



Advisory Circular

Subject: **Private Operator - Subpart 604 of the *Canadian Aviation Regulations***

Issuing Office:	Civil Aviation, Standards	Document No.:	AC 604-004
File Classification No.:	Z 5000-34	Issue No.:	02
RDIMS No.:	12592457-V5	Effective Date:	2017-01-13

TABLE OF CONTENTS

1.0	INTRODUCTION	3
1.1	Purpose	3
1.2	Applicability	3
1.3	Description of Changes	3
2.0	REFERENCES AND REQUIREMENTS	3
2.1	Reference Documents	3
2.2	Cancelled Documents	3
2.3	Definitions and Abbreviations.....	3
3.0	BACKGROUND	4
4.0	DIVISION I — GENERAL PROVISIONS	4
4.1	Regulation Applicability	4
4.2	Application.....	5
5.0	DIVISION II — FLIGHT OPERATIONS	6
5.1	Operational Control – General	6
5.2	Flight Dispatch.....	7
5.3	Flight Following	7
6.0	DIVISION III — FLIGHT OPERATIONS — DOCUMENTS	7
6.1	Flight Planning.....	7
7.0	DIVISION IV — FLIGHT OPERATIONS — SPECIAL AUTHORIZATIONS	8
7.1	Application.....	8
8.0	DIVISION V — FLIGHT OPERATIONS — PASSENGERS	8
9.0	DIVISION VI — FLIGHT TIME AND FLIGHT DUTY TIME	8
9.1	Flight Time, Flight Duty and Rest Periods	9
9.2	Unforeseen Operational Circumstances	9
10.0	DIVISION VII — EMERGENCY EQUIPMENT	9
11.0	DIVISION VIII — MAINTENANCE	10
11.1	Manual Requirements – General	10
12.0	DIVISION IX — PERSONNEL REQUIREMENTS	10

12.1	Personnel Requirements – General.....	11
12.2	Flight Dispatcher(s)	11
12.3	Management Personnel	11
12.4	Licensing	12
13.0	DIVISION X — TRAINING PROGRAM	12
13.1	Training Programs – General.....	12
13.2	Equivalent Training and Qualifications for Crew Members	13
13.3	Contract Training.....	13
13.4	Simulator Training	14
13.5	Differences Training	14
13.6	Persons Responsible for Training and Checking	14
13.7	Airline Transport Pilot Licence Training Program	15
13.8	Flight Attendant Training	15
13.9	Maintenance Training.....	15
14.0	DIVISION XI — OPERATIONS MANUAL	16
14.1	Operations Manual, submission and evaluation	16
15.0	DIVISION XII – SAFETY MANAGEMENT SYSTEM.....	16
16.0	DIVISION XIII — FLIGHT ATTENDANTS AND EMERGENCY EVACUATION.....	16
16.1	Minimum Number of Flight Attendants.....	16
16.2	Emergency Features	17
16.3	Demonstration of Emergency Evacuation Procedures – Land and Ditching	17
16.4	Procedures on the Ground.....	17
16.5	Standardization	17
17.0	MANAGED AIRCRAFT	18
18.0	INFORMATION MANAGEMENT.....	19
19.0	DOCUMENT HISTORY	19
20.0	CONTACT OFFICE	19
	APPENDIX A — APPLICATION FOR PRIVATE OPERATOR REGISTRATION DOCUMENT AND SPECIAL AUTHORIZATIONS	20

1.0 INTRODUCTION

- (1) This Advisory Circular (AC) is provided for information and guidance purposes. It describes 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. The guidance set out in this AC states a method of compliance. The statements are given for guidance only and may or may not indicate the only method of compliance.

1.1 Purpose

- (1) The purpose of this document is to provide interpretation and guidance with respect to regulatory requirements of subpart 604 of the *Canadian Aviation Regulations (CARs) — Private Operators*.

1.2 Applicability

- (1) This document applies to operators of Canadian private aircraft that are required to, or wish to, obtain a Private Operator Registration Document or a Special Authorization and operate in accordance with subpart 604 of the CARs — *Private Operators*.

1.3 Description of Changes

- (1) Section 4.2 Paragraph 9 (c),(d) was amended. With the exception of minor editorial changes and updated references, the content is unaltered.

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) Part II, Subpart 03 of the *Canadian Aviation Regulations (CARs) — Operation of a Leased Aircraft by a Non-Registered Owner*;
 - (c) Part V Subpart 71 of the CARs — *Aircraft Maintenance Requirements*;
 - (d) Part VI, Subpart 05 — Division III of the CARs — *Aircraft Maintenance Requirements*;
 - (e) Part VI, Subpart 04 of the (CARs) — *Private Operators*;
 - (f) Flight Test Guide – RDIMS 6820730 (E), 6864773 (F) — *Aircraft — Competency Check — Private Operators*; and
 - (g) Transport Canada Publication, TP 11957 — *Aircraft Registration Procedures Manual*.

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) **AP:** Authorized Person;
- (b) **ATPL:** Airline Transport Pilot Licence;
- (c) **CARs:** Canadian Aviation Regulation;
- (d) **CASI(s):** Civil Aviation Safety Inspectors;
- (e) **CCARCS:** Canadian Civil Aircraft Register Computer System;
- (f) **EASA:** European Aviation Safety Agency;
- (g) **FAA:** Federal Aviation Administration;
- (h) **FSB:** Flight Standards Board;
- (i) **OM:** Operations Manual;
- (j) **MEL:** Minimum Equipment List;
- (k) **NACIS:** National Aviation Company Information System;
- (l) **OE:** Operational Evaluation;
- (m) **OFDS:** Operational flight Data Sheet;
- (n) **POI:** Principal Operations Inspector;
- (o) **PORD:** Private Operator Registration Document;
- (p) **RDIMS:** Records, Documents and Information Management System;
- (q) **TCCA:** Transport Canada, Civil Aviation;
- (r) **UOC:** Unforeseen Operational Circumstances.

3.0 BACKGROUND

- (1) Canada has had specific regulations regarding the non-commercial use of large and sophisticated aircraft since 1983. A new subpart 604 of the *Canadian Aviation Regulations* (CARs) came into effect in May of 2014. Since many of the regulations in the new subpart differ from previous requirements, this Advisory Circular (AC) is available to help clarify Private Operators' obligations under the new regulations.

4.0 DIVISION I — GENERAL PROVISIONS

- (1) This division provides definitions of terms used within the subpart and identifies the aircraft to which the requirements of the subpart apply. It also describes how operators can register as a Private Operator and apply to obtain Special Authorizations for the conduct of certain activities. The division establishes the obligation for private operators to notify the Minister of changes to information provided in their original application for a registration document and of amendments to certain parts of their operations manual (OM). This division also speaks to the duties of a Private Operator and the accountability of the operator's personnel in various management positions.

4.1 Regulation Applicability

- (1) The regulations in subpart 604 of the CARs only apply to operators of the aircraft listed in section 604.02 of the CARs – *Applicability*. Although every operator of an aircraft listed in section 604.02

of the CARs is **eligible** to register as a Private Operator, not every operator of an aircraft listed in section 604.02 of the CARs is **required** to register as a Private Operator.

Note: *The operators of the aircraft listed in subsection 604.03(1) of the CARs Prohibition must register as a Private Operator, unless they are operating in accordance with Part VII of the CARs or under a flight permit issued under Airworthiness Standard 507 of the CARs.*

- (2) Operators of the aircraft listed in section 604.02 of the CARs, but that are not listed in subsection 604.03(1) of the CARs **must** register as private operators only if they are seeking a Special Authorization in accordance with Division IV of the CARs.

Note: *With regard to paragraph 604.03(1)(c) of the CARs: The Aircraft Type Certificate for each model aircraft specifies the maximum number of passengers that may be transported. Aircraft owners who elect to reduce the maximum number of passengers to six (6) or less through a Supplementary Type Certificate (STC) are still required to obtain a Private Operator Registration Document (PORD). The requirement for a PORD is based on the maximum number of passengers listed for that aircraft in the original Type Certificate.*

4.2 Application

- (1) Applicants are encouraged to familiarize themselves with this document and subpart 604 of the CARs prior to application.
- (2) Applications are accepted through the Transport Canada, Civil Aviation (TCCA) Regional Office in the geographical area of intended location of the Main Base of operation. The following website lists the locations and contact information for each region.
- <http://www.tc.gc.ca/eng/civilaviation/opssvs/regions-139.htm>
- (3) Application may be submitted via facsimile, letter or email. Email correspondence is preferred.
- (4) For convenience and guidance, a PORD application form that also includes Special Authorizations is found in Appendix “A of this AC.
- (5) Where the applicant is the registered owner of all the aircraft that will be operated under this Subpart or is permitted to use those aircraft under section 203.03 of the CARs (*lease*) and in accordance with section 604.04 of the CARs, the following information is required to issue a PORD:
- (a) The applicant’s legal name and, if any, trade name;
 - (b) The applicant’s contact information;
 - (c) The names of the operations manager, chief pilot and maintenance manager;
 - (d) The proposed area(s) of operations Identified as one or more of the following:
 - (i) AFI (Africa);
 - (ii) CAR (Caribbean);
 - (iii) EUR (Europe);
 - (iv) MID/ASIA (Middle East/Asia);
 - (v) NAM (North America);
 - (vi) NAT (North Atlantic);
 - (vii) PAC (Pacific);
 - (viii) SAM (South America).

Note: See chart depicted in the *Index to Application of Supplementary Procedures in International Civil Aviation Organization (ICAO) Document 7030, entitled Regional Supplementary Procedures.*

- (e) The location of the applicant's main base and, if any, sub-bases; and
 - (f) For each aircraft that will be operated, the aircraft type, the nationality mark and the registration mark.
- (6) Applicants should ensure that they have applied for any special authorizations that may be required in any of their identified areas of operation.
- (7) Applications are received and processed on a first come first served basis, subject to the receipt of a complete submission. Applicants may experience significant delays if the submissions are incomplete.
- (8) When TCCA receives an application for a PORD, the information will be entered into the National Aviation Company Information System (NACIS) database.
- (9) NACIS extracts aircraft registration from the Canadian Civil Aircraft Register Computer System (CCARCS). PORD applicants should be aware that:
- (a) The name of the registered owner of the aircraft must be identical to the name of the PORD applicant;
 - (b) CCARCS is updated as new information becomes available;
 - (c) A PORD may be issued based on the validation of an Interim Certificate of Registration. The C of R is deemed valid when the following conditions are met:
 - (i) It is the original interim C of R from the first sales transaction of an Aircraft's change of ownership. An interim C of R is not transferable,
 - (ii) All fees and processing applications must be made to Transport Canada.
 - (d) A PORD can be issued to a Temporary Certificate of Registration.

Note: If further information is required on the issue or validation of either an Interim or Temporary C of R, refer to *TP11957 Chapter 8 – Registration of an Aircraft.*

5.0 DIVISION II — FLIGHT OPERATIONS

- (1) This division specifies the operator's responsibility regarding the conduct of flight operations in accordance with regulatory requirements and describes options for dispatching flights, flight following or flight watch as well as the designation and assignment of flight crew members for flights.

5.1 Operational Control – General

- (1) Operational control is the documented processes that the operator has established to conduct flight operations.
- (2) In accordance with section 604.25 of the CARs, it is the Private Operator's responsibility to have an operational control system that accommodates the size and scope of the operation. Changes in the size and scope of the operation (such as when introducing or removing aircraft or authorities, or areas of operation) will require a review and perhaps revision to the operator's operational control system.

5.2 Flight Dispatch

- (1) The method of dispatch is a key component of the Operational Control System. Private Operators have the option of using a pilot self-dispatch system or a co-authority dispatch system. The following components shall be described in the Company OM:
 - (a) The method of dispatch as either co-authority or pilot self-dispatch; and
 - (b) The procedures specified in subsection 604.25(2) and (3) as applicable.

5.3 Flight Following

- (1) A key component of Operational Control is Flight Following. The OM shall include:
 - (a) The Private Operator's procedure for flight crew notification of their dispatcher or flight follower:
 - (i) Prior to departure;
 - (ii) Enroute, when required; and
 - (iii) On Arrival - confirmation upon completion of the flight.
 - (b) Procedures for ensuring that search and rescue authorities are notified in a timely manner if a flight is overdue or missing (Also see Emergency Response).

6.0 DIVISION III — FLIGHT OPERATIONS — DOCUMENTS

- (1) This division specifies requirements for documents used to support an operator's flight operations. It includes requirements for operators to provide aircraft checklists and makes it possible for operators to elect to establish an aircraft operating manual to be carried in lieu of the aircraft flight manual (AFM). The division also specifies the content required in an Operational Flight Data Sheet (OFDS).

6.1 Flight Planning

- (1) The preparation and completion of the OFDS constitutes the Operational Flight Plan, which must be fully described in the Operations Manual (OM). The OFDS specifies the minimum information required for flight planning and Search and Rescue (Reference section 602.70 through 602.79 - Division III of the CARs – *Flight Preparation, Flight Plans and Flight Itineraries*).
 - (a) The OFDS should be tailored to the Private Operator's specific needs, size and scope to ensure that it is a useful tool. The OFDS may serve as a preparation checklist and a passenger manifest.
 - (b) The information may be captured on one or more paper forms (or other media) as determined by the operator and in accordance with the regulatory requirements.
 - (c) The operator's method of calculating and annotating weight and balance and centre of gravity for each aircraft type must be established and available for flight planning purposes.
- (2) A description of what services are used and available such as:
 - (a) Contracted flight planning agencies or computer programs, weather / NOTAMs providers etc.;
 - (b) On-site or contracted dispatch service if applicable.

7.0 DIVISION IV — FLIGHT OPERATIONS — SPECIAL AUTHORIZATIONS

- (1) This division specifies the regulatory requirements relating to flight activities that mandate specialized aircraft equipment or specialized crew training. It includes a general prohibition against conducting any of the activities listed unless the operator is registered as a private operator and has obtained the applicable special authorization.

7.1 Application

- (1) For convenience and guidance, a Special Authorization application form is found in Appendix “A” of this AC.
- (2) Special Authorizations are issued where the PORD applicant’s supporting documentation:
 - (a) Sets out the processes, practices and procedures in the OM relating to the special authorization; and
 - (b) Meets the requirements of Division IV of subpart 604 of the CARs relating to the special authorization requested. Division IV requirements are associated with documentation relating to:
 - (i) Equipment - The aircraft and installed equipment must be capable. (i.e. instrumentation, AFM supplements for CAT II/III, Reduced Vertical Separation Minima (RVSM), Global Positioning System (GPS), Inertial Navigation System (INS), Required Navigation Performance (RNP) performance requirements etc.;
 - (ii) Personnel - Training and Qualification of Flight Crew(s) and may be applicable to the maintenance of the aircraft (i.e. CAT II/III, 600 RVR certification etc.).
- (3) Each Special Authorization requires TCCA review to confirm adherence to regulatory requirements.
- (4) When an applicant requests both a registration document and one or more special authorizations, the applicant should expect that the registration document will be issued first and that any special authorizations will be issued later following completion of the associated review.
- (5) Where applicants receive returned correspondence regarding their submission, that correspondence may contain a “Automatic Tracking System (ATS) number” indicated as:
“Ref. # : ATS-XX-XX-XXXXXXXX”.

Note: *The number is used for tracking correspondence associated with that specific activity. To expedite internal routing, returned correspondence should quote this tracking number.*

- (6) The available Special Authorizations may be found in individual sections of Division IV of subpart 604 of the CARs or on the application form in appendix “A” of this AC.

8.0 DIVISION V — FLIGHT OPERATIONS — PASSENGERS

- (1) This division specifies requirements for the carriage of flight attendants, alternate safety requirements when they are not carried and measures to ensure the safety of passengers.

9.0 DIVISION VI — FLIGHT TIME AND FLIGHT DUTY TIME

- (1) This division specifies the maximum flight and duty time an operator can assign a flight crew member as well as mandatory rest periods between flight assignments. It also includes provision

for controlled rest on the flight deck and adjustments to flight duty and rest periods in exceptional situations.

9.1 Flight Time, Flight Duty and Rest Periods

- (1) Limitations are imposed on cumulative values for Flight Time, Flight Duty Time and Rest Periods. Subsection 101.01(1) of the CARs defines “Flight Duty Time” to include “any duties” assigned by the Private Operator or delegated by the Minister prior to reporting for a flight. An operator’s Operational Control process should incorporate a method of documenting Flight Time, Flight Duty Time and Rest Periods and capturing all duties assigned by the operator, not just those relating to a particular flight.
- (2) Where the Private Operator assigns administrative duties to a crew member not tasked for a flight duty assignment, these duties do not accumulate “Flight Duty Time” and are not required to be tracked **unless** the crew member reports for or is assigned to a flight on the same day. Any duty assigned to a flight crew member on the day of the flight counts as flight duty time. As well, any time allotted to any administrative duty is not time free from duty and cannot be considered part of or impinge on a mandatory Rest Period”.

9.2 Unforeseen Operational Circumstances

- (1) Unforeseen Operational Circumstances (UOC) relates solely to operational circumstances that result in delays to a planned schedule and have a direct effect on the operation of the aircraft and crew fatigue due to the extended flight duty day. In other words, these circumstances are related to:
 - (a) Crew (such as replacement due to short notice such as illness);
 - (b) Weather;
 - (c) Aircraft mechanical; and
 - (d) Air Traffic Control (ATC); or
 - (e) Aircraft or Aerodrome emergency related issues.
- (2) When an UOC occurs, the flight crew is required to “Notify the Private Operator”. The statement refers to the Private Operator’s specific notification procedure identified in the OM. The “notification” is to ensure that the occurrence is tracked and that the person(s) affected by UOC are aware of the duty day and subsequent rest period extension. A record is produced and saved. These records should be reviewed periodically in accordance with the Operator’s Safety Management System (SMS) to prevent recurrence if possible.
- (3) Delaying the departure of a flight to wait for a delayed passenger may have an operational effect on the schedule, but does not constitute a UOC.
- (4) Scheduled plans that result in UOCs are considered to be unrealistic if the maximum flight duty time or flight time on a particular route is exceeded on more than 10% of occasions where 10 or more flights follow that route in a calendar year. The Private Operator must take appropriate action to ensure that the planning is realistic and the flight or series of flights is completed within the maximum allowable flight time and flight duty time. Flights on routes of less frequency than 10 per year should be dealt with on a case-to-case basis.

10.0 DIVISION VII — EMERGENCY EQUIPMENT

- (1) This division specifies requirements for fire extinguishers, first-aid kits, protective breathing equipment and survival equipment.

11.0 DIVISION VIII — MAINTENANCE

- (1) This division specifies the requirements for maintenance control.
- (2) Maintenance control is not the performance of maintenance. Maintenance control refers to the methods by which a person or entity, who has custody and control of an aircraft, fulfills their responsibilities in accordance with sections 605.84, 605.85 and 605.86 of the CARs to ensure that the aircraft is not flown if it is not airworthy.
- (3) A registered owner/operator has full responsibility and liability for the operation and maintenance of their aircraft. An aircraft owner may choose to act as his or her own Maintenance Manager, hire the necessary employees, or engage contractors to control maintenance on their behalf. Management of the maintenance control system can be transferred to others by contract; however, the transfer of the underlying responsibility and accountability cannot.
- (4) Employees or contracted parties work as agents and, while responsible for work they do, cannot be held responsible for authorities that the Private Operator is responsible for under the CARs. Therefore, as a matter between the operator and the contractor, any arrangement or contract should clearly state the duties of each party.
- (5) The scale and complexity of the maintenance control system should be tailored to the size and activity of the aircraft or fleet.

11.1 Manual Requirements – General

- (1) As well as identifying by name and title the person responsible for the operation of the maintenance control system, the Private Operator OM shall describe the organization and operation of the maintenance control system, including:
 - (a) The maintenance schedule in use;
 - (b) The means of ensuring that:
 - (i) scheduled maintenance is tracked and accomplished;
 - (ii) Airworthiness Directives are received, recorded and actioned;
 - (iii) Instructions for Continued Airworthiness (ICAs), service information and manuals are kept up to date and available as needed to maintenance and servicing personnel.
 - (c) The process to ensure that the aircraft is airworthy for an intended flight;
 - (d) How defects are to be recorded and reported and the process for defect control and rectification, including Minimum Equipment List (MEL) use if applicable;
 - (e) When and what components of “Elementary Work” (subsection 604.128(1) of the CARs) and or “servicing” (subsection 604.128(2) of the CARs) are authorized.

12.0 DIVISION IX — PERSONNEL REQUIREMENTS

- (1) This division specifies the requirements for various members of an operator’s personnel to hold certain qualifications and to receive training. It provides information about the validity period and how to transfer training credits obtained with another operator to satisfy part of the Private Operator’s training requirements.
- (2) This division specifies qualifications and training required for those persons acting as instructors as well as for management personnel, flight crew members, cabin crew, flight dispatchers and

flight followers. It also specifies the need for training for various personnel on the operator's ground icing programme and safety management system.

- (3) This division specifies the requirement for establishing and maintaining appropriate training records.

Note: *This division does not specify the content of any of the required training. See Division X of subpart 604 of the CARs – Training Program.*

12.1 Personnel Requirements – General

- (1) The Private Operator is responsible for designing a training program to satisfy the training needs for all of their personnel. The operator may deliver the training program using members of its own staff in its own facilities, or the operator may contract to an external training provider. In any case, the training must be provided and documented in accordance with the syllabus and procedures the operator has mandated in its OM. Regardless of whether the training was conducted by a contractor, by the operator itself or by another operator, it remains the operator's responsibility to ensure:

- (a) Instructional staff are qualified in accordance with the requirements; and
- (b) Training is conducted and documented as detailed in the OM.

12.2 Flight Dispatcher(s)

- (1) If a private operator chooses to use a Flight Dispatcher(s) the dispatcher must be certified and must have successfully completed the required TCCA examinations and must:
- (a) Successfully complete either:
 - (i) A Private Operator Flight Dispatcher training program; or
 - (ii) An Air Operator Flight Dispatcher training program; and
 - (b) Receive a flight dispatcher certificate issued by the Private Operator or Air Operator. A flight dispatcher certificate issued by a Private Operator is **NOT** valid for Part VII operations.
- (2) Where the Private Operator contracts co-authority dispatch, and where the contract dispatchers are certified in accordance with a subpart Part VII of the CARs, Type "A" or "B" dispatch system, the co-authority dispatch equivalent qualification requirements are permissible. The Private Operator is responsible to confirm that:
- (a) Training in accordance with the items listed in paragraphs 604.180(1) (a) through (v) of the CARs and as set out in the Private Operator OM are completed and current. Some components will meet equivalence while others will require documented training;
 - (b) Records relating to the dispatcher training and certification are verified and available; and
 - (c) The arrangement is clearly set out in the OM.

12.3 Management Personnel

- (1) The Private Operator shall ensure that persons appointed to the positions of the Operations Manager, Chief Pilot, Maintenance Manager and Company trained Check Pilots are properly qualified.
- (2) Where specifically requested by the Private Operator, and with the signed and written consent from the individual indicating approval to release information to the employer, TCCA will conduct a review of any "record of conviction".

12.4 Licensing

- (1) Completion of a Private Operators Training and Qualification Program (i.e., successful completion of ground and flight training and successful completion of a competency check) is one of the ways of satisfying the skill requirements for the validation of an instrument rating and renewal of aircraft type rating.
- (2) To facilitate licensing activities for their flight crew members, Private Operators should consider qualifying a member of their staff as an Authorized Person – Flight Crew Licensing. An Authorized Person is able to issue temporary licence privileges for instrument ratings and type ratings (endorse licences with additional privileges). Operators interested in having a staff member delegated to issue temporary licence privileges should contact their Principal Operations Inspector (POI).

13.0 DIVISION X — TRAINING PROGRAM

- (1) This division specifies the operator's responsibility for having a training program designed to ensure that those trained acquire or maintain the competency necessary to perform assigned duties. Individual sections of this division outline the training requirements for flight crew members, flight attendants, dispatchers and flight followers, and maintenance personnel. The division also specifies requirements for specialized training in areas such as SMS, icing operations, and certain flight operations.
- (2) This division does not specify the frequency with which training must be completed. (Refer to Division IX of subpart 604 of the CARs – *Personnel Requirements*).
- (3) Information about the training needed for Special Authorizations is listed in Division IV of subpart 604 of the CARs – Flight Operations – *Special Authorizations*.

13.1 Training Programs – General

- (1) Section 604.167 of the CARs specifies the requirement for the Private Operator to design a training program for personnel to address initial and recurrent training requirements to acquire and maintain the competency necessary to perform their duties.
- (2) For example, this may be accomplished by:
 - (a) A single course and offer that course as both initial and recurrent training;
 - (b) Different courses, one for initial training and the other for recurrent training; or
 - (c) Tailored ground and flight training modules that can be used to meet annual and recurrent training requirements.
- (3) While subpart 604 of the CARs identifies a number of subject areas for which training must be offered, there is no requirement that all subject areas must be addressed in the same single course. Operators may create training programs in which a specific subject area is covered by an individual training module/lesson. These modules may be offered in immediate succession or progressively throughout the validity period.
- (4) Subpart 604.139 of the CARs (Validity Period) identifies the frequency, according to subject area, with which training must be delivered.
- (5) The operator's training program must provide for all required subject areas to be addressed within the overall training cycle. For clarity, the following examples are offered:
 - (a) Annual flight training, such as Instrument procedures, do not require that every conceivable type of approach be completed annually; however, it is expected that

- training on every type of approach that the operator is capable of conducting with the equipment on board the aircraft they operate will be completed over a defined cycle;
- (b) Emergency Procedures training is valid for 3 years; however, annual training of flight crew members may be completed on some of the elements providing all required elements are completed over a defined cycle.
- (6) It is expected that operators that elect to develop cyclical or modular training programs will:
- (a) Have in place, a process for ensuring that their training programs address all of the required subject areas and that their training programs cover the subject areas (but not necessarily individual learning points) within the correct frequency;
 - (b) Establish a documentation method that can be used to ensure that members of their staff are not assigned duties that require training, unless that training has been satisfactorily completed.
- (7) Section 604.167 of the CARs requires operators to design training program so that those receiving the training acquire or maintain “the competency necessary to perform his or her duties”. Therefore, it is expected that operators will use their Safety Management and Quality Assurance systems to identify any needed training content. It is also expected that the operator will have a system that confirms that the trainees acquire or maintain competency to perform their assigned duties.
- (8) It is the operator’s responsibility to ensure that the training is:
- (a) Conducted in accordance with the training syllabus as detailed in the OM;
 - (b) Delivered by qualified personnel;
 - (c) Documented in accordance with the OM; and
 - (d) Conducted using appropriate training aids in appropriate facilities (for example: classroom or eLearning or simulator).

13.2 Equivalent Training and Qualifications for Crew Members

- (1) Section 604.140 of the CARs specifies the conditions for utilizing training credits for crew members who have previously completed applicable training while employed by another Private or Commercial Air Operator to satisfy part of their training requirements.
- (2) Where operators choose to accept training and or qualifications from an another Private Operator or an Air Operator, the hiring operator is responsible for establishing and including in its OM:
 - (a) A process for determining the extent to which required components of the hiring operator’s training program have been addressed by the training provided by the other operator;
 - (b) A process for verifying and recording the successful completion of each component, along with its expiry date; and
 - (c) A supplemental training program to address any gaps and operator specific components.

13.3 Contract Training

- (1) A Private Operator may contract with an external training provider to deliver any of their training programs.
- (2) Operators may choose to confirm and document the training themselves or make these requirements a part of the contractual arrangement with the training provider. When contracting

with another individual or organization to provide training the Private Operator remains accountable and responsible for ensuring that the:

- (a) Training provided is in accordance with the training program outlined in the OM;
- (b) Person(s) conducting the training and checking are qualified in accordance with requirements; and
- (c) Training is documented as specified in the OM.

Note: Where a private operator has contracted an ATO to provide training, the training syllabus developed by the ATO may be incorporated by reference in the OM.

- (3) Private Operators may document training activities using forms and procedures from the contracted training organization. When doing so, the process specified in the training section of the OM needs to reflect the use of these forms and procedures. Private Operators are responsible for ensuring that they maintain documentation that satisfies the requirements of the CARs, whether those documents were created by the operator or the training provider.

13.4 Simulator Training

- (1) A Private Operator who operates a turbo-jet-powered aeroplane or transport category aircraft must provide the training referred to in subsection 604.170(1), sections 604.177 and 604.178 of the CARs to a flight crew member using a level C or D flight simulator if a level C or D flight simulator for that aircraft type is available for training use in Canada, the United States or Mexico.

13.5 Differences Training

- (1) When the training is conducted in an aircraft or simulator where there is difference in the layout, performance installed equipment, etc., “Differences Training” shall be provided. All of the differences must be listed and incorporated into the training program and include such items as; performance calculations, cockpit layout, engine and instrumentation variations, communication equipment and displays, FMS and or GPS, Expected Further Clearance Time (EFIS) – Analog, Oxygen components etc.
- (2) TCCA Operational Evaluation (OE) Reports, European Aviation Safety Agency (EASA) OE reports and Federal Aviation Administration (FAA) Flight Standardization Board (FSB) Reports, as applicable, should be consulted to establish appropriate training, checking and currency requirements between related aircraft. These reports may be found on the following website.
<http://www.tc.gc.ca/eng/civilaviation/standards/commerce-OEB-Reports-3632.htm>
- (3) To facilitate learning, adequate training aids must be available. The operator may conduct the training in the static aircraft powered by a Ground Power Unit (GPU) and or, a combination of items such as table top FMS / GPS models and cockpit layout diagrams etc. The training program may be ground based where appropriate and shall be documented.

13.6 Persons Responsible for Training and Checking

- (1) The Private Operator is required to keep a record of the training and qualifications of individuals conducting training.
- (2) The Private Operator may wish to develop a questionnaire based on the qualification elements. When completed it may act as “demonstration of knowledge”. The level of training and qualifications requirement should be equivalent to the scope of the operation in general.
- (3) A private operator may use qualified Pilot Examiners, Approved Check Pilots (ACPs) and Foreign Check Pilots to conduct Competency Checks on the operator’s flight crew members. A Private

Operator may train a member of its own staff to conduct Competency Checks. Subsection 604.143(5) of the CARs specifies the applicable requirements.

- (4) A person who has successfully completed an approved Canadian ACP Course within 24 months of conducting the Competency Check meets the requirements of paragraph 604.143(5)(f) of the CARs.

13.7 Airline Transport Pilot Licence Training Program

- (1) Section 401.11 of the CARs includes provisions for operators to establish an Airline Transport Pilot Licence (ATPL) training program that will prepare co-pilots to qualify as Pilots-in-Command. Co-pilots participating in an ATPL training program that has been approved by the Minister can accumulate a portion of their flight experience as pilot-in-command while participating in this program.
- (2) Private Operators wishing to establish such a program shall ensure that their program, in addition to addressing the requirements of section 604.178 of the CARs, provides a structured process whereby the co-pilot can be expected to acquire the competency necessary to serve as a Pilot-in-Command. The Private Operator must outline the program in the OM and present that portion to the POI assigned to its operation. Operators should contact their POI for further details (Also see section 421.11 of the *Commercial Air Service Standards* (CASS)).
- (3) A competency check conducted in accordance with this subpart will not be considered as meeting the skill requirements as specified in section 421.34 of the CASS for the issuance of an ATPL.

13.8 Flight Attendant Training

- (1) Training for flight attendants shall consist of both initial training and annual training.
- (2) Initial training is intended to ensure that each trainee is provided with the knowledge necessary to acquire the competency necessary to fulfill the responsibilities and duties assigned in the interest of safety. This will primarily be accomplished through instruction. The requirements of paragraph 604.179(z) of the CARs reflect requirements for performance (practical training) and are intended to provide the trainee with the skills necessary to perform their responsibilities and duties.
- (3) Annual training is intended to focus upon the verification of the crew member's knowledge and skills rather than on instruction. An examination or performance failure indicates a lack of knowledge or skill that will need to be reinforced through instruction in order to demonstrate that they have re-acquired the competency to perform his or her duties.
- (4) Transport Canada Publication (TP) 12296 – *Flight Attendant Training Standard* may be used as a reference or resource tool in the development of a Private Operators flight attendant training program. While this standard specifies the minimum requirements for compliance with the regulations respecting the use of aircraft in airline operations, it also provides the operator with flexibility in how the training can be achieved and does not preclude the use of innovative training techniques. It is also flexible in that only those elements that are relevant to an operator's operation need be included.

13.9 Maintenance Training

- (1) As required by section 604.182 of the CARs, training for maintenance and management personnel shall address the operator's maintenance control system functions and the resources available, including:
 - (a) The location and required usage of technical and regulatory resource material,
 - (b) The location and proper use of technical records.

- (2) Training for personnel performing elementary work or servicing should include; when and what tasks are authorized, the way that servicing is carried out in accordance with the aircraft manufacturer's instructions and the location and proper use of technical records.

14.0 DIVISION XI — OPERATIONS MANUAL

- (1) This division specifies the requirements and contents for the Private Operator's OM. The OM sets out the processes, practices and procedures that the operator's personnel shall follow when exercising their duties.

14.1 Operations Manual, submission and evaluation

- (1) The Private Operator shall verify the currency and validity of each part of its OM and ensure that the manual is available to the appropriate personnel.
- (2) While the OM is not subject to approval by TCCA, Private Operators are expected to make their OMs available to Civil Aviation Safety Inspectors (CASIs) when requested and are required to submit those portions of the OM that pertain to requested Special Authorizations.
- (3) When seeking a Special Authorization or approval to operate an ATPL Training Program, the operator's processes, practices and procedures associated with these activities must be reviewed by TCCA to confirm regulatory compliance prior to issuance of the requested authority.
- (4) This division specifies the requirement and contents of a Private Operator's SMS.
- (5) SMS is a systematic way to identify hazards and control risks through mitigation. The concept of continual improvement is an integral part of SMS. The system of reporting, documenting, evaluating and implementation should be scaled to the size and scope of the organization. (For single owner / operators see subsection 604.202(2)) of the CARs.
- (6) For more information on SMS, please refer to *Advisory Circulars 107-001 and 107-002*. SMS guidance and templates for small operators have been developed by the Safety Management International Collaboration Group (SMICG); their document "SMS for Small Organizations" is available from the SMICG portal on Skybrary (www.skybrary.aero).

15.0 DIVISION XII – SAFETY MANAGEMENT SYSTEM

- (1) This division is addressed in Advisory Circular (AC) 107-002, Issue #2, Safety Management System Guide for Smaller Aviation Organizations.

16.0 DIVISION XIII — FLIGHT ATTENDANTS AND EMERGENCY EVACUATION

- (1) This division specifies the requirements for Private Operators related to flight attendants, the emergency features that facilitate emergency evacuation, and the demonstration of emergency evacuation procedures.

16.1 Minimum Number of Flight Attendants

- (1) In general, the minimum number of flight attendants required on each deck of an aircraft is one flight attendant for each unit of 50 passengers.
- (2) However, no flight attendants are required if:
 - (a) the aeroplane has 13 to 19 passengers on board;

- (b) the aeroplane is operated by a pilot-in-command and a second-in-command;
 - (c) the passenger cabin is readily accessible from the flight deck; and
 - (d) the flight crew members are able to exercise supervision over the passengers during flight by visual and aural means.
- (3) As defined in subsection 101.01(1) of the CARs, a crew member, other than a flight crew member, who has been assigned duties to be performed in the interest of the passengers in a passenger carrying aircraft, is a flight attendant.
- (4) Crew members, other than a flight crew member, assigned duties to be performed in the interest of the passengers are required to be trained and qualified in accordance with section 604.145 of the CARs.

16.2 Emergency Features

- (1) Private Operators are required to have emergency features (emergency equipment and exits) that meet newer specific standards to address aeroplane occupant safety and design enhancements related to the type and number of emergency exits, exit location, distance between exits, aisle design, exit row and escape path markings and lighting.
- (2) These features introduce operational improvements in occupant safety, crashworthiness, and survivability for aeroplanes currently in operation by incorporating the related certification requirements for the design of newer aeroplanes.

16.3 Demonstration of Emergency Evacuation Procedures – Land and Ditching

- (1) Emergency evacuation procedure demonstrations are required to physically demonstrate the adequacy of the procedures private operators have established for passenger emergency evacuation on each aeroplane model used in their passenger-carrying operations. This requirement is applicable to aeroplane models configured to carry 44 passengers or more.
- (2) Private operators who undertake extended overwater flights (and are required to have life rafts) are required to physically demonstrate the adequacy of their ditching procedures. This requirement is applicable to aeroplane models configured to carry 20 passengers or more.
- (3) Additional guidance related to the planning and conduct of these demonstrations will be available in *Advisory Circular 604-002 (Draft) – Demonstration of Emergency Evacuation and Ditching Procedures*.

16.4 Procedures on the Ground

- (1) Private Operators are required to ensure a minimum number of flight attendants are on board the aircraft for passenger supervision during boarding and deplaning.
- (2) For each aeroplane configured to carry 20 or more passengers, there must be procedures to ensure that every automatically deployable means for the emergency evacuation of passengers is ready for evacuation during the movement of the aircraft on the ground, and at least one floor-level exit provides for the egress of passengers through normal or emergency means prior to the movement of the aircraft on the ground.

16.5 Standardization

- (1) Private operators are required to standardize their emergency procedures, the type of portable emergency equipment, and their stowage location, across their fleet, for aeroplanes configured with 20 or more passenger seats operated.

- (2) The intent of this requirement is that in the event of an accident or incident, flight attendants who are assigned to a variety of different aeroplanes, will be able to easily access the requisite equipment, and utilize the same procedures efficiently on all aeroplane models in the private operator's fleet.

17.0 MANAGED AIRCRAFT

- (1) Transferring legal custody and control has no bearing on who holds title to the aircraft; it merely identifies clearly under the CARs which party is responsible for the operation and maintenance of the aircraft and identifies the party responsible for obligations placed on the Registered Owner by the CARs.
- (2) There are three options available to the Private Operator concerning custody and control of an aircraft, depending on preference:
- (a) Retain legal custody and control of their aircraft and operate it themselves as the Registered Owner.
 - (b) Retain legal custody and control of their aircraft and contract with another entity to operate the aircraft on their behalf.
 - (c) Transfer legal custody and control of their aircraft to another entity to operate the aircraft on their behalf.
- (3) Owners who choose to retain legal custody and control of their aircraft will have the aircraft registered in their name and register as a private operator. They will be fully responsible for the operation and maintenance of their aircraft, either by employing adequately trained and qualified personnel, or by contracting other parties to do their work on their behalf.
- (4) By retaining legal custody and control, these operators are assuming full responsibility and liability for the operation and maintenance of their aircraft. Their employees or the contracted party work as agents for the Private Operator and, while responsible to the Private Operator for work they do, cannot be held responsible for items for which the Private Operator is responsible under the CARs.
- (5) Owners who wish to contract with another party in such a way that that party becomes responsible for the operation and maintenance of the aircraft will need to transfer legal custody and control of the aircraft. In doing so, the aircraft will need to be registered in the name of the contracting party: subsection 700.02(5) of the CARs has provision for such operations without requiring the contracted third party to hold an Air Operator Certificate to operate the aircraft on behalf of the aircraft's owner.
- (6) In some cases the aircraft owner chooses to contract with a party that already holds an Air Operator Certificate and uses the opportunity to gain revenue from that party's use of the aircraft in its commercial air service. In such cases, the contracted party will hold both an Air Operator Certificate and a Private Operator Registration Document covering the aircraft.
- (7) Some aircraft owners prefer to have the Private Operator Registration Document include an indication that the aircraft, although registered to the third party, can be used privately in support of the actual owner. Private Operators wishing such a statement to be added to their PORD should contact their POI and arrange for the PORD to be annotated: "C-XXXX may be operated on behalf of XYZ Inc".

18.0 INFORMATION MANAGEMENT

- (1) Not applicable.

19.0 DOCUMENT HISTORY

- (1) Advisory Circular (AC) 604-004, **Issue 01**, RDIMS 10224471 (E), 11754375 (F), dated 2016-07-15 — *Private Operator — Subpart 604 of the Canadian Aviation Regulations*.

20.0 CONTACT OFFICE

For more information, please contact:

Commercial Flight Standards (AARTF)

Fax: 613-990-6215
E-mail: AARTinfoDoc@tc.gc.ca

Suggestions for amendment to this document are invited, and should be submitted via:
AARTinfoDoc@tc.gc.ca.

Original signed by

Robert Sincennes
Director, Standards
Transport Canada, Civil Aviation

APPENDIX A — APPLICATION FOR PRIVATE OPERATOR REGISTRATION DOCUMENT AND SPECIAL AUTHORIZATIONS

General Information		
<input type="checkbox"/> Amended Information		
Legal Name and Trade Name (if applicable) of Applicant		
Applicant Mailing Address <input type="checkbox"/> Amended Information		Applicant Contact Information <input type="checkbox"/> Amended Information
Civic number & Street	Name of Contact Person for Applicant	
City	Title	
Province or State	Telephone #	
Country	Cellular #	
Postal Code	Facsimile # and or email address	
Management Personnel		
<input type="checkbox"/> Amended Information		
Name <input type="checkbox"/> Amended Information	Title	Licence # <input type="checkbox"/> Not Applicable
	Operations Manager	
Name <input type="checkbox"/> Amended Information	Title	Licence #

	Chief Pilot	
Name <input type="checkbox"/> Amended Information	Title Maintenance Manager	Licence # <input type="checkbox"/> Not Applicable
Areas Of Operations		
<input type="checkbox"/> Amended Information		
Please indicate the areas of operations that are applicable: ICAO Flight Information Regions (FIR)		
<input type="checkbox"/> NAM	<input type="checkbox"/> NAT	<input type="checkbox"/> CAR
<input type="checkbox"/> EUR	<input type="checkbox"/> PAC	<input type="checkbox"/> SAM
<input type="checkbox"/> MID/ASIA	<input type="checkbox"/> AFI	
Main and Sub-base(s)		
<input type="checkbox"/> Amended Information		
Address of Main Base	Address of Sub-base	Address of Sub-base
<input type="checkbox"/> Same as mailing address above	<input type="checkbox"/> Not Applicable	<input type="checkbox"/> Not Applicable
Civic number & Street	Civic number & Street	Civic number & Street
City	City	City
Province or State	Province or State	Province or State
Country	Country	Country
Postal Code	Postal Code	Postal Code

Name of Contact Person	Name of Contact Person	Name of Contact Person
Title	Title	Title
Telephone #	Telephone #	Telephone #
Cellular #	Cellular #	Cellular #
Facsimile #	Facsimile #	Facsimile #
Email Address	Email Address	Email Address
<p>Note : If more space is needed to list the private operator’s sub-bases, attach a separate sheet containing the above information for each additional sub-base.</p>		
<p>Aircraft Information</p>		
<p><input type="checkbox"/> Amended Information</p>		
<p>Aircraft Type(s) Operated: _____</p>		

Turbo-jet aeroplane Large aeroplane

Turbine-powered pressurized aeroplane certificated for more than 6 passenger seats

Other – Specify : _____

Max passenger seating configuration

Number of passenger seats : _____

Aircraft, Make, Model and Serial Number : _____

Registration Marks : _____

Addition of aircraft Removal of aircraft

Note: If there is more than one aircraft, please attach a separate sheet containing the above information for each aircraft operated.

Special Authorizations Requested

Aeroplane (A) Helicopter (H)

<input type="checkbox"/> Amended Information		For /
<input type="checkbox"/>	ADS-B Operations	(A) / (H)
<input type="checkbox"/>	Category II Instrument Approaches	(A) / (H)
<input type="checkbox"/>	Category III Instrument Approaches	(A)

Private Operator – Subpart 604 of the *Canadian Aviation Regulations*

<input type="checkbox"/>	Canadian Minimum Navigation Performance specifications (CMNPS) Airspace and Required Navigation Performance Capability (RNP) Airspace	(A)
<input type="checkbox"/>	Instrument Procedures - Restricted Canada Air Pilot	(A) / (H)
<input type="checkbox"/>	Instrument Procedures - Restricted Canada Air Pilot (CAP) / Aerodrome Design Limitation	(A)
<input type="checkbox"/>	Instrument Procedures – Restricted CAP / Missed Approach Climb Gradient less than 425 FT / NM	(A)
<input type="checkbox"/>	North Atlantic Minimum Navigation Performance Specification (NAT-MNPS) Airspace	(A)
<input type="checkbox"/>	NAT-MNPS - Blue Spruce Routes	(A)
<input type="checkbox"/>	No Alternate Aerodrome IFR Flight	(A) / (H)
<input type="checkbox"/>	NVIS Operations	(A) / (H)
<input type="checkbox"/>	Terminal and En-route Area Navigation Operations (RNAV 1 and 2)	(A) / (H)
<input type="checkbox"/>	En -route Area Navigation Operations 5 (RNAV 5)	(A) / (H)
<input type="checkbox"/>	RNP – Radius-to-fix (RF) Path Terminator	(A)
<input type="checkbox"/>	Required Navigation Performance (RNP-10) Airspace	(A)
<input type="checkbox"/>	Required Navigation Performance 4 (RNP 4) Airspace	(A)
<input type="checkbox"/>	Instrument Procedures – GNSS Approaches	(A) / (H)
<input type="checkbox"/>	RNP Approach – LNAV	(A) / (H)
<input type="checkbox"/>	RNP Approach – LNAV / VNAV	(A) / (H)
<input type="checkbox"/>	RNP Approach – LP	(A) / (H)
<input type="checkbox"/>	RNP Approach – LPV	(A) / (H)
<input type="checkbox"/>	RNP AR Approach	(A) / (H)
<input type="checkbox"/>	Required Navigation Performance Capability (RNP) Airspace	(A)
<input type="checkbox"/>	Reduced Vertical Separation Minimum (RVSM) Airspace	(A)
<input type="checkbox"/>	Take-off Minima Reported Visibility RVR 600'	(A) / (H)

