

GUYANA

No. of 2023

**REGULATIONS
Made Under
THE CIVIL AVIATION ACT
(Cap. 53:01)**

**IN EXERCISE OF THE POWERS CONFERRED UPON ME BY
SECTION 147 OF THE CIVIL AVIATION ACT, CAP.
53:01, I MAKE THE FOLLOWING REGULATIONS:-**

ARRANGEMENT OF REGULATIONS

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Citation

1. These Regulations may be cited as the Civil Aviation Regulations – Part XV- Granting of Exemptions.

Interpretation

2. In these Regulations –

“Director General” means the Director General of Civil Aviation appointed under the Civil Aviation Act;

“commercial air transport operation” means an aircraft operation involving the transport of passengers, cargo or mail for remuneration or hire; “exemptions” include prolonged deviations

Power to grant exemptions

3. The Director General may grant exemptions from the specified requirements of the regulations upon receipt of an application to that effect or on his own initiative if, in his estimation, the circumstances so warrant, and the safety of civil aviation is considered not to be compromised by such action.

Failure to comply without applicable exemption.

4. (1) No person may take or cause to be taken any action not in compliance with the regulations unless the Director General has issued an applicable exemption to the person.

(2) Any person, other than a person conducting an operation in commercial air transport or international commercial air transport, who contravenes the provisions of this regulation commits an offence and shall be liable to a fine of one million dollars.

(3) Any person conducting an operation in commercial air transport or international commercial air transport who contravenes the provisions of this regulation commits an offence and shall be liable to a fine of three million dollars.

Form and content of application

5. (1) An application for an exemption shall provide the following particulars in writing –

- (a) the applicant’s name and address;
- (b) details of any relevant authorization,
- (c) a citation of the specific requirement from which the applicant seeks relief;
- (d) description of the type of operations to be conducted under the proposed exemption;
- (e) the proposed duration of the exemption;

- (f) an explanation of how the exemption would be in the public interest, that is, benefit the public as a whole;
- (g) a detailed description of the alternative means by which the applicant shall ensure a level of safety equivalent to that established by the Regulation in question;
- (h) 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;
- (i) a risk assessment to justify the application of the exemption as well as the continuing need for the exemption.
- (j) if the applicant seeks to operate under the proposed exemption outside of Guyana airspace, the application shall also indicate whether the exemption would contravene any provision of the Standards and Recommended Practices of the International Civil Aviation Organisation (ICAO).

(2) Unless the Director General agrees otherwise, an application for an exemption shall be submitted no less than ninety days in advance of the proposed effective date of exemption.

(3) Where the applicant seeks emergency processing, the application must contain supporting facts and reasons why the application was not filed in a timely manner, and the reasons it is an emergency. The Director General may deny an application if the Authority finds that the applicant has not justified the failure to apply in a timely manner.

Evaluation of request

6. (1) Where the Director General is satisfied that the application complies with the requirements of regulation 5, he may commence a review of the application.

(2) In determining whether to grant an exemption pursuant to these Regulations, the Director General shall take into consideration –

- (a) whether an exemption would be in the public interest;
- (b) after a technical evaluation, whether the applicant's

proposal would provide a level of safety equivalent to that established by the Regulation;

(c) if the applicant seeks to operate under the exemption outside of Guyana airspace, whether a grant of the exemption would contravene the applicable ICAO Standards and Recommended Practices; and

(d) comments received from interested parties concerning the proposed exemption.

(3) The Director General shall then make a recommendation, as to whether the request should be granted or denied, and whether any conditions or limitations should be part of the exemption.

(4) Where it appears to the Director General 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.

Notification of
Determination

7. (1) The Authority shall notify the applicant by letter and publish a detailed summary of its evaluation and decision to grant or deny the request.

(2) The summary shall specify the duration of the exemption and any conditions or limitations to the exemption.

(3) If the request is for emergency relief, the Authority will publish the application and/or the Authority's decision as soon as possible after processing the application.

(4) If the exemption affects a significant population of the aviation community of Guyana, the Authority shall also publish the summary in its aeronautical information publications.

Extension of the
Exemption to
other Interested
Parties

8. (1) 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.

(a) Such applications shall be in accordance with the requirements of regulation 5.

(b) 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.

Publication of exemptions

9. (1) The Director General shall cause to be published in the Official Gazette, at regular intervals, the number and nature of exemptions granted pursuant to these Regulations.

(2) Where the exemption affects a significant population of the aviation community of Guyana, the Director General shall publish the exemption in the relevant aeronautical information publications.

Validity of exemption

10. An exemption granted pursuant to these regulations shall cease –

(a) at the end of the date specified in the instrument of exemption; or

(b) If no date is specified for that purpose in the instrument, one year after the commencement of the exemption.

Exemption not transferable

11. An exemption granted to an applicant shall be in the name of that applicant and shall be non-transferable.

Suspension and Cancellation of Exemptions

12. Notwithstanding anything contained in these regulations, the Director General may suspend for a specified time or cancel an exemption granted if he has reason to believe that the holder of the exemption does not conform to the minimum safety standards