



## *Ultralight Pilots Association of Canada*

*January 30, 2024*

RE: Comments on NPA 2024-001

The Ultralight Pilots Association of Canada has concerns with the changing of the definition of ultra-light aeroplane in CAR Part 1 as proposed in this NPA<sup>1</sup>. In our view, this will negatively impact the ultralight community by affecting ultralight pilots' access to aeroplanes that meet the ultralight gross weight and stall speed criteria but which are not registered as ultra-lights.

According to the Executive Summary, the stated purpose of the NPA is to “*increase clarity and improve enforceability*” and to revise or repeal “*obsolete or outdated definitions.*” The listed range of issues mostly relate to Part II of the Regulations which deals with aircraft registration. However, three definitions from Part I are included in this NPA. These are the definition of Ultra-Light Aeroplane, Hang Glider, and Launch Weight which are located in the NPA under the heading, ‘Ambiguous.’

There is another Transport Canada initiative dealing directly with ultra-lights and hang gliders as well as balloons, and parachutes. This is “*Modernizing the Canadian Aviation Regulations: General Aviation*”.<sup>2</sup> It would be more appropriate discuss these definition changes there.

### **Changing the Ultralight Aeroplane Definition**

The NPA states: that “*the current definition of an ultra-light aeroplane creates confusion regarding which aircraft type is permitted by the Regulations to be **operated** as an ultralight aircraft.*”

The key word here is operated. Operating an aircraft is a pilot privilege and falls under Part IV Licensing, not under Part II Aircraft Registration... . CAR 401.21 states that “*The holder of a pilot permit — ultra-light aeroplane may, under day VFR, (a) act as pilot-in-command of an ultra-light aeroplane ...*”

Changing the definition of ultra-light aeroplane to restrict Ultra-Light Pilot Permit holders to flying only those planes registered as ultra-lights removes the privilege that allows the holder of a Pilot Permit Ultra-Light Aeroplane to operate any aeroplane that meets the ultra-light criteria. This privilege has been in effect for more than 30 years; it was in the *Ultra-light Aeroplane Policy* of 1991.<sup>3</sup>

The *Ultra-light Aeroplane Transition Strategy* of 1996<sup>4</sup> superseded the 1991 Ultra-Light Aeroplane Policy. The Transition Strategy states on page 3 that it is a “... regulatory bridge to ensure that owners and operators of ultra-light and advanced ultra-light aeroplanes continue with the privileges afforded them under the original ultra-light aeroplane policy.”

It also states that “*This strategy will be in effect on the date that the Director General, Civil Aviation approves and signs this strategy and will remain in effect until the CARs are amended to reflect these changes.*”

Appendix D of the Strategy states that “.. *the holder of a Pilot Permit-Ultra-light Aeroplane may: (a) operate any aeroplane that has a maximum take-off weight not exceeding 544 kg (1200 lbs) and has a stall speed in the landing configuration (V<sub>so</sub>) of not more than 39 kts (45 mph).*”

Since the contents of the Strategy have not been incorporated into the CARs, the pilot privileges included in it remain in effect.

As recently as February 2022, Flight Crew Licensing in Ottawa confirmed by email to the Canadian General Aviation Joint Safety Committee Ultra-Light Working Group that this privilege is still in place.

Contrary to the privileges in the Transition Strategy, if the proposed definition goes into effect, ultra-light pilots who own and operate planes that meet the current Ultra-Light definition, but registered in another category, will not be able to legally fly the planes they may own and have been flying for more than 30 years.

There was no transparency in developing these CAR 101.01 definition changes and no justification explaining the removal of ultra-light pilot operating privilege other than to fix registration irritants.

### **Aircraft vs. Aeroplane**

Changing Ultra-light Aeroplane to Ultra-light Aircraft as proposed opens the door to accommodating other powered aircraft like gyros, helicopters, motor gliders, and manned EVTOLs (drones) using distributed power as Ultra-light Aircraft.

This change will also mean changes in other parts of the CARs that currently reference Ultra-light Aeroplanes creating even extra work for Transport Canada staff who have to change Ultra-Light Aeroplane to Ultra-light aircraft in other Parts of the CARs, Advisory Circulars, Staff Instructions, et. al.

### **C-I Marks**

Since 1996, both Basic and Advanced Ultra-Lights have been given C-I marks. If one of the reasons for changing the definition in Part I is to codify that Ultra-Light Aeroplanes should be given C-I marks, this is addressed by the new provision CAR 202.03.

The NPA states that currently, it is common practice to assign a particular formatted mark to an ultralight (C-I\_\_\_\_), but this practice is not explicitly codified. However, the Ultra-Light

Aeroplane Transition Strategy states on pages 7 and 9 that “*registration marks that will be issued to [a basic or] an advanced ultra-light aeroplane will begin with "C-I???"*”

The NPA also states that Transport Canada’s online mark reservation system allows for new ultra-light owners to reserve non-ultralight aircraft registration marks. This is a Transport Canada administration issue and should be fixed internally instead of changing regulations and eliminating privileges.

### **C-F or C-G Ultra-lights vs. C-I Ultra-lights**

Confusion was created in 1982 when Transport Canada created the current Ultra-light category when an Ultra-Light category already existed. Aircraft in the ‘old’ Ultra-Light category were given C-F or C-G marks and operated with Flight Permits. Planes in this category were built according to the Chapter 549 (amateur built rules). In 1982, what were then called Ultra-lights became Amateur-Built.

Ultra-lights in the new ultra-light category are registered but do not have any flight authority documents. They were assigned C-Ixxx marks.

Confusion was created again in 1991 when Advanced Ultra-Light Aeroplanes were assigned C-F and C-G marks to differentiate them from Basic Ultra-lights

All of these legacy issues will continue to cause confusion for ultra-light owners and for TC registration staff. For example, it is not clear if ultra-light pilot permit holders will be able to continue to operate these C-F or C-G registered advanced ultralights.

Changing the definition of ultra-light aeroplane will not fix these legacy issues.

### **Consultation**

Subject matter experts in the Ultralight Pilots Association of Canada (UPAC) and the Hang Glider and Parachute Association of Canada (HPAC) were never notified that these changes were proposed.

UPAC, HPAC, COPA, and EAA Canadian Council, organizations which represent the stakeholders most affected by these proposed changes, were not part of the task team.

No information justifying these changes was given to the stakeholders who are most affected by these definition changes.

### **Recommendations**

The proposed changes in the Ultra-Light definition in CAR 101.01 will create more, not less, confusion for the ultra-light community and for Transport Canada staff.

Remove the three CAR 101.01 definition changes concerning Ultra-lights and Hang Gliders from this NPA. Move this discussion to the “*Modernizing the Canadian Aviation Regulations: General Aviation*” initiative which will focus on balloon, hang glider, ultralight, and parachute operations.

Consult with subject matter experts and stakeholders from the hang glider, ultralight, and general aviation community before regulatory changes which impact them are proposed.

Sincerely,  
The Board of Directors of the  
Ultralight Pilots Association of Canada

Submitted by  
Kathy Lubitz,  
President

**Sources:**

1. Download NPA 2024 -0001 here: <http://tinyurl.com/bdwmnu9u>
2. Modernizing the Canadian Aviation Regulations: General Aviation: <http://tinyurl.com/mr329mfb>
3. Ultra-light Aeroplane Policy: <http://tinyurl.com/3nyut6ah>
4. Ultra-Light Aeroplane Transition Strategy: <http://tinyurl.com/54zembav>