U.S. Department
of Transportation
Federal Aviation Administration

Office of the Chief Counsel

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

MAY 27 2016

Ebiri Nkugba
[redacted]

Re: Clock in IFR Flight

Dear Mr. Nkugba:

This letter responds to your December 11, 2015 request for a legal interpretation regarding the type of clock required while flying under Instrument Flight Rules (IFR). In your letter, you ask two questions regarding the type of clock required by § 91.205 of Title 14 of the Code of Federal Regulations. You ask if the required clock needs to be an installed appliance, or if a hand-held or wrist-worn/mounted clock/watch meets the regulation. You also ask that if an installed clock is required, would an installed appliance such as a GPS that has a clock presentation suffice, or must the clock be a separately installed appliance with no other function but presentation of time keeping.

For the reasons set out below, the required clock must be an installed appliance, but an installed appliance with a permanent clock presentation which means the requirements of § 91.205(d)(6) will suffice – it is not necessary that the appliance's sole function be time keeping.

Section 91.205 provides instrument and equipment requirements for powered civil aircraft. Subsection (d) provides requirements specifically for IFR flight. Section 91.205(d)(6) states "For IFR flight, the following instruments and equipment are required … a clock displaying hours, minutes, and seconds with a sweep-second pointer or digital presentation."

In a 1981 legal interpretation, the FAA stated that a civil aircraft may not be operated IFR without a working clock.

> Section 91.165 provides in pertinent part that no person may operate a civil aircraft unless it is in an airworthy condition, and that between inspections, defects in the aircraft must be repaired as prescribed in Part 43. Thus, to maintain the validity of the airworthiness certificate without a change to the type certificate, the clock must be operating for all operations, and operations with the clock inoperative would violate

Sections 91.165, 135.3, and 135.143(a). *A wristwatch would not substitute for the clock.*[1]

Section 91.165 has been recodified at § 91.405.[2] The guidance in this 1981 interpretation applies equally here – without a properly installed, working clock, a civil aircraft cannot be operated because it would not be considered airworthy.

Additionally, the NTSB has ruled that the absence of an installed clock in the aircraft while operating under IFR violates the requirements of § 91.29, where the respondent argued that a watch with the same required functions could substitute. "Respondent continues to ignore, however, the fact that the regulation requires the installed clock whenever IFR operations are conducted…" [3]

Your second question asks if an installed appliance that has a clock presentation will suffice for a clock. Another installed appliance with a permanent clock display that meets the requirements of § 91.205(d)(6) that displays "hours, minutes, and seconds with a sweep-second pointer or digital presentation," is adequate for the purposes of this regulation.

We appreciate your patience and trust that the above responds to your inquiry. If you need further assistance, please contact my staff at (202) 267-3073. This response was prepared by Courtney Freeman, an attorney in the Regulations Division of the Office of the Chief Counsel, and coordinated with the General Aviation and Commercial Division of the Flight Standards Service.

Sincerely,

Lorelei Peter
Assistant Chief Counsel for Regulations

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[1] Legal Interpretation to Mr. Nicholas A. Castruccio (April 23, 1981) (emphasis added).
[2] Revision of General Operating and Flight Rules, 54 FR 34284-01.
[3] *Thomas C. Richards, Administrator, Federal Aviation Administration, Complainant v. John L. Hammerstand, Respondent*, 1992 WL 429076, at *2

Ebiri Nkugba
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December 11, 2015

Office of the Chief Counsel

Federal Aviation Administration
800 Independence Avenue
Washington, DC 20591

Dear Office of the Chief Counsel:

I am writing to request an interpretation of 14 CFR 91.205(d)6, "(d) *Instrument flight rules.* For IFR flight, the following instruments and equipment are required: ... (6) A clock displaying hours, minutes, and seconds with a sweep-second pointer or digital presentation."

My questions are as follows:

1- Does the required clock need to be an installed appliance, or will a hand held or wrist worn/mounted clock/watch meet the regulation?
2- If an installed clock is required, will an installed appliance such as a GPS that has a clock presentation suffice, or must the installation be a separately installed appliance with no other function but presentation of time keeping?

I have sought interpretation at the FAA Chief Counsel webpage[1], but am unable to locate an answer. Please offer guidance, and if able publish to the webpage cited above in order to offer the interpretation to the wider aviation community.

Sincerely,

Ebiri Nkugba

[1] http://www.faa.gov/about/office_org/headquarters_offices/agc/pol_adjudication/agc200/interpretations/