

Seychelles Civil Aviation Authority

Safety and Security Regulation Department

Flight Operations and Flight Crew Licensing Inspectorate

Issue: 01

30 April 2023

FLIGHT OPERATIONS DIRECTIVE

Number: OPS/2023/022

Exemptions

Flight Operations Directives provide information that is intended for mandatory compliance. Flight Operations Directives are issued in accordance with Regulation 110 of the Seychelles Civil Aviation (Safety) Regulations 2017.

1. Purpose

This directive prescribes procedures for exemption(s) from Seychelles Civil Aviation (Safety) Regulation 2017 under Regulation 98.

The Authority is responsible for ensuring that, when granting an exemption in accordance with this directive, an acceptable level of safety can be maintained.

2. Applicability

This directive shall be applicable to holders of certificates, licences, ratings or authorizations and any other privileges issued under the applicable regulations of the Civil Aviation (Safety) Regulations 2017.

3. References

- Civil Aviation (Safety) Regulation 2017 (Regulation 98)
- ICAO Doc 9859 Safety Management Manual
- Flight Operations Notice – Exemptions/Exemption Application Form

4. Additional Information/Clarification/Queries

Any queries, requests for guidance/clarification or additional information subsequent to this publication should be addressed to General Manager Safety and Security Regulations by mail dalabrosse@scaa.sc or by contacting the SCAA Safety and Security Regulations Flight Operations and Personnel Licencing Inspectorate (telephone 4384271).

5. Effective Date

30th April 2023

6. Cancellation

This directive replaces Issue 4 of Safety Notice – OPS SN-2012/16 Issuance of Exemptions dated 3rd December 2018. This directive will remain in force until revoked or replaced by the Authority.

7. Exemptions

7.1 General

- (a) Any holder of a licence, certificate, ratings or authorizations and any other privileges issued under the applicable regulations of the Civil Aviation (Safety) Regulations 2017 may apply to the Authority for an exemption from these regulations.
- (b) Only the Authority may issue exemptions, and no person may take or cause to be taken any action not in compliance with these regulations unless the Authority has issued an applicable exemption to the person.
- (c) Exemptions will only be granted in extraordinary circumstances.

7.2 Requirements for Application

7.2.1 General

- (a) Applications for an exemption shall be submitted at least 30 days in advance of the proposed effective date using the exemption application form provided by the Authority, to obtain timely review.

Note: Applications using methods other than the exemption application form will not be processed.

- (b) The application shall contain the official name and business name, address, and mailing address of the applicant.

7.2.2 Substance of the Request for Exemption

- (a) Applications shall contain the following:
 - (1) A citation of the specific requirement from which relief is sought;
 - (2) Description of the type of operations to be conducted under the proposed exemption;
 - (3) The proposed duration of the exemption;
 - (4) An explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
 - (5) A detailed description of the alternative means, including Hazard Identification and Risk Management (HIRM) as applicable by which the applicant will ensure a level of safety equivalent to that established by the regulation from which relief is sought;
 - (6) A review and discussion of any known safety concerns with the requirement, including information about any relevant accidents or incidents of which the applicant is aware that make the prescribed requirements unnecessary or inappropriate in the particular case.
 - (7) If the applicant seeks to operate under the proposed exemption outside the territory of Seychelles, the application shall contain sufficient information to allow the Authority to determine whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organisation (ICAO).

- (b) If the applicant seeks emergency processing, the application shall contain supporting facts and reasons that the application was not timely filed, and the reasons it is an emergency. The Authority may deny an application if the Authority finds that the applicant has not justified the failure to apply within the timeframe prescribed by this directive.

7.3 Review, Publication, and Issue or Denial of the Exemption

7.3.1 Initial Review by the Authority

- (a) The Authority will review the application for accuracy and compliance with the requirements of 7.2.
- (b) If the application satisfies the provisions of 7.2 and the Authority determines that a review of its merits is justified, the Authority will notify the applicant that the application has been accepted.
- (c) If the filing requirements of 7.2 have not been met, the Authority will notify the applicant and take no further action until the applicant complies with the requirements of 7.2.

7.3.2 Evaluation of the Application

After initial review, if the filing requirements have been satisfied, the Authority shall conduct an evaluation of the application to include:

- (a) A determination of whether an exemption would be in the public interest;
- (b) A determination, after a technical evaluation, of whether the applicant's proposal would provide a level of safety equivalent to that established by the regulation;

Note: *If it appears to the Authority that a technical evaluation of the request would impose a significant burden on the Authority's technical resources, the Authority may deny the exemption on that basis.*

- (c) A determination, if the applicant seeks to operate under the exemption outside of the territory of Seychelles, of whether a grant of the exemption would contravene the applicable ICAO Standards and Recommended Practices (SARP).
- (d) A recommendation, based on the preceding elements, of whether the request should be granted or denied, and of any conditions or limitations that should be part of the exemption.

7.3.3 Notification of Determination

- (a) The Authority shall notify the applicant by letter and publish a detailed report of its evaluation and decision to grant or deny the request. The report shall specify the duration of the exemption and any conditions or limitations to the exemption.
- (b) If the request is for emergency relief, the Authority will publish a detailed report of its decision as soon as possible after processing the application.
- (c) If the exemption affects a significant portion of the aviation community of Seychelles, the Authority shall also publish the report in its aeronautical information publications.

7.3.4 Extension of the Exemption to Other Interested Parties

- (a) If the Authority determines that an exemption should be granted, other persons or organisations may apply to the Authority to be included in the relief granted.
- (b) Such applications shall be in accordance with the requirements of 7.2.
- (c) If the Authority determines that the request merits extension of the exemption to the applicant, it shall notify the applicant by letter, specifying the duration of the exemption, and listing any additional conditions that may pertain to the applicant that are not addressed in the underlying exemption.

End of Directive