



# Advisory Circular

**Subject:** **Maintaining Instrument Rating Privileges as stipulated in Exemption NCR 040-2015, Exemption from paragraph 401.03(1)(b) and section 401.48 of the *Canadian Aviation Regulations***

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## **1.0 INTRODUCTION**

- (1) This Advisory Circular (AC) is provided for information and guidance purposes. It may describe an example of an acceptable means, but not the only means, of demonstrating compliance with regulations and standards. This AC on its own does not change, create, amend or permit deviations from regulatory requirements, nor does it establish minimum standards.

### **1.1 Purpose**

- (1) The purpose of this document is to provide guidelines on meeting the new Instrument Rating recency requirements.

### **1.2 Applicability**

- (1) This document applies to the holder of a Canadian pilot licence endorsed with an Instrument Rating or to which is attached Instrument Rating privileges.

### **1.3 Description of Changes**

- (1) Not applicable.

## **2.0 REFERENCES AND REQUIREMENTS**

### **2.1 Reference Documents**

- (1) It is intended that the following reference materials be used in conjunction with this document:
- (a) *Aeronautics Act* (R.S., 1985, c. A-2);
  - (b) Exemption NCR 040-2015 from paragraph 401.03(1)(b) and to section 401.48 of the *Canadian Aviation Regulations* (CARs);
  - (c) Subpart 401 of the CARs - *Flight Crew Permits, Licences and Ratings*;
  - (d) Standard 421 of the CARs - *Flight Crew Permits, Licences and Ratings*;
  - (e) Transport Canada Publication (TP) 9939E, Issue 09, 2014-04-01 – *Flight Test Guide – Instrument Rating Groups 1,2,3 - Aeroplane*;
  - (f) TP 15099E, Issue 09, 2014-03-01 – *Flight Test Guide-Instrument Rating- Group 4 Helicopter*;
  - (g) TP 14727E, Issue 01, 2007-11-01 – *Flight Test Guide Pilot Proficiency Check and Aircraft Type Rating- Aeroplane*;
  - (h) TP 14728E, Issue 01, 2011-11-01 – *Flight Test Guide Pilot Proficiency Check and Aircraft Type Rating- Helicopter*;
  - (i) Advisory Circular (AC) 401-004, Issue 02, 2015-11-01 – *Conduct of Instrument Proficiency Checks*.

### **2.2 Cancelled Documents**

- (1) Not applicable.
- (2) By default, it is understood that the publication of a new issue of a document automatically renders any earlier issues of the same document null and void.

## 2.3 Definitions and Abbreviations

- (1) The following **definitions** are used in this document:
- (a) **AC:** Advisory Circular;
  - (b) **ATPL:** Airline Transport Pilot Licence;
  - (c) **AQP:** Advanced Qualification Program;
  - (d) **CPL:** Commercial Pilot Licence;
  - (e) **CARs:** Canadian Aviation Regulations;
  - (f) **FAA:** Federal Aviation Authority;
  - (g) **FAR:** Federal Aviation Regulation;
  - (h) **FSTD:** Flight Simulation Training Device;
  - (i) **IPC:** Instrument Proficiency Check;
  - (j) **IFR:** Instrument Flight Rules;
  - (k) **LOE:** Line Operation Evaluation;
  - (l) **NPA:** Notice of proposed Amendments;
  - (m) **PPC:** Pilot Proficiency Check.

## 3.0 BACKGROUND

- (1) Transport Canada completed a risk assessment in order to assess the conversion of the expiring Instrument Rating to a non-expiring Instrument Rating. It was determined that associated risks could be mitigated to an acceptable level by introducing certain blended recency options, including the introduction of an Instrument Proficiency Check (IPC) for the holders of Instrument Ratings that are not employed by Subpart 4 of Part VI air operators or by Part VII air operators. The IPC would be the measure to ensure that proficiency is maintained.
- (2) In November 2009, a series of notices of proposed amendments (NPAs) were presented at the Canadian Aviation Regulation Advisory Council (CARAC) Technical Committee. The NPAs (2009-031 to 2009-045, excluding 2009-035) introduced the IPC as a new option for the Instrument Rating recency requirements. The proposed amendments were accepted without dissent by the CARAC Technical Committee and approved in October 2010 by the Civil Aviation Regulatory Committee (CARC).

## 4.0 PILOT RESPONSIBILITIES

- (1) The holder of a Canadian Pilot Licence that is endorsed with an Instrument Rating or to which Instrument Rating privileges is attached to is responsible:
- (a) to meet the new Instrument Rating recency requirements before exercising the privileges of the Instrument Rating;
  - (b) to record and maintain accurate records providing proof of having met the Instrument Rating recency requirements.
- (2) Proof of having met the Instrument Rating recency requirements can be provided in a variety of ways and some examples are listed below.

- (a) The pilot log book can contain an entry of the last Instrument Flight Test, or IPC along with entries that clearly show the pilot has met the six month recency requirement;
- (b) Completion of the Competency Record page of the Aviation Document Booklet;
- (c) Copies of training records from a Part VII Line Operation Evaluation (LOE);
- (d) Provide a copy of one of the following skill tests:
  - (i) an Instrument Flight Rules (IFR) flight Test;
  - (ii) an IPC;
  - (iii) a foreign IFR Proficiency Check from a Contracting State having a reciprocal licensing agreement with Canada;
  - (iv) a Canadian Forces Instrument Check Ride provided the person being tested is a member of the Canadian Forces;
  - (v) a Part VII Pilot Proficiency Check (PPC);
  - (vi) a subpart 4 of Part VI Private Operator Pilot Proficiency or Competency Check;
  - (vii) a foreign PPC or Competency Check.

*Note: More information on how the IPC is to be certified can be found in [Advisory Circular \(AC\) 401-004](#).*

## **5.0 OVERVIEW OF THE PROGRAM**

- (1) Instrument Ratings no longer expire or need to be renewed. Once endorsed on the pilot licence, the licence label will show the Group of Instrument Rating held without a valid to date. All pilots who hold an Instrument Rating must meet the new Instrument Rating recency requirements of Exemption NCR 040-2015 to be able to continue to exercise the privileges of their Instrument Rating.
- (2) There are two parts to the instrument recency requirements:
  - (A) Within 24 months preceding the flight the pilot must have completed one of the following:
    - a) An Instrument Rating flight test;
    - b) A Canadian Forces Instrument Rating Flight Test;
    - c) A foreign IFR Proficiency Check from a Contracting State having a reciprocal licensing agreement with Canada;
    - d) An IPC; or
    - e) One of the following checks for which the validity period has not expired that included the instrument portion of:
      - i. a proficiency check or competency check completed under Subpart 4 of Part VI;
      - ii. a LOE from an approved Advanced Qualification Program (AQP) conducted by a Canadian Qualification Program Evaluator;
      - iii. a foreign pilot proficiency / competency check approved by a Contracting State, conducted by a foreign Check Pilot authorized to conduct IPCs for commercial and private air operators of that State, while the holder is working for hire and reward for a foreign commercial or private air operator; or

- iv. A PPC conducted in accordance with the PPC schedules to the Commercial Air Services Standards in respect of the corresponding aircraft operated under Subparts 2 to 5 of Part VII.

(B) Following the first day of the 13<sup>th</sup> month following the completion of one of the items in (A) above within six months preceding the flight have acquired six hours of instrument time and completed six instrument approaches to minima according to approved instrument approach procedures in an aircraft or Flight Simulation Training Device (FSTD) as specified in the Exemption.

## 5.1 Important changes

- (1) In the past Transport Canada maintained records on Instrument Rating renewals and validity periods. Transport Canada will no longer process renewals for Instrument Ratings and will no longer issue valid to dates on licence labels. Exemption NCR 040-2015 now places the onus on the pilot to maintain records of the Instrument Rating recency requirements in order to continue to exercise Instrument Rating privileges.
- (2) When an IPC is conducted to only meet the skill requirement for the IFR recency requirements then the original Skill Test Report Form (26-0526) **does not need to be** forwarded to a Transport Canada office.
- (3) When an IPC is conducted and **a licensing action is required**, the pilot examiner shall submit the original Skill Test Report Form (26-0526) to a Transport Canada office, where the report will be scanned into the licensing computer data base.
- (4) An IPC cannot be used to meet the skill requirements of an initial instrument rating or to change from a Helicopter Group 4 instrument rating to an Aeroplane Group instrument rating and vice versa.
- (5) An IPC can be used to maintain the 24 month instrument rating recency skill test requirement.
- (6) An IPC can be used to change Aeroplane Groups.
- (7) A Group 1 IPC may be used to meet the ATPL-A skill requirement (CAR 421.34(5)).
- (8) A Group 4 IPC **cannot be used** to meet the ATPL – H skill requirement (CAR 421.35(5)).
- (9) Proof of recency may be needed to prove to a foreign Civil Aviation Authority (CAA) that the Instrument Rating recency requirements are met.
- (10) Canadian pilot licence holders working for hire and reward for a foreign commercial or private air operator may use a foreign PPC / competency check that is conducted by a foreign Check Pilot to meet the Instrument Rating recency requirements.
- (11) Transport Canada currently has a licensing agreement with the Federal Aviation Authority (FAA). Pilots who hold both a FAA and a Canadian licence endorsed with an Instrument Rating and complete an FAA IPC under Federal Aviation Regulation (FAR) 61.57(d) will meet the Canadian instrument recency requirements.
- (12) When a pilot completes a flight test or a proficiency /competency check to meet the recency requirement, then the pilot must complete it in the same Group of aircraft as endorsed on the pilot licence.
  - (a) Group 1 Instrument Rating privileges allow the pilot to fly Group 1, Group 2 and Group 3 aeroplanes. If the pilot who holds a Group 1 Instrument Rating completes a flight test or a proficiency/competency check in either a Group 2 or a Group 3 aeroplane then the pilot will only have Instrument Rating privileges in either a Group 2 or Group 3 aeroplane. No new licence label will be issued by Transport Canada.

- (b) Group 2 Instrument Rating privileges allow the pilot to fly Group 2 and Group 3 aeroplanes. If the pilot who holds a Group 2 Instrument Rating completes a flight test or a proficiency/competency check in a Group 3 aeroplane then the pilot will only have Instrument Rating privileges for a Group 3 aeroplane. No new licence label will be issued by Transport Canada.
  - (c) A pilot who holds an Aeroplane Group 3 Instrument Rating and wants to obtain a Group 1 or 2 Instrument Rating can do so if they complete the Instrument Rating Flight test in accordance with Transport Canada Publication TP 9939E, *Flight Test Guide – Instrument Rating Groups 1, 2, 3 – Aeroplane or an IPC* in accordance with Advisory Circular 401-004. In this case Transport Canada will issue a new licence label reflecting the new appropriate Instrument Rating Group. The examiner must forward the skill test report to Transport Canada.
- (13) The 6-6-6 recency requirements referred to in paragraph 5.0(2)(B) of this AC must be completed in the same category of aircraft.

## 6.0 FREQUENTLY ASKED QUESTIONS AND ANSWERS

- (1) Do I have a choice between doing an IPC or an IFR Flight Test to maintain my Instrument Rating recency requirements?

**Answer:** Yes. Both an IPC and the IFR Flight test can be used to maintain Instrument Rating recency. The conduct of the Instrument Rating Flight Test is slightly different from the conduct of an IPC.

- (2) How do I show that I meet recency requirements?

**Answer:** The pilot is expected to maintain an up to date personal log book (section 401.08 of the CARs). This is where the pilot can provide proof of meeting both the skill event and the 6-6-6 recency requirements. Please refer to 4.0 (1) of this AC for more ways of providing proof of meeting recency requirements. Proof of recency needs only to be provided on request and the pilot will be given reasonable time to provide the evidence. You do not need to carry your personal log book or copies of skill tests with you when you are flying. For flights that are not operating under subpart 604 of the CARs - *Private Operators* or under Part VII of the CARs - *Commercial Air Services* it is recommended that the flight crew carry sufficient proof of having met the Instrument Rating recency requirements as listed in Section 4 of this AC. The foreign CAA may ask you to prove that you meet the Instrument Rating recency requirements prior to the next flight.

Flights that are operated under subpart 604 of the CARs - *Private Operators* or under Part VII of the CARs - *Commercial Air Operators* already have a system in place and therefore there is NO CHANGE to their current operations.

- (3) The Exemption states that the pilot must have completed some type of a skill test or competency check within 24 months preceding the date of the flight? How is this time calculated?

**Answer:** The time is counted to the exact day. For example:

If today is July 05, 2015 then in order to exercise the privileges of an Instrument Rating, the pilot must have successfully completed a flight test or a proficiency/competency check between July 05, 2013 and July 05, 2015.

- (4) My Instrument Rating has been expired for over 10 years. It has been removed from my pilot licence. Do I need to rewrite the Instrument Type Rating written examination (INRAT)?

**Answer:** No you do not need to rewrite INRAT. The first step is to contact Transport Canada and have the Instrument Rating re-issued. After that you must complete one of the four skill requirements listed in Exemption NCR 040-2015 section 1 (a) to 1(d) inclusive.

- (5) I have just completed a foreign Instrument Rating Check Ride. As per the condition in the Exemption, how do I prove that I meet Instrument Rating recency requirements?

**Answer:** Ensure that your personal log book clearly shows when you completed the latest foreign Instrument Check Ride. This entry can be entered in the personal log book by the pilot or by the foreign check pilot. Whenever possible, the pilot should also retain a copy of their foreign Instrument Check Ride.

- (6) Can a foreign Instrument Check Ride be used to obtain my Canadian ATPL or to change Instrument Rating Groups?

**Answer:** No. A foreign Instrument Check Ride can only be used to maintain Instrument Rating recency.

- (7) How does the calculation of time for the new IFR recency requirement affect the 24 month PPC under subpart 704 of the CARs or the 24 month Competency Checks under subpart 604 of the CARs? For example the valid to date for a 24 months PPC is July 01, 2015. The PPC was completed on June 2, 2013. By calculating the time as per the question in (c) above the pilot could only exercise his or her IFR privileges until June 2, 2015. There would be an interruption between June 3 and July 1 2015 where the PPC remains valid but the pilot would not have any IFR privileges.

**Answer:** The 24 month PPC requirements require that the pilot complete annual training prior to the 1<sup>st</sup> day of the 13<sup>th</sup> month following the date of the PPC. As long as the pilot receives the annual training the 24 month PPC remains valid. The IFR recency requirements are also considered valid as long as all conditions of the 24 month PPC are met and the 24 month PPC is valid. There is no interruption.

- (8) When the six month PPC or the 12 month PPC expire, can the pilot exercise the privileges of the Instrument Rating for private or recreational flight?

**Answer:** A PPC is not required for private or recreational flying. As long as the IFR PPC was completed within the 24 months preceding the flight the pilot would be able to exercise the privileges of the Instrument Rating for private flights.

- (9) Can the requirement to complete an IPC within the 24 months preceding the flight be extended for unusual circumstances?

**Answer:** No. IFR recency requirements cannot be extended even for unusual circumstances.

## 7.0 INFORMATION MANAGEMENT

- (1) Not applicable.

## 8.0 DOCUMENT HISTORY

- (1) Not applicable.

## 9.0 CONTACT OFFICE

For more information, please contact the:

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Suggestions for amendment to this document are invited, and should be submitted via the Standards Branch «AARTF Documentation Services» [AARTinfodoc@tc.gc.ca](mailto:AARTinfodoc@tc.gc.ca).

*Original signed on January 26, 2016 by Jean-François Mathieu for*

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