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P.O. BOX 367
BELIZE CITY
BELIZE, C.A.

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ADVISORY CIRCULARS
EXEMPTION PROCEDURES TO BCARs

1.INTRODUCTION

1.1 GENERAL:

It is a national interest as well as of the Belize Department of Civil Aviation, to maintain and promote a safe civil aviation according to the international civil aviation standards. From time to time, air operators, maintenance facilities, aerodrome operators or other license holders may identify the need for either a short term or long term deviation from established regulations.

The following procedure is established so as to allow aviation stakeholders to benefit from exemptions to the Belize Civil Aviation Regulations (BCARs) while ensuring that the level of safety which the regulation seeks to achieve is adhered to. It seeks to grant exemptions from regulatory requirements and to ensure the exemption process is equitable to all those who come forward with a request, while simultaneously ensuring the best interests of the public are protected.

An exemption entitles a person to act outside the normal regulatory requirements. For the purposes of this guideline, those regulations for which an exemption may be granted, will be identified by paragraphs within the Belize Civil Aviation Regulations. For example authority to exempt Air Operators from provisions within BCAR OPS 1 can be found in BCAR-OPS 1.010.

In order to approve an exemption, BDCA will test for assessing the merits of an exemption request therefore in two-fold:

a) Is it in the public interest?

b) Is it not likely to affect aviation safety?

Public interest — The concept of public interest has no fixed meaning in law and its scope may be broadened or narrowed according to the circumstances. It is clear, however, that the simple protection of a —private interest will not satisfy the public interest test.

Consideration must be given to how the exemption will impact on other members or segments of the regulated community as well as on the public at large.

Aviation Safety—Any exemption issued under the Belize Civil Aviation Regulations must be such that it is not likely to reduce the level of aviation safety afforded by the regulation to which the exemption applies.

It is not likely to reduce the level of aviation safety afforded by the regulation to which the exemption applies. Each question stands on its own and must be addressed independently of the other by the Department. In other words, the results of the test must be that the exemption is in the public interest and is not likely to affect aviation safety.

In most cases, exemptions are issued only in exceptional circumstances and may be granted only after a thorough analysis is conducted on the impact the granting of the exemption may have on aviation safety.

An equivalent level of safety is established through the development of terms and conditions that will provide alternate requirements or procedures to ensure any safety concerns are satisfied and safety is not compromised. In this regard, consideration should be given to any pending amendments to the regulation as well as the terms and conditions of previously issued exemptions.

2. PROCEDURES:

Step 1: Applicant Exemption Request

The Applicant must make own case sufficiently compelling to justify the exemption request being granted.

1. Provide letter of Exemption Request .
2. Complete Exemption Request Form. (Appendix A)
3. Make compelling case why the exemption should be granted.
4. Do this by providing supporting argument on the following criteria:
 - a) How the exemption would be in the public interest; and
 - b) How the exemption would not affect aviation safety.
5. A risk assessment propose conditions to which the exemption would be subject that could mitigate any potential risk from being exempt from any regulatory requirement, and ensure that aviation safety would not be affected.
6. Equivalent level of safety commensurate with the regulation.

Step 2: Exemption Request Assessment

The Belize Department of Civil Aviation will assess whether the applicant was able to successfully argue its case against the criteria set out the issue of an exemption to the BCARs.

1. If an exemption is granted it should be accompanied with condition and limitation, including time limitation to the exemption.

Step 3: Exemption Disposition

The Department will decide on the basis of the assessment findings whether or not to grant or refuse the exemption request.

1. If the exemption request is refused, the Department will inform the applicant in writing of the decision with rationale.

2. If granted, the Department will finalize the conditions to which the exemption would be subject and proceed with the remainder of the exemption-granting process.

3. Conclusion

Once the BDCA grants the exemptions, BDCA will monitor such exemptions to ensure that continuation of the relief is warranted. The exemptions approved, that affect the Operator's Operation will be approved by Operations Specification, otherwise, a letter of authorization will be sent by the BDCA.

APPENDIX A – EXEMPTION REQUEST FORM

APPLICATION FOR EXEMPTION TO BCAR

Name/Company	
Address	
Telephone/Fax	
Contact Person	
Date of request	
BCAR Provision : (for which exemption is requested)	
ISSUE/REQUEST:	
BACKGROUND:	
(1) PUBLIC INTEREST: What factors were considered in the determination of Public Interest? Identify criteria: a) b) c)	
(2) AVIATION SAFETY: What aviation safety factors were considered to be affected? Identify criteria: a) b) c)	
(3) PROPOSED CONDITIONS BY PARTY MAKING THE REQUEST: What factors were considered to ensure aviation safety is not affected? Identify criteria and formulate as conditions of the exemption: a) b) c)	
FILE ATTACHMENTS:	
Date:	Signature: