manager should ensure that maintenance accomplishment and the certification to release programme aircraft is contracted to an appropriate CAR 145 approved organisation or an organisation accepted in accordance with CAR GEN.010(a).

2.64 Continuing airworthiness management - Maintenance, preventive maintenance, and alteration programmes

- (a) [The programme manager shall ensure the airworthiness of the aircraft and the serviceability of both operational and emergency equipment by:
 - (1) The accomplishment of pre-flight inspections;
 - (2) The rectification to an approved standard of any defect and damage affecting safe operation, taking into account the minimum equipment list and configuration deviation list if available for the aircraft type;
 - (3) The accomplishment of all maintenance in accordance with the approved programme manager's aircraft maintenance programme;
 - (4) The analysis of the effectiveness of the programme manager's approved aircraft maintenance programme;
 - (5) The accomplishment of any operational directive, airworthiness directive and any other continued airworthiness requirement made mandatory by the Authority; and
 - (6) The accomplishment of modifications in accordance with CAR 21 Subpart C and, for non-mandatory modifications, the establishment of an embodiment policy.
- (b) The programme manager shall ensure that the Certificate of Airworthiness for each aircraft operated remains valid in respect of;
 - (1) The requirements in sub-paragraph (a) above;
 - (2) Any calendar expiry date specified in the certificate; and
 - (3) Any other maintenance condition specified in the certificate.
 - (4) The requirements specified in subparagraph (a) above must be performed in accordance with procedures acceptable to the Authority.
- (c) Except as provided for in paragraph (d), the airworthiness directives applicable under CAA regulations are those airworthiness directives or equivalent mandatory continued airworthiness requirements;



- (1) prescribed for that aircraft or product by the State of type certification to which the Type Acceptance Certification refers; and
 - (2) any prescribed by the state of certification of an applicable approved design change.
- (d) Compliance with alternative or additional airworthiness directives may be required as a condition of issue or continuity of the Type Acceptance Certificate.

2.65 Maintenance responsibilities - Operating manual requirements

- (a) The programme manager shall ensure that the operating manual contains the details of the person, or group of persons acceptable to the Authority who is employed to manage that all maintenance and continuing airworthiness functions required by 2.64 are carried out on time to an approved standard.
- (b) The programme manager shall ensure that the operating manual contains sufficient detail on the CAR 145, or equivalent maintenance organisation as required by 2.63 and the arrangements for the accomplishment of that maintenance. [Aircraft base and scheduled line maintenance and engine maintenance contracts, together with all amendments, must be acceptable to the Authority.
- (c) The programme manager shall ensure that the operating manual details the reference to the approved Aircraft Maintenance Programme (AMP). It shall clearly state that the AMP must be followed to ensure the airworthiness of the aircraft when performing the required scheduled maintenance of that programme manager's aircraft, including the airframe, engines, propellers, rotors, appliances, and emergency equipment.]
- (d) For the purposes of this part, the programme manager must prepare that part of its manual containing continuing airworthiness management and maintenance information and instructions, in whole or in part, in a format acceptable to the CAA, that is retrievable in the English language.

2.66 Maintenance responsibilities - The performance of maintenance

[The Programme Manager shall ensure that no programme aircraft is operated unless maintenance on the aircraft, including any associated engine, rotor, propeller and part is carried out, and released to service by an organisation appropriately approved/accepted in accordance with CAR 145, except that pre-flight inspections need not necessarily be carried out by the CAR 145 organisation.]

2.67 Maintenance responsibilities - Continuing analysis and surveillance

- (a) Each programme manager shall ensure that the approved Aircraft Maintenance Programme referred to in 2.65 is subject to periodic reviews and amended when



necessary. The reviews will ensure that the maintenance programme continues to be valid in light of operating experience whilst taking into account new and/or modified maintenance instructions promulgated by the Type Certificate holder.

- (b) The programme manager shall ensure that for each aircraft managed on the programme a reliability programme is developed as an appropriate means of monitoring the effectiveness of the approved aircraft maintenance programme.
- (c) [The purpose of a reliability programme is to ensure that the aircraft maintenance programme tasks are effective and their periodicity is adequate.] It therefore follows that the actions resulting from the reliability programme may be not only to escalate or delete maintenance task, but also to de-escalate or add maintenance tasks, as necessary.

2.68 Maintenance responsibilities – Continuing airworthiness and maintenance training programme

- (a) The programme manager must ensure that the person, or group of persons referred to in 2.65 who are employed to manage continuing airworthiness functions and perform the maintenance required, have a training programme to ensure their initial and continued competence in their respective roles.
- (b) The details of such training programmes will be contained within the respective expositions or manuals of those Organisations contracted or employed.

2.69 Maintenance responsibilities – Release to service requirements

- (a) The programme manager shall ensure that following maintenance aircraft are released to service in accordance with the requirements of CAR GEN.105.
- (b) Each person who is to issue the required Release to Service, shall after performing maintenance on an aircraft ensure that the certifying requirements of CAR GEN.103 are met.

2.70 Maintenance responsibilities – Persons authorised to perform maintenance

A programme manager who may employ maintenance personnel, or make arrangements with other persons to perform maintenance who satisfy the requirements of CAR GEN.101 (c) or (d). The programme manager may not perform maintenance or issue a release to service unless properly certificated in accordance with the above requirements.

2.71 Maintenance responsibilities – Continuing airworthiness records requirement

- (a) [The operator shall ensure that the aircraft technical log is retained for 24 months after the date of the last entry.]



- (b) The operator shall ensure that a system has been established to keep, in a form and format that ensures readability, security and integrity of the records at all times and is acceptable to the Authority.

Note: The form and format of the records may include, for example, paper records, film records, electronic records or any combination thereof.

- (c) The following records shall be retained for the periods specified:
- (1) [All detailed maintenance records in respect of the aircraft and any aircraft component fitted thereto – 24 months after the aircraft or aircraft component was released to service;
 - (2) The total time and flight cycles as appropriate, of the aircraft and all life limited aircraft components – 12 months after the aircraft has been permanently withdrawn from service;
 - (3) Time and flight cycles as appropriate, since last overhaul of the aircraft or aircraft component subjected to an overhaul life – Until the aircraft or aircraft component overhaul has been superseded by another overhaul of equivalent work scope and detail;
 - (4) The current aircraft inspection status such that compliance with the approved operator's aeroplane maintenance programme can be established – Until the aircraft or aircraft component inspection has been superseded by another inspection, of equivalent work scope and detail;
 - (5) The current status of airworthiness directives applicable to the aircraft and aircraft components – 12 months after the aircraft has been permanently withdrawn from service;
 - (6) Details of current modifications and repairs to the aircraft, engine(s), propeller(s), rotors, and any other aircraft component vital to flight safety – 12 months after the aircraft has been permanently withdrawn from service;
 - (7) the current status of the aircraft's compliance with the maintenance programme;]
 - (8) the detailed maintenance records to show that all requirements for the signing of a maintenance release have been met; and
 - (9) The records in (c)(1) to (8) shall be in the English language and shall be kept for a minimum period of 90 days after the unit to which they refer has been permanently withdrawn from service, and the records (c)(8) for a minimum period of one year after the signing of the maintenance release.



2.72 Maintenance responsibilities - Transfer of maintenance records

When a fractional ownership programme aircraft is removed from the list of programme aircraft in the management specifications, the programme manager must transfer the continuing airworthiness record identified at 2.71 (a) and (c) to the new Operator in a manner acceptable to the CAA;

2.73 Maintenance responsibilities - Airworthiness release or aircraft maintenance log entry

- (a) The Programme Manager shall ensure that no programme aircraft may be operated after the performance of any maintenance, repair or modification unless that programme aircraft is properly released to service in accordance with Chapter 2.69 of this CAP.
- (b) The Programme Manager shall ensure that persons certifying for the accomplishment of any maintenance, repair or modification shall be appropriately authorised in accordance with the applicable requirements specified in CAR GEN Subpart C.
- (c) The Programme Manager shall ensure that the Certifying Requirements of CAR.GEN.103 are met before any person issues a Certificate of Release to Service on any programme aircraft.
- (d) Each person authorised to certify an aircraft or component for release to service after maintenance shall enter in the logbook or other record required by paragraph GEN.57(b)(1) a release to service statement that;

“certifies that the work specified except as otherwise specified was carried out in accordance with the Republic of San Marino CAR GEN Subpart C and in respect to that work the aircraft/aircraft component is considered ready for release to service.

- (e) The release to service shall include;
 - (1) basic details of the maintenance performed including detailed reference of the approved data used, and;
 - (2) the certifying person’s signature;
 - (3) the identity of the person certifying the release to service;
 - (4) as applicable, the CAR 145 approval number, or appropriate authorisation number; when applicable, their AME licence validation or pilot’s licence number, or appropriate authorisation reference; and;
 - (5) the date such maintenance was completed.



CHAPTER 3

APPLICATION PROCESS

3.2 OVERVIEW

3.1.1 General

This Chapter describes the process of applying for and obtaining an approval to conduct Fractional Ownership programme operations under CAR OPS 2A. 015/2H.007

The approval process may appear to be a complex undertaking, particularly to a “first-time” operator. This document provides basic information applicable to the approval process. Because there are a variety of acceptable methods for preparing manuals, these methods are not discussed in this document. Applicants will be briefed in as much detail as necessary regarding the preparation of manuals and other required documents during meetings with CAA personnel at the pre-application meeting.

3.1.2 Oversight

To conduct Fractional Ownership programme operations, an operator must comply with all CAA requirements.

When satisfactorily completed, the approval process should ensure that the operator is able to comply with CAA legislation, which is in accordance with the international standards.

It is the operator’s responsibility to adhere to their operating base State laws/regulations and to research privileges/limitations for private flights to each destination.

3.2.3 Process Phases

There are five phases in the Fractional Ownership programme approval process. Each phase is described in sufficient detail to provide a general understanding of the entire approval process. The five phases are:

- | | | |
|---------|---|--|
| Phase 1 | - | Pre-application |
| Phase 2 | - | Formal Application |
| Phase 3 | - | Document evaluation and compliance |
| Phase 4 | - | Demonstration & Inspection |
| Phase 5 | - | Specific approval with management specifications (Mspecs) attached (Form SM 86C) |

In some cases, the guidance and suggested sequence of events in this document may not be entirely appropriate. In such situations, the CAA and the operator should proceed in a manner that considers existing conditions and circumstances.



The operator, however, should not expect to be approved until the CAA is fully assured that the operator complies with the regulations.

90 days is normally required for the application process once the formal application is submitted although this time frame may be reduced for an operator previously approved by the FAA under FAR 91, Subpart K, or a similar programme, or holds or has held an AOC issued by a recognised NAA. Whilst the CAA will endeavour to process the application expeditiously, most delays incurred are generally due to the applicant's failure to provide documents, provide access to aircraft or facilities, or failure to respond to CAA requests in a timely manner.

Note: If, after a period of 6 months, the application process has not been substantially progressed by the operator, the CAA will consider the refusal of the application. Fees paid will not be refunded.

3.3 PRE-APPLICATION PHASE

As far in advance as possible of the start of operations, an applicant should contact the CAA and inform the CAA of its intent to apply for a Fractional Ownership Programme. A Pre-Assessment Statement must be sent if the applicant intends to proceed and initiate the approval process.

Note: The Pre-Assessment Statement (CAA Form SM 53C can be requested from the CAA.

CAA personnel will review the Pre-Assessment Statement and if the information is incomplete or erroneous, the form will be returned to the applicant with the reasons for its return noted. If all the information is acceptable, the CAA will make the necessary arrangements to initiate the application process and schedule the pre-application meeting with the applicant and the certification team members appointed by the CAA.

The CAA will normally designate one certification team member as the Project Manager. The Project Manager is the official CAA spokesperson and liaison officer throughout the process. The certification team will be made up, as a minimum, of one Flight Operations Inspector and one Airworthiness Inspector.

The purpose of the pre-application meeting is to confirm the information provided by the applicant on the Pre-Assessment Statement and to provide critical information to the applicant. It is recommended that the operator's key management personnel attend this pre-application meeting and be prepared to discuss plans and general aspects of the proposed operation.

Many problems can be avoided by discussing all aspects of the proposed operation and the specific requirements which must be met to be approved as a Fractional Ownership programme operator. To ensure that the applicant is given an opportunity to fully understand the approval process, the pre-application meeting will discuss all CAA requirements and the following aspects:

- (a) Schedule of events
- (b) Management specifications and limitations
- (c) List of manuals/documents the applicant must prepare



- (d) Programme Manager, management structure and personnel qualifications
- (e) Documents of purchase, leases, contracts and/or letters of intent including:
 - (1) Aircraft
 - (2) Weather information and services
 - (3) Communications facilities and services
 - (4) Maintenance facilities, services and contractual arrangements
 - (5) Continuing airworthiness management facilities, services and contractual arrangements
 - (6) Aeronautical charts and related publications
 - (7) Airport analysis and obstruction data
 - (8) Training facilities and contract services
- (f) Other documents and publications the Project Manager may consider relevant
- (g) List of aircraft the applicant intends to operate. (type, model and series)
- (h) Aircraft registration process
- (i) Radio Station Licence
- (j) List of proposed destinations or ICAO Geographical areas of operation
- (k) Insurance requirements
- (l) CAA charges

3.3 FORMAL APPLICATION PHASE

3.3.1 General

It is recommended that the application is submitted to the CAA as far in advance of the proposed operation start-up date as possible. 90 days from submission of the formal application is considered the minimum normal time frame for the CAA to evaluate and process an application.

Note: The Formal Application (CAA Form SM 55C) can be requested from the CAA.

Application for a formal application (Form SM 55C) should be completed and submitted to:



Director General
Civil Aviation Authority
Via Consiglio dei Sessanta, 99 47891, Dogana
Republic of San Marino

TEL: +378 (0549) 882929 FAX: +378 (0549) 882928

EMAIL: registration@SMAR.aero

A fee amounting to 50% of the Fractional Ownership Management Programme fee and half the estimated Inspector man days must accompany an initial application. This fee cannot be refunded in the event that an application is refused or withdrawn.

The CAA will review the application to determine that it contains the required information as required. If there are omissions or errors, the application will be returned with a letter outlining the reasons for its return.

If the operator has a good understanding of the requirements, the application should be of sufficient quality to allow any omission, deficiency or open question to be resolved during the application meeting.

3.3.2 Meeting

The Programme Manager, key management personnel should attend the formal application meeting and the programme manager's personnel resumés (CVs) and qualifications should be presented on Form SM 54C.

The purpose of the meeting is to discuss the application and resolve omissions, deficiencies or answer questions from either party. For example, this meeting may be used to plan preliminary dates regarding the schedule of events or to ensure the applicant understands the approval process. This meeting should also be used to reinforce good communication and working relationships between the CAA and the applicant.

Minutes of the meeting will be made and distributed to the applicant. If the application is not accepted, the application will be returned with a written explanation of the reasons for its return.

The interval between application and granting of the specific approval will depend primarily upon matters within the control of the operator as the CAA will work towards meeting its obligations in a timely manner. Nevertheless, if after a period of 6 months the application process has not been substantially progressed by the operator, the CAA will consider the refusal of the application. Fees paid will not be refunded.

3.3.4 Requests for Exemptions

Programme Management Directive 2.21(g) permits the applicant to request an exemption from certain regulations. The formal application should include the requested deviations and supporting justification. The only permissible deviations are:



- ▷ 2.21(g), proving tests—reduction of proving test hours,
- ▷ 2.24(b), single-pilot operations,
- ▷ 2.24d), two-pilot operations,
- ▷ 2.26, crewmember flight experience requirements,
- ▷ 2.27, crew pairing requirements,
- ▷ [2.32(b), CAR OPS 1/3 training requirements.]

3.3.4 Schedule of Events

The schedule of events is a key document which accompanies the formal application and lists items, activities, programmes, aircraft and facility acquisitions that will be made ready for inspection by the CAA before approval.

The dates should be logical in sequence and provide time for CAA review, inspection and approval of each item. The overall plan is to be kept under constant review to maintain control of the approval process.

The Schedule of Events is prepared by the applicant and the list should include, but is not limited to, the dates when the following is planned to occur:

(a) Crew member training (as appropriate) including;

- (1) Conversion training course;
- (2) Aircraft systems training;
- (3) Simulator training;
- (4) Aircraft flight training;
- (5) Cabin crew training;
- (6) Flight dispatch training;

Note: Training facilities may not need to be inspected – Refer to CAP 14.

- (b) CAA staff training, if applicable;
- (c) Technical staff (other than flight/cabin crew) training;
- (d) Date when the required manuals/documents will be available for assessment;
- (e) Aircraft availability for inspection;



- (f) Base facilities will be ready for inspection;
- (g) Proving flights will begin;
- (h) Proposed operations will begin;
- (i) Proposed assessment of the Programme Manager.

The Schedule of Events will enable the certification team to plan workloads so as to meet the required commencement date. Once the CAA has accepted the Schedule of Events at the application meeting, every effort should be made to keep to the schedule, provided safety aspects are not compromised.

3.3.5 Statements of Compliance – Operations Manual

The initial statement of compliance should be a complete list of all CAA Directives applicable to the proposed operation. Each directive should be accompanied by a brief description or a reference to a manual or other document.

The description or reference should describe the method of compliance in each case. The method of compliance may not be finalized at the time of the formal application, in which case a date should be given by which the information will be provided. The purpose of the statement of compliance is to ensure that the applicant has addressed all regulatory requirements.

It aids the CAA team assess where the regulatory requirements have been addressed in the applicant's manuals, programmes and procedures.

The CAA must be satisfied that the applicant has complied with, or is capable of complying with, the provisions of San Marino Law and regulations related to safety. The compliance statement is a tool for the applicant to construct a document that provides sufficient detail to convince the CAA that he understands the requirements and has put in place the appropriate instructions, procedures and practices to ensure compliance.

A properly prepared compliance statement is of benefit to the applicant both directly and indirectly. It provides a system for both the applicant and the CAA to ensure that their obligations under the legislation are completely discharged. If the method of compliance has not been fully developed, the applicant should provide a brief statement indicating his intent.

It is expected that an adequately prepared applicant will have considered in detail how he or she proposes to comply with all regulatory requirements, and consequently there should be few, if any, areas in which the applicant is unable to put forward precise information.

The Compliance Statement must be signed by the Programme Manager who is legally authorised to sign on behalf of the applicant. Each page and any hand-written correction must be initialled by the signatory.



3.3.6 Safety Management and Compliance Monitoring System

The details of the applicant's safety management and compliance monitoring system including:

- (a) the safety policy; safety organisation; safety manager's responsibilities, safety assessments; occurrence reporting; hazard identification;
- (b) An internal audit process to monitor compliance with all the applicable regulations, the foundation upon which SMS is built, and assess the effectiveness of these safety risk controls and the SMS.
- (c) risk assessment and risk management;
- (d) event investigation and analysis; performance monitoring;
- (e) safety promotion; and safety assurance.

Note: Operators are expected to create a SMS Manual. Guidance can be obtained from www.icao.int/fsix and from CAP 15.

3.3.7 Aerodromes and Areas of Operation

A list should be provided of the destination and alternate aerodromes designated for proposed scheduled operations and nominated areas of operations. The following ICAO geographical areas of operation can only be within the capabilities of the aircraft and equipment (navigation and safety).

- ▷ Africa-Indian Ocean Region **(AFI)**;
- ▷ Asia Region **(ASIA)**;
- ▷ Caribbean Region **(CAR)**;
- ▷ European Region **(EUR)**;
- ▷ Middle East Region **(MID)**;
- ▷ North American Region **(NAM)**;
- ▷ North Atlantic Region **(NAT)**;
- ▷ Pacific Region **(PAC)**;
- ▷ South American Region **(SAM)**.

3.3.8 Aircraft to be Operated

A list of the aircraft to be operated should be provided with the make and registration marks for each aircraft.



3.3.9 Documents of Purchase, Leases, Contracts or Letters of Intent

Documents of purchase, leases, contracts or letters of intent should provide evidence that the applicant/operator is actively procuring aircraft, facilities and services appropriate to the operation proposed. If formal contracts are not completed, letters or other documents showing preliminary agreements or intent should be provided.

These documents should relate to: aircraft; station facilities and services; weather reporting; communications facilities; maintenance; aeronautical charts and publications; aerodrome analysis and obstruction data; and outsourced training and training facilities.

In addition the applicant/operator must also submit any arrangements, contracts or agreements for the private operation of an aircraft outside of the fractional ownership programme.

Applicants for any lease must ensure that the arrangement is legalised before the proposed issuance of the Mspecs and submitted to the CAA giving at least 10 working days advance notice.

Note: The lease agreement document must:

- (a) identify the aircraft by make, model, series, serial no., registration, etc.;*
- (b) clearly identify all parties to the lease;*
- (c) clearly identify who retains custody and operational control of the aircraft;*
- (d) clearly identify who is responsible for the airworthiness of the leased aircraft;*
- (e) include the commencement and termination date of the lease.*

3.3.10 Crew and Ground Personnel Training and Required Facilities

Details of the facilities required and available for training company personnel and of the training programme with dates for commencement and completion of the initial programme. Training will include: human performance; threat and error management; the transport of dangerous goods and security.

Specific attention should be paid, with respect to crew members, to: company procedures indoctrination; emergency equipment drills; aircraft ground training; flight simulators and other flight simulation training devices; and aircraft flight training. All these aspects should cover both initial and recurrent training.

3.3.11 Insurance

In addition to the normal insurance requirements regarding aircraft, passengers, cargo, baggage and third party etc., operators are reminded that they must comply with the provisions of European EC 785/2004 regarding insurance for operations worldwide and not just into Europe.



3.4 DOCUMENT EVALUATION PHASE

3.4.1 General

Provided the application has been accepted, the operator is then required to submit their documentation to be evaluated. These documents should be submitted at the Formal Application meeting, but if not the schedule of events should clearly indicate when each specific document/manual will be submitted. Inspectors will begin a thorough evaluation of all the manuals and documents and endeavour to complete these evaluations in accordance with the operator's schedule of events.

Throughout the approval process, the applicant will have to provide documents and manuals for the CAA's evaluation and approval or acceptance. The applicant is encouraged to coordinate informal meetings or communicate with certification team members to request advice and clarify questions about these documents. The actual development, or amendment, of documents and manuals is always the responsibility of the applicant.

Note: Experience has shown that late submission of documents/manuals results in delays to the process.

If a manual or document is incomplete or deficient, or if non-compliance with the regulations or procedures does not reflect a safe operating practice, the manual or document will be returned for corrective action.

The following list provides examples of information that must be provided by the operator and evaluated by the CAA during this phase:

- (a) Programme Manager's personnel resumés (CVs) and qualifications (Form SM 54C);
- (b) [Operations Manual (for aeroplanes the general structure in CAR OPS 2A Appendix 2A.215 and, for all aircraft, Fractional Ownership programme requirements in Programme Management Directives 2.1.2 and 2.13);

Note: For aeroplanes, it must include new section on SMS unless there is a separate SMS manual.]

- (c) Compliance Statement (Operations Manual)
- (d) Maintenance Control Manual

Note: For Fractional Ownership Operations the MCM must be approved by CAA and include details of the required Continuing Airworthiness Management Programme described in 2.55 through to 2.73

- (e) Electronic Flight Bag Manual (if applicable)
- (f) Plan for demonstration flights;
- (g) Proposed Technical Log system; and



Operators are reminded that once any Manual is approved an operator shall supply the CAA with intended amendments and revisions in advance of the effective date, which from experience would normally be a period of not less than 30 days depending upon CAA workload. This period takes into account the CAA review, operator approval, publication and dissemination.

3.5 DEMONSTRATION & INSPECTION PHASE

The operator is required to demonstrate its ability to comply with regulations and provide procedures ensuring safe operating practices before beginning operations. These demonstrations include actual performance of activities and/or operations while being observed by a CAA Inspector. This includes on-site evaluations of aircraft maintenance, equipment and support facilities. During these demonstrations and inspections, the CAA evaluates the effectiveness of the policies, methods, procedures and instructions as described in manuals and other documents.

Emphasis is placed on the operator's management effectiveness during this phase. Deficiencies will be brought to the attention of the operator and corrective action must be taken before an approval is granted.

Although the document evaluation and the demonstration and inspection phases have been discussed separately in this document, these phases overlap, or are accomplished simultaneously in actual practice. The following list provides examples of the types of items, equipment, facilities and operations evaluated during the technical demonstration phase.

- (a) Conduct of training programmes (classroom, simulators, aircraft, flight and ground personnel training). Refer to CAP 14 to determine if training organisation or FSTD requires approval;
- (b) Crewmember and dispatcher testing and training;
- (c) Station facilities (equipment, personnel, refuelling, de-icing, technical data);
- (d) Record keeping procedures (of training, flight and duty times, flight papers);
- (e) Flight control (flight supervision and monitoring system or flight following system);
- (f) Maintenance and inspection programmes (procedures, record keeping);
- (g) Aircraft (conformity inspection, aircraft continuing airworthiness records, etc.);
- (h) MELs and CDLs;
- (i) Weight and balance programme;
- (j) [Demonstration flights, including actual flight(s) to demonstrate the operation is conducted safely and in compliance with all applicable CAR OPS 2A/2H regulations and CAP 29, Chapter 2, Programme Management Directives.]



3.6 APPROVAL PHASE

After the document evaluation and the demonstration and inspection phases have been completed satisfactorily, the CAA will prepare the Mspecs as an attachment to the Specific Approval, that will now contain authorisations, limitations and management specifications specific to the operation.

The process for amending the Mspecs (e.g. for aircraft addition) is similar to the approval process.

The CAA is responsible for conducting periodic inspections of the management specifications holder's operation to ensure continued compliance and safe operating practices. It should be noted that operating competence cannot be adequately judged until a sufficient period of demonstration of such competence is completed.

Applicants must note that the CAA will conduct additional surveillance after certification.

3.7 CAA OVERSIGHT

3.7.1 General

A Specific Approval with Management Specifications is issued without an expiry date and CAA oversight will be based on an operator's performance in respect to compliance, transparency, safety assurance and responsiveness.

3.7.2 After Initial Issue

At 6 months \pm 2 months of initial issue;

- (1) In order to assess whether the operator is operating in a satisfactory manner a progress review meeting between the OPS and AIR Inspector and the fractional ownership operator's assigned Safety and Compliance Monitoring Manager to discuss the operator's progress, findings and required actions will take place; and

Note: This meeting could be conducted in various ways, for example on online video conference meeting or at the operator's offices or SM CAA offices if that is more appropriate and mutually agreed

- (2) Completion of Form SM 105B (SMS and Quality audit checklist) by OPS or AIR Inspector; and.
- (3) A review of SRB/SAG meetings and progress towards SMS Phase 2 using Form 102B; and
- (4) Analysis of risk assessments, safety performance indicators and acceptable levels of safety (AoS).

[Note: Helicopter operators are encouraged to implement a Safety Management System.]



Random audits may be conducted at any time. After 12 months, \pm 2 months, from the initial issuance of a Specific Approval with Management Specifications, audits will be conducted as follows;

(a) Flight Operations

(1) Base Check

An inspection of all operations facilities and staff, returned flight paperwork, Flight and Duty Time and training records, in cooperation with the Programme Manager.

(2) Safety Management and Compliance Monitoring System

The inspection will audit the Safety Management System and Compliance Monitoring System in conjunction with Airworthiness and with the cooperation of the Safety and Compliance Manager. This audit will ensure the SMS Phase 2 requirements are in place.

(b) Airworthiness;

(1) Continuing Airworthiness

An inspection of the operator's continuing airworthiness system in conjunction with the continuing airworthiness management. This will take place at the locations where the continuing airworthiness activities take place and the continuing airworthiness records are kept. Senior managers able to answer questions below are required to be in attendance.

As a minimum it will review:

- ▶ The Exposition or MCM (as applicable) contents and revision process
- ▶ The management of Aircraft Maintenance Programme(s)
- ▶ The Aircraft Technical Log System, completion and retention.
- ▶ The accomplishment and control of all mandatory airworthiness instructions including Airworthiness Directives.
- ▶ The management of Continued airworthiness requirements arising from the embodiment of modifications and repairs.
- ▶ The management of Engine Trend Monitoring Programme(s).
- ▶ Any Corrosion Prevention and Control Programme, if applicable.
- ▶ The management of Aircraft Reliability Programme (if applicable).



- ▷ The management of the Aircraft Flight Manual content to ensure it reflects the current configuration of the aircraft.
- ▷ The accepted contracts and arrangements for maintenance and any contracted continuing airworthiness management support services.
- ▷ The facilities to support the continuing airworthiness and maintenance management tasks.
- ▷ The control and management of any contractors including a review of the minutes of the required liaison meetings held.
- ▷ Continuing airworthiness records;
- ▷ Continued staff sufficiency and their competence, including any contracted continuing airworthiness management service providers;
- ▷ Sampling that the procedures in the MME and associated documents are being followed;
- ▷ Control of mandatory requirements.

(2) Safety Management and Compliance Monitoring

- ▷ In conjunction with Flight Operations a review of the effectiveness and compliance with the Safety Management System as it affects continuing airworthiness management and maintenance activities and how it encompasses any contracted organisations.
- ▷ The effectiveness of the Compliance Monitoring System, including procedural and product audits and the auditing of any contracted organisations providing continuing airworthiness management services.

3.7.3 Subsequent Oversight

(a) Unsatisfactory Performance

Where an operator's performance does not meet CAA expectations, it may be anticipated that the audits as described in 3.7.2 will be more frequent with the time between audits at the discretion of the CAA.

(b) Satisfactory Performance

On the basis that the operator meets their regulatory requirements and maintains a good safety performance, the CAA will plan to conduct the following;

- (1) Random audits;
- (2) Base audits after 24 months, \pm 2 months (as described in 3.7.1);



- (3) Audits of the operator's continuing airworthiness management system not to exceed 24 months for those operators demonstrating a very good compliance and safety management record.

3.7.4 Debriefing of Programme Manager

The operator's Programme Manager will be debriefed on the audit results and this will normally be part of the exit meeting. However, should an operator's performance not be satisfactory, there may be a requirement for the Programme Manager to attend the CAA office for a detailed explanation of deficiencies and auditing schedule.

3.8 VARIATION OF MANAGEMENT SPECIFICATIONS

3.8.1 General

Any subsequent changes to the operation specified, or to the aircraft approved for use, will necessitate amendments to the management specifications.

Variations may include the addition/deletion of an aircraft, additional authorisations or changes to the type of operation.

3.8.2 Application

Form SM 94B - Application for Variation of Management Specifications needs to be completed and submitted no later than 30 days before the date of intended variation, or as otherwise agreed. The operator's written application for the variation must include all the necessary information and supporting documentation.

An addition of a similar type of aircraft (such as another make of corporate jet) to the Management Specifications may only require a desk-top review of amendments to manuals.

A proving flight is at the discretion of the CAA. However, a proving flight must be conducted in the following circumstances;

- (a) addition of aeroplane certified to carry 20 passengers or more; or
- (b) major change to the operation such AWO Cat II/III etc.; or
- (c) addition of a propeller aeroplane to jet aeroplane programme or vice versa.

An addition of a similar type of aircraft, such as another make of corporate jet also involve the investigation of the operator's maintenance system.

The CAA reserves the right to conduct an on-site inspection if they deem this appropriate for the particular variation requested and the past performance of the applicant. If a new or different organisation is being subcontracted to provide continuing airworthiness management services, then an on-site visit to the service provider would be required.



3.8.3 When the Holder of Management Specifications no Longer Operates any Aircraft

The requirement is to possess two or more airworthy aircraft. An aircraft that is briefly or temporarily unairworthy because of mechanical failure or required maintenance or inspection does not affect the minimum number of airworthy aircraft.

However, if one aircraft out of a fleet of two becomes unairworthy for a prolonged period of time then the operation can no longer continue and the management specifications will be suspended pending the addition of another programme aircraft, or revoked.

When the holder of Management Specifications proposes to delete an aircraft, which results in the organisation no longer operating the required two aircraft, the Programme Manager must notify the CAA in order to voluntarily suspend the management specifications.

The suspension period will last until the company applies to add two aircraft but usually not longer than 6 months, after which the CAA may decide to revoke the management specifications.



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