UNITED STATES OF AMERICA
FEDERAL AVIATION AGENCY
WASHINGTON, D. C.

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Civil Air Regulations Amendment 42-22
Effective: November 20, 1959
Issued: November 16, 1959

PART 42—IRREGULAR AIR CARRIER AND OFF-ROUTE RULES

Pilot Training and Check Program

Section 42.40(a) contains a proviso which states that the provisions of §§ 42.44(a) and 42.45 shall not be applicable to pilots who for the previous six months have been continuously in the employ and participating regularly in the training program of an air carrier which has established pilot training and check procedures in accordance with the requirements of Part 40 or 41 of the *Civil Air Regulations*.

This proviso was adopted in 1954 as Amendment 42-27 (19 F.R. 5883). As stated in the preamble to that amendment, the purpose of the amendment was to provide that pilots of scheduled air carriers conducting charter flights and special services under the provisions of Part 42 would not have to meet the training and check requirements of Part 42 in order to operate under the operating rules of that part if they were participating in the established training and check procedures required by Part 40 or 41.

This proviso sought to eliminate unnecessary duplication of training and facilitate the administration of airman training programs on the part of the scheduled air carriers for those pilots engaged alternately in scheduled flights or charter flights and special services. It was not intended to affect those pilots operating solely in accordance with Part 42. However, it appears that some Part 42 supplemental air carriers have interpreted § 42.40(a) to mean that they may hire pilots formerly with scheduled air carriers and utilize such pilots even though the pilots have not met the provisions of §§ 42.44(a) and 42.45, so long as such pilots had been continuously in the employ and had participated regularly in the established training and checking program of the scheduled air carrier. Since this was not the intent of § 42.40(a), this amendment clarifies the application of that section by expressly stating that the proviso contained in that section is applicable only to pilots of scheduled air carriers who also operate, while employed by such air carriers, under the provisions of Part 42.

Inasmuch as this amendment is a clarification of the application of the present requirements and is necessary for safety in air transportation, I find that good cause exists for making this amendment effective on publication in the FEDERAL REGISTER.

In consideration of the foregoing, paragraph (a) of § 42.40 of Part 42 of the Civil Air Regulations (14 CFR Part 42) is hereby amended to read as follows:

§ 42.40 Airman requirements.

(a) No air carrier shall utilize an individual as an airman unless he has met the appropriate requirements of the Civil Air Regulations: *Provided*, That in the case of an air carrier holding a scheduled air carrier operating certificate and conducting operations in accordance with § 42.0(a) or (b), the provisions of §§ 42.44(a) and 42.45 shall not be applicable to pilots who for the previous six months have been continuously in the employ and participating regularly in the training program and established pilot training and check procedures of such air carrier and who are otherwise qualified in accordance with the requirements of Part 40 or Part 41 of this chapter.

This amendment shall become effective on the date of its publication in the FEDERAL REGISTER.

(Secs. 313(a), 601, 604, 72 Stat. 752, 775, 778; 49 U.S.C. 1354(a), 1421, 1424)

Issued in Washington, D.C., on November 16, 1959.

JAMES T. PYLE,
Acting Administrator.

[F.R. Doc. 59-9803; Filed, Nov. 19, 1959; 8:45 a.m.]

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