U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

**800 Independence Ave., S.W.
Washington, D.C. 20591**

JUN - 4 2012

John D. Collins
[redacted]

Dear Mr. Collins,

This is in response to your request for a legal interpretation dated March 26, 2012. In your request, you asked whether a certified flight instructor (CFI) may log a landing performed when a student or other pilot is the sole manipulator of the controls of the aircraft in order to meet the CFI's currency requirements under 14 C.F.R. § 61.57(a)(1) and (b)(1).

Section 61.57(a) states, in pertinent part: (1) Except as provided in paragraph (e) of this section, no person may act as a pilot in command of an aircraft carrying passengers or of an aircraft certificated for more than one pilot flight crewmember unless that person has made at least three takeoffs and three landings within the preceding 90 days, and-- (i) The person acted as the sole manipulator of the flight controls . . . ."

Section 61.57(b) states, in pertinent part: (1) Except as provided in paragraph (e) of this section, no person may act as pilot in command of an aircraft carrying passengers during the period beginning 1 hour after sunset and ending 1 hour before sunrise, unless within the preceding 90 days that person has made at least three takeoffs and three landings to a full stop during the period beginning 1 hour after sunset and ending 1 hour before sunrise, and-- (i) That person acted as sole manipulator of the flight controls . . . ."

The language of sections 61.57(a)(1)(i) and (b)(1)(i) require that a person must be the sole manipulator of the controls in order to meet the currency requirements. Therefore, a CFI providing dual instruction to a student or pilot may not count any landing during which the student or pilot, but not the CFI, is the sole manipulator of the controls.

In your request for interpretation you cite to the Legal Interpretation to Ron Levy, dated August 7, 2008, in which Chief Counsel's office states that a CFI (instrument) may log approaches that a student flies when those approaches are conducted in actual instrument flight conditions, and this would count for instrument currency requirements under § 61.57(c). Section 61.57(c) is distinguishable from section 61.57(a) and (b), however, because section 61.57(a)(1)(i) and (b)(1)(i) require that "the person acted as the sole manipulator of the flight controls" whereas section 61.57(c)(1) requires the person to have "performed and logged at least the following tasks and iterations . . . ."

I hope this information has been helpful. This response was coordinated with Flight Standards Service, General Aviation and Commercial Division. If you have further questions concerning this response, please contact Sabrina Jawed on my staff at 202-267-3073.

Sincerely,

Rebecca MacPherson
Assistant Chief Counsel for Regulations, AGC-200