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GENERAL

LEGISLATION MATTERS

REDUCED VISIBILITY AND DISTANCE FROM CLOUD (REGULATION 91.06.21), SPECIAL VFR WEATHER MINIMA (91.06.22) AND MINIMUM HEIGHTS (91.06.32)

The following document incorporates the exemptions granted to the applicable Regulations of Part 91 as well as the associated conditions attached to these exemptions.

This General Exemption has been granted to enable helicopter operations in reduced visibility under VFR and Special VFR within controlled airspace as well as amending the minimum operational heights for helicopters. The changes come about due to unnecessary restrictions placed on helicopters in various airspaces under conditions of variable forward visibility, distance from cloud and cloud base.

This exemption shall remain in force until new Regulations have been promulgated.

The substantial changes brought about by this exemption are as follows:

- 1) Helicopter SVFR is now permitted in all ATZ and CTR subject to the discretion of ATC and provided that such flight will not delay an IFR flight.
- 2) The minima for Helicopter Special VFR operations within an ATZ or CTR is reduced to 800 m forward visibility and clear of cloud provided the helicopter is operated at such a speed that the pilot has adequate opportunity to observe any obstructions or other traffic in sufficient time to avoid collisions.
- 3) Outside of controlled airspace, helicopters shall be permitted to operate in less than 1 500 m flight visibility, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collisions.
- 4) Helicopters may be operated at heights less than 1 000 FT AGL over a built up area provided the helicopter is operated without hazard or nuisance to persons and property on the ground or water and at a height and manner that allows safe operation in the event of an emergency situation.

Exemptions applied for:

The exemptions applied for and associated conditions in Part 91.06.21, Visibility and distance from cloud, are as follows:

1. The wording in sub-paragraph 91.06.21(b) as contained below the table (Provided that the limitations as contained in the above-mentioned table shall not prevent a helicopter from conducting hover-in-ground-effect or hover-taxi operations if the visibility is not less than 100 m.) be exempted from and added to sub Paragraph 3.(a) below.
2. The table referred to in 91.06.21(b) the requirements as stipulated in the last three rows including the footnote be exempted.
3. The conditions for the above exemption and deletion being: A helicopter shall be flown at and below 3 000 FT above MSL, or 1 000 FT above terrain, whichever is the higher in class C airspace the flight visibility shall not be less than 2 500 m and distance from cloud 1 500 m horizontally and 1 000 FT vertically and in class F and G airspace flight visibility shall not be less than 1 500 m (in accordance with (c) below) and clear of cloud with the surface in sight. Provided that:
 - (a) the limitations as contained in the afore mentioned table shall not prevent a helicopter from conducting hover-in-ground-effect or hover-taxi operations within the confines of a controlled aerodrome or heliport, if the visibility is not less than 100 m or;

- (b) *the minima specified in table 3 are not applicable when a helicopter is entering or leaving a CTR or ATZ and the flight has received clearance from an Air Traffic Service Unit to operate under Special VFR minima as described in Regulation 91.06.22.*
- (c) *helicopters shall be permitted to operate in less than 1 500 m flight visibility outside of controlled airspace, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collisions.*

The exemptions applied for in Part 91.06.22, Special VFR weather minima, are as follows:

- 1. *91.06.22(2)(a) and (c). The exemption requests the change of the cloud ceiling of 300 FT to be applicable to night operations only and;*
- 2. *91.06.22(2)(d) a reduction in flight visibility from 900 m to 800 m and;*
- 3. *91.06.22(2)(e) the current text to be exempted and replaced by 'if a helicopter will be operated at such a speed that the pilot has adequate opportunity to observe any obstructions or other traffic in sufficient time to avoid collisions'; and*
- 4. *91.06.22(2) a new paragraph inserted 'the flight can be conducted in accordance with Regulation 91.06.32 with regard to minimum heights.'*
- 5. *91.06.22(2)(f) exempted in total; and*
- 6. *91.06.22(2) a new paragraph inserted 'when the Special VFR flight will not unduly delay an IFR flight.'*

The exemption applied for in Part 91.06.32, Minimum heights, is as follows:

- 1. *A new paragraph 2 has been inserted. This paragraph is an exemption request from the requirements of sub-paragraph 1(a) of Regulation 91.06.32. The new paragraph reads as follows:*
 - (2) *A helicopter shall be permitted to be flown at heights less than those prescribed in sub-regulation (1)(a), provided that-*
 - (a) *the operation is conducted without hazard or nuisance to persons and property on the ground or water; and*
 - (b) *the pilot in command operates at a height and manner that allows safe operation in the event of an emergency situation.'*
- 2. *The wording 'at night' be removed from paragraph 3 thereby exempting helicopter operators from the height restrictions in sub-paragraphs (a) and (b) during night VMC operations.*


DIRECTOR OF CIVIL AVIATION *act*

ATTACHMENT A TO AIC 18-12

This document provides a more detailed explanation of how Regulation 91.06.21, 91.06.22 and 91.06.32 are affected by the exemptions granted in AIC 18-12 from the existing Regulations.

Visibility and distance from cloud

91.06.21 Every VFR flight shall be so conducted that the aircraft is flown with visual reference to the surface by day and to identifiable objects by night and at no time above more than three eighths of cloud within a radius of five nautical miles of such aircraft and –

- (a) in the case of aircraft excluding helicopters, under conditions of visibility and distance from cloud equal to, or greater than, the conditions specified in the following table:

Table 1

Airspace	Flight visibility	Distance from clouds	Ground visibility and ceiling
Control zones (1)	Five km	Horizontally: 2 000 feet Vertically: 500 feet	Except in a case mentioned in footnote(1), no aircraft shall take-off from, land at, or approach to land at an aerodrome or fly within the control zone when the ground visibility at the aerodrome concerned is less than five km and the ceiling is less than 1 500 feet.
Within an aerodrome traffic zone (which does not also comprise a control zone or part of a control zone) or an aerodrome traffic area	Five km	Horizontally: 2 000 feet Vertically: 500 feet	Except in a case mentioned in footnote(2), no aircraft shall take-off from, land at, or approach to land at an aerodrome or fly within the aerodrome traffic zone or aerodrome traffic area when the ground visibility within such aerodrome traffic zone or aerodrome traffic area is less than five km and the ceiling is less than 1 500 feet.

Footnotes: (1) Minima not applicable to special VFR flights.

- (2) When a pilot in an aircraft maintains two-way radio communication with the aerodrome control tower or aerodrome flight information service unit, the pilot may, in respect of a cross-country flight, leave or enter the aerodrome traffic zone or aerodrome traffic area, as the case may be, when the ground visibility is equal to or greater than five km and the ceiling is equal to or higher than 500 feet.

Table 2

Airspace excluding control zones or aerodrome traffic zones or aerodrome traffic areas	Flight visibility	Distance from clouds	Ground visibility and ceiling
At or below 1 000 feet above the surface, by day only	One and a half km	Clear of cloud	-
At or below 1 500 feet above the surface, by night only	Five km	Horizontally: 2 000 feet Vertically: 500 feet	-
From above 1 000 feet to 1 500 feet above the surface, by day only	Five km	Horizontally: 2 000 feet Vertically: 500 feet	-
From above 1 500 feet above the surface up to and including flight level 100, by day and night	Five km	Horizontally: 2 000 feet Vertically: 500 feet	-
From above flight level 100 up to and including flight level 200, by day and night	Eight km	Horizontally: One and a half km Vertically: 1 000 feet	-

Airspace excluding control zones or aerodrome traffic zones or aerodrome traffic areas	Flight visibility	Distance from clouds	Ground visibility and ceiling
Above flight level 200, by day and night	Eight km	Horizontally: One and a half km Vertically: 1 000 feet	VFR flights shall not be conducted above flight level 200. VMC minima for IFR flights shall be above flight level 200.

- (b) in the case of helicopters, under conditions of visibility and distance from cloud equal to, or greater than, those conditions specified in tables 3 and 4.

Table 3

Airspace	Flight visibility	Distance from clouds	Ground visibility and ceiling
Control zones (1)	Two and a half km	Horizontally: 1 000 feet Vertically: Clear of cloud	Except in a case mentioned in footnote (1), no helicopter shall take-off from, land at, or approach to land at an aerodrome or fly within the control zone when the ground visibility at the aerodrome concerned is less than 2,5 km and the ceiling is less than 600 feet.
Within an aerodrome traffic zone (which does not also comprise a control zone or part of a control zone) or an aerodrome traffic area	Two and a half km	Horizontally: 1 000 feet Vertically: Clear of cloud	No helicopter shall take-off from, land at, or approach to land at an aerodrome or fly within the aerodrome traffic zone or an aerodrome traffic area when the ground visibility at the aerodrome concerned is less than 2,5 km and the ceiling is less than 600 feet.

Table 4

In airspaces other than those stipulated in Table 3

Airspace class	Altitude band	Flight visibility	Distance from cloud
C F G	At and above 10 000 FT (3 050 m) above MSL	8 km	1 500 m horizontally 1 000 FT (300 m) vertically
C F G	Below 10 000 FT (3 050 m) AMSL and above 3 000 FT (900 m) above MSL, or above 1 000 FT (300 m) above terrain, whichever is the higher	5 km	1 500 m horizontally 1 000 FT (300 m) vertically
C	At and below 3 000 FT (900 m) above MSL, or 1 000 FT (300 m) above terrain, whichever is the higher	2500 m	1 500 m horizontally
F G		1500 m unless in accordance with (iii) below.	Clear of cloud and with the surface in sight

Provided that:

- (i) the limitations as contained in table 3 shall not prevent a helicopter from conducting hover-in-ground-effect or hover-taxi operations within the confines of a controlled aerodrome or heliport, if the visibility is not less than 100 m or;
- (ii) the minima specified in table 3 are not applicable when a helicopter is entering or leaving a CTR or ATZ and the flight has received clearance from an Air Traffic Service Unit to operate under Special VFR minima as described in Regulation 91.06.22.
- (iii) helicopters shall be permitted to operate in less than 1 500 m flight visibility outside of controlled airspace, if manoeuvred at a speed that will give adequate opportunity to observe other traffic or any obstacles in time to avoid collisions.

Special VFR weather minima

91.06.22 (1) A pilot in command may conduct special VFR operations in weather conditions below the conditions prescribed in Regulation 91.06.21 within a control zone –

- (a) under the terms of an air traffic control clearance;
 - (b) by day only;
 - (c) with a cloud ceiling of at least 600 feet and visibility of at least 1 500 m;
 - (d) when the Special VFR flight will not unduly delay an IFR flight;
 - (e) in an aircraft equipped with two way radio equipment capable of communicating with an air traffic service unit on the appropriate frequency; and
 - (f) if leaving the control zone, in accordance with instructions issued by an air traffic service unit prior to departure.
- (2) A pilot-in-command of a Class 1 or a Class 2 helicopter may within a CTR under the terms of an air traffic control clearance conduct special VFR operations for the purpose of an over-water operation in weather conditions below the minima prescribed in Regulation 91.06.21 –
- (a) under the terms of an air traffic control clearance;
 - (i) by day; or
 - (ii) by night; with a cloud ceiling of at least 300 feet;
 - (b) when clear of clouds;
 - (c) a flight visibility of at least 800 metres; and
 - (d) if a helicopter will be operated at such a speed that the pilot has adequate opportunity to observe any obstructions or other traffic in sufficient time to avoid collisions; and
 - (e) the flight can be conducted in accordance with Regulation 91.06.32 with regard to minimum heights.
 - (f) when the Special VFR flight will not unduly delay an IFR flight;

Minimum heights

91.06.32 (1) Except when necessary for taking off or landing, or except with prior written approval of the Director, no aircraft –

- (a) shall be flown over built-up areas or over an open-air assembly of persons at a height less than 1 000 feet above the highest obstacle, within a radius of 2 000 feet from the aircraft;
 - (b) when flown elsewhere than specified in paragraph (a), shall be flown at a height less than 500 feet above the ground or water, unless the flight can be made without hazard or nuisance to persons or property on the ground or water; and
 - (c) shall circle over or do repeated overflights over an open-air assembly of persons at a height less than 3 000 feet above the surface.
- (2) A helicopter shall be permitted to be flown at heights less than those prescribed in sub-regulation (1)(a), provided that–
- (a) the operation is conducted without hazard or nuisance to persons and property on the ground or water; and
 - (b) the pilot in command operates at a height and manner that allows safe operation in the event of an emergency situation.
- (3) Except when necessary for take-off or landing, or with the express permission of the Director, an aircraft shall in IMC, or when operated in accordance with IFR, be flown –
- (a) at a height of at least 1 000 feet above the highest terrain or obstacle where the height of such terrain or obstacle does not exceed 5 000 feet above sea level within five nautical miles of the aircraft in flight; or
 - (b) at a height of at least 2 000 feet above the highest terrain or obstacle located within five nautical miles of the aircraft in flight where the height of such terrain or obstacle exceeds 5 000 feet above sea level: Provided that within areas determined by the Director the minimum height may be reduced to 1 000 feet above the highest terrain or obstacle located within 5 nautical miles of the aircraft in flight, and provided furthermore that the aircraft is flown in accordance with such procedures as the Director may determine.