

## **EXEMPTION FROM SUBSECTIONS 404.03(1) OF THE CANADIAN AVIATION REGULATIONS**

Pursuant to subsection 5.9(2) of the *Aeronautics Act*, and after having taken into account that the exemption is in the public interest and is not likely to adversely affect aviation safety or security, I hereby exempt **persons exercising the privileges of a permit, licence or rating who cease to hold a valid medical certificate of a category specified in section 404.10 of the *Canadian Aviation Regulations* (CARs) solely because of the expiry of the validity period of their medical certificate**, from the requirements of subsection 404.03(1) of the CARs, subject to the conditions set out below.

Subsection 404.03(1) and section 404.10 of the CARs, and those provisions cited in the conditions below, are reproduced in **Appendix A**.

### **PURPOSE**

The purpose of this exemption is to adopt temporary measures in the public interest to reduce the regulatory demand on healthcare resources in Canada following the declaration of a pandemic outbreak of novel coronavirus (COVID-19) by the World Health Organization on March 11<sup>th</sup>, 2020 and unnecessary risk exposing healthy medical certificate holders to potentially hazardous healthcare settings.

### **APPLICATION**

This exemption applies only to the holders of currently valid medical certificates issued or renewed by the Minister of Transport under subsections 404.04(1) and (1.1) of the CARs which have a validity period that will end on a date on or before 01 June 2020.

This exemption ceases to apply to a holder of currently valid medical certificates issued or renewed by the Minister of Transport under subsections 404.04(1) and (1.1) of the CARs who breaches a condition of this exemption.

### **CONDITIONS**

This exemption is subject to the following conditions:

1. Persons exercising the privileges of a licence, permit or rating pursuant to the terms and conditions of this Exemption shall comply with the CARs in all respects, and the CARs shall continue to apply in all respects other than the specific exemption set out herein.
2. Notwithstanding the generality of the foregoing and for greater certainty, persons exercising a privilege of a permit, licence or rating who cease to hold a valid medical certificate shall not exercise their privilege if they satisfy any of the circumstances set

out in section 404.06 of the CARs.

**VALIDITY**

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

- a) August 1<sup>st</sup>, 2020, at 23:59 (EST);
- b) the date on which any condition set out in this exemption is breached; or
- c) The date on which this exemption is cancelled in writing by the Minister where he is of the opinion that it is no longer in the public interest or that it is likely to affect aviation safety or security.

**DATED** at Ottawa, Ontario, Canada this 17<sup>th</sup> day of March 2020, on behalf of the Minister of Transport.



Nicholas Robinson  
Director General  
Civil Aviation  
Transport Canada

**Appendix A**  
**Pertinent provisions of the *Canadian Aviation Regulations***

**404.03 (1)** No person shall exercise or attempt to exercise the privileges of a permit, licence or rating unless the person holds a valid medical certificate of a category that is appropriate for that permit, licence or rating, as specified in section 404.10.

[...]

**404.10 (1)** A Category 1 medical certificate is required for the following licences:

- (a) commercial pilot licence — aeroplane or helicopter;
- (b) multi-crew pilot licence — aeroplane;
- (c) airline transport pilot licence — aeroplane or helicopter; and
- (d) flight engineer licence.

(2) A Category 1 or 2 medical certificate is required for an air traffic controller licence.

(3) A Category 1 or 3 medical certificate is required for the following permits, licences and ratings:

- (a) student pilot permit — helicopter;
- (b) pilot permit — gyroplane;
- (b.1) student pilot permit — gyroplane or balloon;
- (c) private pilot licence — aeroplane or helicopter;
- (d) pilot licence — balloon;
- (e) flight instructor rating — glider; and
- (f) flight instructor rating — ultra-light aeroplane.

(4) A Category 1, 3 or 4 medical certificate is required for the following permits and licences:

- (a) student pilot permit - aeroplane;
- (b) pilot permit — recreational;
- (c) student pilot permit or pilot permit — ultra-light aeroplane;
- (d) student pilot permit — glider; and
- (e) pilot licence — glider.

[...]

**404.06 (1)** Subject to subsection (3), no holder of a permit, licence or rating shall exercise the privileges of the permit, licence or rating if

(a) one of the following circumstances exists and could impair the holder's ability to exercise those privileges safely:

(i) the holder suffers from an illness, injury or disability,

(ii) the holder is taking a drug, or

(iii) the holder is receiving medical treatment;

(b) the holder has been involved in an aircraft accident that is wholly or partially the result

of any of the circumstances referred to in paragraph (a);

(c) the holder has entered the thirtieth week of pregnancy, unless the medical certificate is issued in connection with an air traffic controller licence, in which case the holder may exercise the privileges of the permit, licence or rating until the onset of labour; or

(d) the holder has given birth in the preceding six weeks.

(2) No holder of a permit, licence or rating who is referred to in paragraph (1)(b), (c) or (d) shall exercise the privileges of the permit, licence or rating unless

(a) the holder has undergone a medical examination referred to in section 404.18; and

(b) the medical examiner has indicated on the holder's medical certificate that the holder is medically fit to exercise the privileges of the permit, licence or rating.

(3) The Minister may, in writing, authorize the holder of a medical certificate to exercise, under the circumstances described in paragraph (1)(a) or (d), the privileges of the permit, licence or rating to which the medical certificate relates if such authorization is in the public interest and is not likely to affect aviation safety.