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UNITED STATES OF AMERICA
CIVIL AERONAUTICS BOARD
WASHINGTON, D. C.

Civil Air Regulations Amendment 41-8
Effective: March 13, 1953
Adopted: March 13, 1953

APPLICATION OF CERTAIN REQUIREMENTS OF PART 41 TO PILOTS DESIGNATED AS SECOND IN COMMAND

Part 41 of the Civil Air Regulations presently requires copilots to meet and maintain certain standards of proficiency in their duties. The only definition of copilot, however, is contained in section 41.137 (t), and this definition includes all pilots assigned as flight crew members, other than the pilot in command.

When Part 41 was first adopted on June 27, 1945, it made provision for three classes of pilots; "first pilot," "second pilot," and "pilot serving in a pilot capacity other than as first or second pilot." Separate levels of proficiency for each class of pilot were required by these regulations. On April 28, 1949, Civil Air Regulations Amendment 41-3 was adopted with the intent of bringing Part 41 into accord with standards adopted by the International Civil Aviation Organization (ICAO). The history of that amendment indicates that no substantive change with respect to the maintenance of pilot technique was intended, and the various notices to the public indicated that the Board did not consider that substantive changes were being made except where specifically indicated. It is apparent that the substitution of "pilot in command" for "first pilot" and "copilot" for "second pilot" was intended to be an editorial rather than a substantive change. It has come to the attention of the Board, however, that certain of the above amendments are currently being interpreted as though a substantive change had in fact been intended.

Accordingly, it is considered advisable to amend Part 41 by qualifying the term "copilot," where appropriate, so as to preserve the original distinction between "second pilot" and "pilot . . . other than first or second pilot." This will be accomplished by substituting the term "second in command" in the pertinent sections of Part 41 which now contain the term "copilot," but which prior to April 28, 1949, contained the term "second pilot." A definition of "second in command" is added, and the definition of "copilot" is deleted.

Simultaneous with the above amendments it appears desirable to amend section 41.50, "Requirements for pilot route qualification." The term "first pilot" was inadvertently retained in this section when it was amended on January 31, 1952, by Amendment 41-5. The term "first pilot" is now being replaced in this section with either "pilot in command" or "pilot" as appropriate.

Since these amendments are interpretive in nature and impose no additional burden on any person, notice and public procedure hereon are unnecessary and the amendments may be made effective without prior notice.

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In consideration of the foregoing, the Civil Aeronautics Board hereby amends Part 41 of the Civil Air Regulations (14 CFR, Part 41, as amended) effective immediately:

1. By amending §41.48 (b) by deleting the word "copilot" and inserting in lieu thereof the term "second in command".

2. By amending §41.48 (c) by deleting the word "copilot" and inserting in lieu thereof the term "second in command" in each of the two places where the word "copilot" appears.

3. By amending §41.48 (d) by deleting the word "copilot" and inserting in lieu thereof the term "second in command".

4. By amending the first sentence of §41.50 to read as follows: "The air carrier shall be responsible for insuring that each pilot is thoroughly qualified for the route over which he is to serve as pilot in command in scheduled air transportation".

5. By amending paragraph (e) of §41.50 by deleting the word "first" in the second sentence thereof.

6. By amending §41.51 (a) by deleting the word "copilot" and inserting in lieu thereof the term "second in command".

7. By amending §41.52 by deleting the word "copilot" and inserting in lieu thereof the term "second in command" in each of the two places where the word "copilot" appears.

8. By amending §41.53 by deleting the word "copilot" and inserting in lieu thereof the term "second in command".

9. By amending §41.60 by deleting the word "copilot" and inserting in lieu thereof the term "second in command" in each of the three places where the word "copilot" appears.

10. By amending §41.137 (t) to read as follows:

41.137 Definitions. * * *

(t) Second in command. Second in command shall mean a pilot other than the pilot in command who is designated by the air carrier to act as second in command of an aircraft.

(Sec. 205 (a), 52 Stat. 984; 49 U. S. C. 425 (a). Interpret or apply secs. 601, 604, 52 Stat. 1007, 1010; 49 U. S. C. 551, 554)

By the Civil Aeronautics Board:

/s/ M. C. Mulligan

M. C. Mulligan
Secretary

(SEAL)