

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1873/22 - 2014 ජූලි මස 31 වැනි බ්‍රහස්පතින්දා - 2014.07.31

No. 1873/22 - THURSDAY JULY 31, 2014

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

CIVIL AVIATION ACT, No. 14 OF 2010

REGULATIONS made by me as the Minister of Civil Aviation by virtue of powers vested in me under Sub-Section (j) and (p) of Section 117(2) of the Civil Aviation Act, No. 14 of 2010.

PIYANKARA JAYARATNE,
Minister of Civil Aviation.

At Battaramulla,
24th July 2014.

Regulations

1. These Regulations may be cited as “Regulations on grant of exemptions from the specified requirements relating to Civil Aviation No. 01 of 2014” and shall come into force on 24th July 2014. Short title and date of operation
2. Director General of Civil Aviation may, if the circumstances so warrants and safety of civil aviation is not considered to be compromised by such action, subject to such terms and conditions to be specified by him exempt any person, aircraft, aeronautical product, aerodrome, airline, flying training school or device, an organization engaged in engineering, manufacturing or repair work, aviation related facility and service from conforming to any of the civil aviation requirements specified in any Regulation, Rule, Implementing Standard or Directive which are hereinafter referred to as the “Specified requirements”. Authority empowered to grant exemptions
3. Before granting an exemption from specified requirements under Regulation (2) to a person or body corporate who is hereinafter referred to as the “applicant”, Director General of Civil Aviation shall satisfy himself, in the circumstances of each case that - Situations where exemptions can be granted
 - a. the requirement has been substantially complied with and further compliance is unnecessary or not possible, or
 - b. the action taken or provision made in respect of the matter to which the requirement relates is as effective or more effective than actual compliance with the specified requirement, or
 - c. the specified requirements are clearly unreasonable or inappropriate in the particular case, or



	d. events have occurred that made the specified requirements unnecessary or inappropriate in the particular case and e. that the risk to safety will not be significantly increased by the granting of the exemption.
Mode and manner of granting an exemption	4. Director General of Civil Aviation may grant an exemption from specified requirements under the Regulation 2 either on application by an applicant or on his own initiative. For the determination of an application for grant of an exemption from specified requirements, the Director General of Civil Aviation may call for any document which he considers necessary for such determination.
Applications for grant of exemption	5. An applicant applying for an exemption from the specified requirements shall furnish to the Director General of Civil Aviation the following information in writing. a. the applicant's name and address b. details of any relevant authorization, c. references to the specified requirements in the applicable Regulations, Rules, Implementing Standards or Directive from which exemption are sought d. details of any person, aircraft or aeronautical product, or type of aircraft or aeronautical product, or material or kind of material, or service or kind of service to be affected by the exemption. e. if the exemption will effect a particular kind of operation, details of such operation. f. the reasons why the exemption is necessary and associated implications if such exemption is not granted. g. details of how the applicant proposes to ensure that an acceptable level of safety will be provided when operating in accordance with the exemption if granted. h. the date on which the applicant requires the exemption to commence and i. how long the applicant requires the exemption to remain in effect.
Processing time required	6. Unless Director General of Civil Aviation agrees otherwise, the applicant applying for grant of exemption must give the application to Director General of Civil Aviation at least three (3) months before the day on which the applicant requires the exemption to commence.
Consideration by the Director General of Civil Aviation	7. In making his decision either to grant an exemption or renewal of an existing exemption from the specified requirements Director General of Civil Aviation must pay due attention to the need of preservation of a level of aviation safety that is at least acceptable as paramount.
Renewal of exemption	8. Director General of Civil Aviation shall not extend the validity of an exemption granted to an applicant from the requirements in the same or similar terms unless the applicant. a. applies, in accordance with Regulation 5 for the exemption b. includes with the application a statement of the additional reasons as to why the exemption is necessary or the reasons why the continuation of the exemption is necessary.
Terms and Condition	9. Director General of Civil Aviation may in the interests of the safety of air navigation impose or specify terms and conditions to be conformed to when granting an exemption from the specified requirements and such terms and conditions shall be set out in the instrument of exemption to be signed by him.
Notice of grant of exemption	10. In the case of an exemption from the specified requirements that was applied for Director General of Civil Aviation may give written notice to the applicant of : a. his decision and b. if the decision was to refuse to grant the exemption or to impose a condition not sought by the applicant, the reasons for the decision.

- | | |
|---|---|
| 11. The number and nature of exemptions granted under Regulation 10 shall be notified as soon as practicable in the Gazette and official website of the Civil Aviation Authority of Sri Lanka. | Publication of an exemption |
| 12. An exemption granted from the specified requirements under this Regulation shall cease | Validity of an exemption |
| a. at the end of the date specified in the instrument of exemption as the date on which it ceases or | |
| b. If no date is specified for that purpose in the instrument, one year after it commences. | |
| 13. An exemption granted to an applicant shall be in the name of that applicant and is not transferable. | Exemptions not transferable |
| 14. Notwithstanding Regulation No. 12, the Director General of Civil Aviation may either suspend for a specified time or cancel the exemption granted from the Specified Requirements if he has information that the holder of the exemption does not conform to the minimum safety standards. Such a suspension or cancellation shall be notified to the person to whom the exemption from the specified requirements forthwith. | Suspension and cancellation of exemptions |

08-571