

**16/2005**

**Applicability: All AOC Holders**

## **FLIGHT TIME LIMITATIONS (FTL) – CAP 371 FOURTH EDITION**

### **1 Introduction**

- 1.1 Following the introduction of CAP 371 Fourth Edition, which has a compliance date of 1 April 2006, all new FTL schemes being submitted for approval have been required to conform to the requirements specified in that edition. In addition, those operators submitting schemes for amendment have been encouraged to modify their schemes in anticipation of that compliance date. In order that the process of updating the remaining FTL schemes is effectively managed it has been decided to implement a phased programme through a block update process as detailed below.
- 1.2 Over the previous year a number of FTL Variations have been successfully trialled which may now have a wider applicability. These are also detailed below in order that operators can determine their utility within their sphere of operations. As with all such Variations these will be valid for an initial six months after which their continued suitability will be reviewed by the assigned Flight Operations Inspector.
- 1.3 The CAA has received questions regarding the interpretation of the Fourth Edition of CAP 371 and answers to the most frequently asked are included.
- 1.4 CAP 371 complies with or exceeds the requirements presently being developed as EU-OPS Subpart Q under the EU legislative process. As a result, it is anticipated that significant changes to UK requirements are not imminent.

### **2 FTL Scheme Approval**

- 2.1 Since operators are required to have an approved FTL scheme in place to meet the 1 April 2006 compliance date it has been decided to implement a process whereby operators shall submit a suitable scheme based on AOC number as follows:
  - a) Block 1: Operators having an AOC number up to and including 1000, a latest submission date of 30 September 2005 shall apply.
  - b) Block 2: Operators having an AOC number from 1001 up to and including 2150, a latest submission date of 30 November 2005 shall apply.
  - c) Block 3: Operators having an AOC number from 2151 up to and including 2300, a latest submission date of 1 March 2006 shall apply.

Operators may elect to delay implementation of their revised scheme until the compliance date. PAOC operators already comply with CAP 371 Fourth Edition through CAP 612 Issue 2.

- 2.2 The approval of a FTL scheme is a requirement of the Air Navigation Order. As a legal document, any changes to a FTL scheme contained in the Operations Manual (OM), whether editorial or simply a revision/issue level change, are required to be reflected in a revised Approval. Any such change should therefore be notified by means of the Notice of Proposed Amendment (NPA) process outlined in FODCOM 3/2003, which applies to any proposed OM changes including the above.
- 2.3 CAP 371 Fourth Edition can be viewed on the CAA website at:

[www.caa.co.uk/docs/33/CAP371.PDF](http://www.caa.co.uk/docs/33/CAP371.PDF)

## 3 Additional Standard Variations

### 3.1 Self-Drive Positioning

Whilst Positioning is defined in CAP 371 and applies to crew travelling as passengers, a number of operators have requested that consideration be given to a Variation allowing crews to Self-Drive using company or car hire facilities as a matter of convenience. Since the task of driving requires a significant level of attention and therefore impacts on the crew member's level of alertness, the conditions under which this activity should take place as part of a Flying Duty Period (FDP) require to be controlled. As a result a small number of trial Variations have been approved under the following conditions:

- A maximum driving period of 2 hours 30 minutes shall be allowed within a FDP and will constitute a sector when calculating the maximum FDP for any crew member driving.
- For helicopter operators the daily maximum flying time is reduced by the driving period. (There is no equivalent maximum flying time for aeroplane operators.)
- Driving as part of a non-FDP or subsequent to a FDP shall be allowed.

### 3.2 Alternate Base

This is designed to allow crews to report at an alternate base within an area allowing 90 minutes travelling time to both the main base of employment and that alternate base. A notional and additional duty time counted as positioning shall not then apply, given the following conditions:

- Crew members shall nominate a place of rest within the above area.
- The duty will commence and the maximum FDP will be based on the report time and airport notified prior to the start of the previous rest period.
- When an FDP finishes at other than the airport notified for report, the company shall provide transport to, and the end of duty will be on arrival at, that airport notified for report.
- Adequate crew planning facilities shall exist at the alternate base.

3.3 Whilst not a flight safety issue, operators may find that such a Variation is most effectively implemented on a voluntary basis.

3.4 Operators wishing to apply for either of the above Variations, valid for an initial period of six months, should contact their assigned Flight Operations Inspector.

## 4 CAP 371 – Frequently Asked Questions

### 4.1 Accountability of Flying and Duty Hours

- Q. When a pilot undertakes secondary employment what is the requirement to maintain a record of flying?
- A. CAP 371 states that pilots operating on a freelance basis are required to maintain a record of flying and duty hours which must be presented to an operator before undertaking a duty period. Similarly, when a pilot undertakes secondary employment, whether paid, unpaid, instructional or reserve flying in aircraft having a Maximum Take-off Mass greater than 1600 kg, the same requirement applies in order that they meet their personal responsibility, not to be in breach of their company FTL scheme.

# FLIGHT OPERATIONS DEPARTMENT COMMUNICATION - 16/2005

---

## 4.2 Discretion Reports

- Q. Having reported exercise of Commander's Discretion on a Voyage Report, is a separate Discretion Report required, as specified in the company FTL scheme?
- A. Where operators elect to have crews complete details concerning the exercise of Commander's Discretion on the Voyage Report, a copy of all such Discretion Reports or the details thereon should form part of a monthly Management Report. Such reports should also be made available for CAA audit purposes in order that the need for corrective planning action can be identified and acted upon.

## 4.3 Travelling Time

- Q. If asked to report to an airport other than home base does this count as positioning?
- A. Where a crew member is required to travel and report to an alternate base with a travelling time greater than 90 minutes and undertakes to Self-Drive then, in accordance with paragraph 3.1 above, that additional time shall be accountable as Positioning and be carried out under a Self-Drive Variation.

## 4.4 Standard Variations

- Q. Can an FDP be extended in a three-crew operation by using a Standard Variation?
- A. No. The standard Variations contained in CAP 371 Annex F, which include the Level 1, Level 2, Florida 1 and 2, were created to provide a degree of operational flexibility with regard to the limitations placed on Two-crew Long Range Operations. Within these limitations it was stated that the restrictions on maximum FDP, based on sector length, did not apply when an additional pilot was carried as a third crew member. This reflects the situation where a flight crew of two pilots and flight engineer were not subject to such restrictions and could operate to normal FDP limits. However, the reference to a third crew member does not imply that an FDP extension, based on a Level 1 or Level 2 Variation, can be applied to the normal FDP for a three-crew operation.

The requirement for a Day Off prior to commencing a Level 2 Variation duty does not preclude that duty starting before 0600 hours local time. The day prior to the duty becomes a Rest Day with the required Day Off preceding that Rest Day.

## 4.5 Commander's Discretion

- Q. In what circumstances can exercising Commander's Discretion be requested?
- A. Whilst there are a number of myths surrounding the exercise of Commander's Discretion, it is purely a safety-based decision contingent upon events on the day. Where there is disruption to an operation through unplanned and unforeseen circumstances an operator may request a commander to consider an extension to the normal FDP, to allow recovery of operational plans, if he is satisfied it is safe to do so. On the day there is no restriction on departing from home base, in the knowledge that the exercise of discretion is likely to be required to extend the FDP, provided the extension is within the specified limitations. In determining the circumstances of other crew members, any crew member who considers himself likely to be suffering from fatigue at the end of the proposed FDP, such that the safety of the flight or passengers may be compromised, should not be required to operate. The commander, in completing the Discretion Report, should note the factors on which the decision was based.

## 5 Recommendations

- 5.1 **Operators should plan the necessary amendments to their OM in line with the submission timescales specified above to ensure that their FTL Approval remains current after 1 April 2006.**
- 5.2 **Operators should ensure that their company travel policy meets the requirements of their approved FTL scheme, whilst noting the additional Standard Variations now available.**

## FLIGHT OPERATIONS DEPARTMENT COMMUNICATION - 16/2005

---

- 5.3 Operators should ensure that commanders, when completing the Discretion Report note the factors on which the decision was based.
- 5.4 Operators should ensure that operational staff are familiar with the intent and clarification of CAP 371 terminology as outlined above.
- 5.5 Operators should ensure a copy of all Discretion Reports or the details thereon form part of a monthly Management Report and be made available for CAA audit purposes.

Captain M A Vivian  
Head Flight Operations Department  
12 July 2005

*Recipients of new FODCOMs are asked to ensure that these are copied to their 'in house' or contracted maintenance organisation, to relevant outside contractors, and to all members of their staff who could have an interest in the information or who need to take appropriate action in response to this Communication.*

**Review FOP December 2007**