



Number: OPS SN- 2012/16

Issue: 4

03 December 2018

Issuance of Exemptions

This Safety Notice contains recommendations regarding operational safety.

Recipients are asked to ensure that this Safety Notice is copied to all members of their staff who may have an interest in the information (including any 'in-house' or contracted maintenance organisations and relevant outside contractors).

Applicability: Part CAT and Part NCC Operators

1. Background

- 1.1 Regulations 98 of the Civil Aviation (Safety) Regulations, 2017 provides for the considerations and issuance of exemptions to regulations or technical standards incorporated by the Authority.
- 1.2 The purpose of this Safety Notice is to provide further guidance on the matter of such Exemptions issued by the Authority.

2. Exemptions

The grant of an Exemption constitutes a "legal finding" and, as such, is the privilege of the Authority.

The Authority is also responsible for ensuring that, when granting an Exemption, an acceptable level of safety can be maintained.

3. Exemption process

An Exemption from any of the requirements prescribed in the regulations or technical standards may only be granted after consideration of a written request by letter from an operator.

All requests for an Exemption must be supported by justification for making the request including the reasons why compliance with a particular requirement is impracticable or temporarily inappropriate.

The applicant must provide a safety case and risk assessment to indicate to the Authority the means by which an acceptable level of safety can be maintained.

An Exemption should never be regarded by the Operator as a means of circumventing the law for commercial expediency or alleviate against non-compliances.

The Authority will only consider requests for exemptions in situations that are genuinely unforeseen and where there is no other possible option.

The Authority will not consider any request for Exemption on any issues that could have reasonably been foreseen and addressed by an alternative course of action at the appropriate time.

4. Queries

- 4.1 Any queries as a result of this Safety Notice should be addressed to Head of Flight Operations and Flight Crew Licensing Inspectorate at the following e-mail address: hfo@scaa.sc

5. Cancellation

SN 2012/16 Issue 3

Head Flight Operations and Flight Crew Licensing Inspectorate