

**CIVIL AVIATION TRIBUNAL**

BETWEEN:

**Minister of Transport**, Applicant

- and -

**Raymond J.F. Sherk**, Respondent

**LEGISLATION:**

*Air Regulations*, C.R.C. 1978 , c. 2, s. 544(a)

**VFR flight, Fuel on board**

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**Review Determination**  
**Alfred R. Spence**

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**Decision: December 4, 1986**

**Heard:** Toronto, Ontario, December 4, 1986

***MR. SHERK DID NOT CONTRAVENE SECTION 544 OF AIR REGULATIONS***

Section 544 states fuel on board for VFR flights requires destination, plus 45 minutes at normal cruising speed.

Mr. Sherk departed St. Catharines airport on a local flight with approximately 10 gallons of fuel on board distributed in 4 tanks.

Exhibit 4 - indicated by Mr. Sherk's own hand that a forced landing was caused by insufficient fuel.

Exhibit 5 - statement by Mr. Norm McCallum that he determined the aircraft had run out of fuel. Mr. McCallum obtained 34 litres of fuel and refuelled CF 1XD and returned to St. Catharines airport.

I have resolved that sufficient fuel was on board CF 1XD. However, distribution of fuel in 4 tanks caused a fuel shortage in the two tanks selected, thereby creating a situation of a forced landing.

It is apparent the fuel in the remaining tanks either through human or mechanical reasons was not available in sufficient time to avoid a forced landing.

It is my determination Mr. Sherk did not contravene Section 544 and the fine assessed against Mr. Sherk of the sum of \$250.00 is waived.