



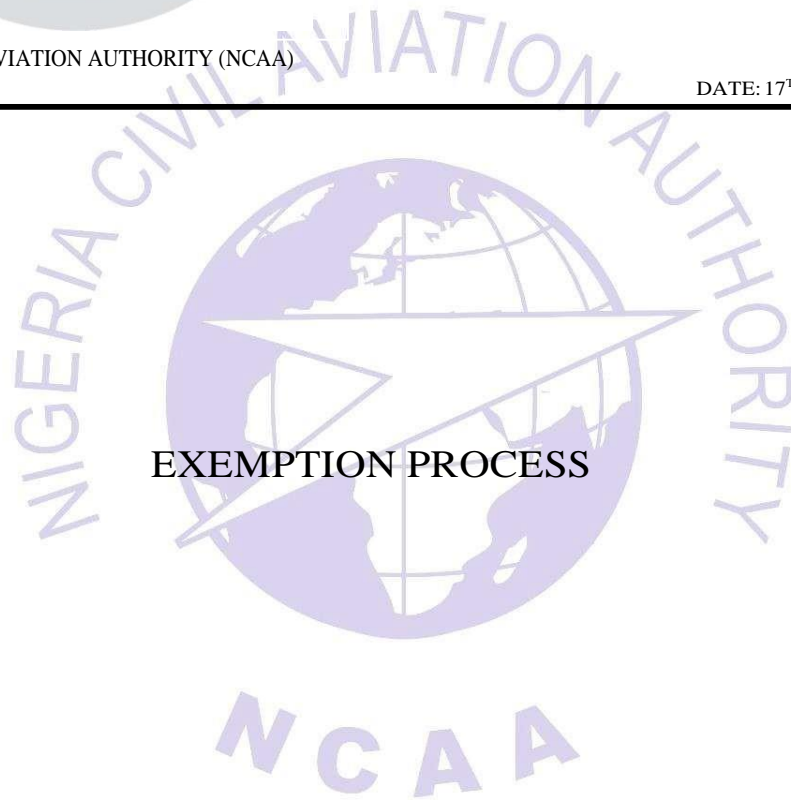
Referenced to Nigeria Regulations

Advisory Circular

NCAA-AC-ARD021

NIGERIA CIVIL AVIATION AUTHORITY (NCAA)
ISSUE NO 1

DATE: 17TH JULY, 2023



EXEMPTION PROCESS

Made this ^{17th} day of ^{July} 2023

Captain Musa Shuaibu Nuhu

Director General of Civil Aviation



1.0 GENERAL

This Advisory Circular provides methods, acceptable to NCAA, for showing compliance with the information, standards/requirements on exemptions contained in Part 1.4.4 of the Nig.CARs, as well as explanatory and interpretative material to assist in showing compliance.

An acceptable means of compliance is not intended to be the only means of compliance with a regulation, and consideration will be given to other methods of compliance that may be presented to NCAA.

2.0 PURPOSE

The purpose of this Advisory Circular is to; guide Aerodrome Operators on the conditions and processes involved in the application for exemptions for non-compliances with the Standards of the Nig.CARs Part 12.

To harmonise the procedures for the certification of aerodromes, which do not conform to some of the Standards contained in the Nig.CARs Part 12, but are required to be complied with for Certification.

3.0 REFERENCE

The Advisory Circular relates specifically to Article 41 of the Nigeria Civil Aviation Act and Part 1.4.4. of Nig.CARs.

4.0 STATUS OF THIS AC

This is the first AC to be issued on this subject.

5.0 DISTRIBUTION

The AC is distributed in electronic PDF format to the Technical Library, Director General Civil Aviation, Director Aerodrome and Airspace Standards, Head of Legal Department and it is also available to all DAAS Inspector's through the Electronic Library, and to the aviation industry and the interested public in the NCAA website at www.ncaa.gov.ng.



AMENDMENT PROCEDURES

The Director, Aerodrome and Airspace Standards is responsible for the development, issuance and control of amendments to this document as well as ensuring that the AC is updated in the technical library for staff and the website ncaa.gov.ng for public use.

Each page will show the document number, issue/amendment number, issue date and page number at the base of the page.

All amendments must be recorded in the Record of Amendments.

Any observation made or contribution to the content of this document by the user should be directed to the following address for consideration and adoption

Nigeria Civil Aviation Authority
Corporate Headquarters
Nnamdi Azikiwe International Airport,
FCT, Abuja.



RECORD OF AMENDMENTS

| Issue No/ Amendment No | Page(s) Affected | Date Entered | Entered By | Signature |
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| 1/0 | All | 17 th July, 2023 | | |
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DEFINITION

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. (Please refer to Appendix B for factors to consider in the determination of “public interest” during the decision-making process of whether to grant or deny an exemption request.)





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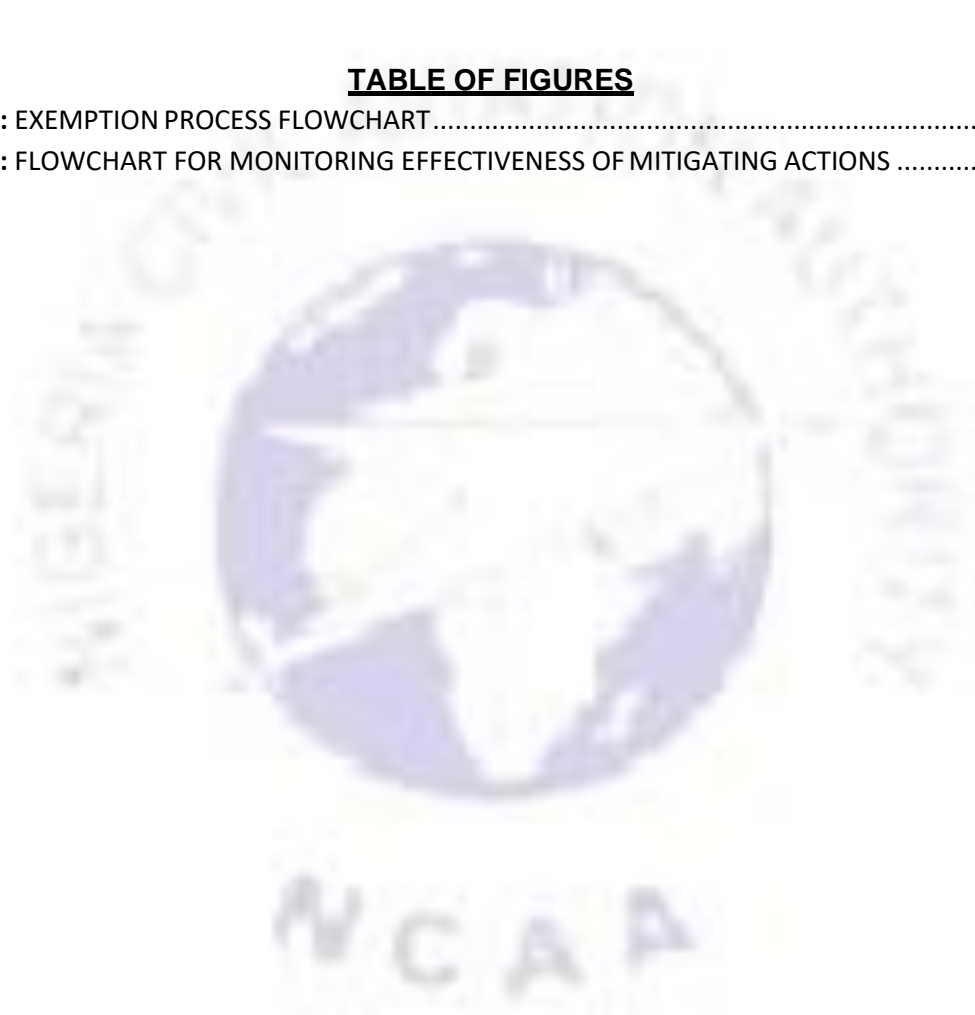
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CHAPTER 1

1.1 INTRODUCTION

- (a) The AC provides guidance and information to aerodrome operators and other persons requiring exemption Part 12 of Nig.CARs. The essence is to ensure the exemption process is applied in an equitable manner to all those who come forward with a request, while simultaneously ensuring the best interests of the public are protected.
- (b) Request for exemptions do not be apply in respect of deviations from regulatory amendments in progress. Such exemptions can only be considered after the applicable amendments have been made to the regulations.
- (c) Exemptions for non-compliances may be:
 - (i) **Temporary Exemptions:** where the non-compliance is expected to be removed and inter-operability is the predominant aspect of the requirement, such as mandatory signs, availability of runway strip etc.
 - (ii) **Permanent Exemptions:** where non-compliance is not reasonably removed and inter-operability is not the predominant aspect of the requirement, such as the infringement of high ground into an obstacle limitation surface etc.



CHAPTER 2

2.0 ROLES AND RESPONSIBILITIES OF PARTIES INVOLVED IN THE EXEMPTION REQUEST PROCESS AND DURING POST EXEMPTION ACTIVITIES.

The following are involved in the exemption process

- (a) Party Requesting Exemption
- (b) Director General Civil Aviation
- (c) Director Aerodrome and Airspace Standards (DAAS)
- (d) Legal Department
- (e) Assigned Inspector

(Note: The assigned Inspectors are assigned by the DAAS to coordinate the activities of all parties who have responsibility in the processing of the exemptions request. DAAS is the directorate whose function the exemption request primarily relates.)

2.1 PARTY REQUESTING EXEMPTION

- (a) Forward Letter of Request to the appropriate Authority
- (b) Ensure the application contains all required documentation and explanations

2.2 DIRECTOR GENERAL

- (a) Receive request letter from the party making the exemption request.
- (b) Approve or disapprove on the basis of recommendations arising from the assessment of the application.
- (c) Inform the party making the exemption request in writing of the approval or disapproval of the request.

2.3 DIRECTOR AERODROME AND AIRSPACE STANDARDS

- (a) Assigns an inspector/ inspectors to coordinate the processing of the exemption request following receipt from the Director General.
- (b) Forward to party making the request a letter of acknowledgment that their request has been received (and request further documentation, if required).
- (c) Arrange coordination relevant departments where their inputs would be needed.

Note 1: A public interest test will be required when, among others, an exemption request is for a commercial purpose that has potential for unfair economic advantage of one company over another; or any other situation where social or economic policy issues of national concern may be implicated, if the exemption is granted



Note 2; The safety test or assessment for aviation safety should be performed first. Where it is believed that safety is clearly compromised, an exemption can be denied without the public interest test.

2.4 ASSIGNED INSPECTOR/ INSPECTORS

- (a) Determine whether the exemption is based on a robust rationale. Evaluate the submissions to establish if there is a good or acceptable ground why the exemption is sought.

Note; The request may be unnecessary if the requirement has been substantially complied, making further compliance unnecessary; or the requirements are clearly unreasonable or inappropriate in the particular case; or events have occurred which make the requirement unnecessary or inappropriate in the particular case.

- (b) Upon request and DG approval, prepare the exemption request notice, using the exemption request notice template in Appendix K. Review comments, and take into account in reaching the decision to grant or refuse the exemption request. Where necessary, consult with other relevant departments as necessary

Note 1: The Authority may not publish an initial exemption application for comments if, based on the submission or request of the applicant, the Authority determines that there is a good cause why action should not be delayed on the application. Factors to be considered by the Authority are whether the relief requested is identical to that granted previously; whether delaying action on application would adversely affect the applicant; whether the application was filed in a timely manner.

- (c) Conduct a technical assessment of the request, an evaluation of the safety assessment/aeronautical study submitted and evaluate the arguments & evidence put forward by the party making the request. Complete the checklist for evaluating the operator's safety assessment/aeronautical study report.
- (d) Conduct public interest tests or collaborate appropriately with other relevant department in the conduct of public interest tests.
- (e) Document the decision-making process and assessment findings that resulted from the process outlined in points in (c) and (d) above.
- (f) Complete the Aeronautical Studies Assessment Checklist and record the justification to grant or deny the exemption. Indicate the summary status of this request. (Refer to Appendix E.)
- (g) Forward to Legal Division for review through the head of directorate of functional responsibility, together with the supporting file, (Note; It should be accompanied with the following documents: Exemption Request Form, Aeronautical Studies Assessment Checklist and Draft Exemption. Signature of forwarding officers must be appended)
- (h) If the exemption is granted and where so directed by the head of directorate of functional, monitor the implementation of the mitigating actions or operating



procedures/restrictions specified in approved exemption document and completion of the corrective action to remove/correct the deficiency or safety concern.

- (i) Coordinate with the appropriate aeronautical information service department to ensure publication of the special conditions or operational restrictions or any other deviations in the aeronautical information publication (AIP) or by NOTAM.
- (j) Coordinate the amendment of the aerodrome certificate schedule to include deviations and operating restrictions associated with the grant of the exemption

2.5 LEGAL DIVISION

- (a) Review file to ensure all necessary documentation and supporting information on record and all necessary steps of the process and results of assessment have been documented.
- (b) When the exemption proposal has been approved to proceed, consult with the department coordinating the processing of the exception application whose function the exemption primarily affects in order to produce an exemption document that will withstand legal scrutiny.
- (c) If any issues of discord arise internally during processing amongst any of the persons or offices involved, place such information on the record, as well as the means by which the issues were reconciled.
- (d) Be available for consultation throughout the entire process and assist those who so request.



CHAPTER 3

3.1 BASIC STEPS TO EXEMPTION PROCESS

3.1.1 STEP 1 – CLIENT EXEMPTION REQUEST

- (a) The written application can be submitted by mail, or email.

By internet: Using the NCAA website at www.ncaa.gov.ng and follow online instructions;

Email: (Insert appropriate email)

Hand Delivery or courier: (Insert appropriate address)

Applicants related details to be stated are as follows: Phone Number, E-mail, Physical Address and Mailing Address, if different, Agent for all purposes related to the application

- (b) The Authority, whilst examining all documentation submitted and all the surrounding facts, will endeavor to process all exemption applications in due time. However it is the responsibility of the applicant to ensure that his application is complete and includes all required information. Any incomplete applications may delay the process or result in a denial of the application for exemption.
- (c) Once the Authority receives the application and relevant documentation, at any time during the evaluation of the application, it can revert to the applicant to request further documentation, or clarification.
- (d) The exemption request package is to include:
- (i) **Signed cover letter.** The applicant must prepare a signed covering letter. It is important that the covering letter does not contain any discrepancies with the information provided in the Exemption Form as this could delay the process.
 - (ii) Completed Exemption Application Form (Appendix A)
 - (iii) Information and documentation to support their argument that the exemption is not likely to affect aviation safety and is in the public interest.
 - (iv) The proposed plan for monitoring implementation of the mitigating actions, if the exemption is granted
 - (v) 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.
 - (vi) The safety assessment/aeronautical study report prepared in accordance with guidance contained in AC on Aeronautical studies (NCAA-AC-ARD003) issued by the Authority. The report should address items enumerated in paragraphs



(iii) – (v) above. The report should specify conditions that would mitigate any risk that could be created by virtue of the exemption to ensure that aviation safety will not be affected.

(Note: Advisory Circular (NCAA-AC-ARD003) contains guidance for the preparation of an aeronautical study report. Applicants are advised to study the guidance materials before submitting their application. It is imperative that the assessment methodology contained in the AC be applied in the conduct of the study).

(vii) If the applicant seeks emergency processing, the application must 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 in a timely fashion.

(viii) A summary which can be published as part of the exemption request notice consisting of :

- (1) The rule from which the exemption is sought
- (2) A brief description of the nature of the exemption sought
- (3) Any additional information, views or argument to support the request
- (4) If the applicant seeks to operate under the proposed exemption outside of Nigeria airspace, the reason.

(ix) Multiple Exemption

In case of multiple exemptions being sought i.e. if an applicant seeks an exemption from more than one regulatory obligation/requirement, a separate Exemption Application Form, together with separate Attachments, including a separate cover letter, all as described above, must be filled in.

3.1.2 STEP 2 – PUBLICATION OF EXEMPTION REQUEST NOTICE

- (a) Review exemption request material to ensure all required documentation has been provided. If not, notify the applicant, await its provision before proceeding with the assessment.
- (b) If all required documentation have been furnished, assign an exemption number to the application. With the approval of the Authority, prepare a notice of exemption request containing a detailed summary of the application, for public comments, publish the notice on the NCAA website and specify the date by which comment must be received. A template for the publication of exemption request notice is provided in Appendix I. A maximum duration of 30 days is allowed for the submission of comments pertaining to the application.



Note 1 : The Authority will not publish for comments, an application for renewal of exemption with similar conditions as in the initial exemption.

Note 2 : The Authority may not publish an initial exemption application for comments if, based on the submission or request of the applicant, the Authority determines that there is a good cause why action should not be delayed on the application. Factors to be considered by the Authority are whether the relief requested is identical to that granted previously; whether delaying action on application would adversely affect the applicant; whether the application was filed in a timely manner

3.1.3 STEP 3 – EXEMPTION DISPOSITION

- (a) Decide on the basis of the assessment findings whether or not to grant or refuse the exemption request
- (b) If the exemption request is refused, inform the client of the decision with rationale.
- (c) If granted, finalize the conditions to which the exemption would be subject and specify the validity period or expiry date of the exemption.

Note 1 : The date must be expressed in accordance with ISO 8601 – Representation of dates and times, issued by the International Organization for Standardization (ISO).

Note 2 : The expiry date is expressed “day month, , year”, for example “16 December 2006”.

- (d) Assemble the completed exemption request form, Aeronautical Studies Assessment Checklist and the draft exemption document and forward for legal review.

3.1.4 STEP 4 – LEGAL REVIEW OF EXEMPTION DOCUMENT AND GRANT OF EXEMPTION

- (a) Final legal review of the exemption request form, the Aeronautical Studies Assessment Checklist and the draft exemption document.
- (b) Once the Legal department has finalized the exemption document, the assigned inspector prepares the documentary package for the DG’s signature, complete with memorandum from the head of the coordinating department explaining the need or otherwise for the exemption, Aeronautical Studies Assessment Checklist, and exemption document. The assigned inspector, head of coordinating department, relevant personnel in the Air Transport Regulation and Legal Department ’s must sign-off the documents before final signature by the DGCA.

3.1.5 STEP 5 – NOTIFICATION OF DECISION TO THE APPLICANT



- (a) The operator making the request is notified in writing of the Authority's decision. If the Authority refuses to grant an exemption, or imposes conditions not sought by the applicant, then Authority will give reasons for its decision.
- (b) Place all documentation in file and maintain a register of all conditions, publish the details of each exemption on NCAA website (www.ncaa.gov.ng) and the AIP and endorse in the applicant operating certificate. The details include the duration of the exemption and any condition or limitations of the exemption
 - (i) **Decision to Grant.** The applicant is issued the document granting the exemption if it is concluded that the applicant's arguments support a grant of exemption. The conditions and procedures under which the exemption is granted shall be outlined in the Exemption document.
 - (ii) **A decision to deny** the exemption is based on the determination that the exemption would not be in the public interest, would adversely affect safety, or, if applied, would not provide a level of safety equal to that intended by the regulation. Under such circumstances, the reasons will be cited in the denial of the exemption document.
 - (iii) **Partial Grant of an Exemption.** If the Authority determines that part of the applicant's request meets the criteria for granting the application, it may issue a partial grant of exemption. The document must fully discuss those parts of the request that are being denied and those that are being granted.

3.2 RENEWAL OF EXEMPTIONS

- (a) The exemption ceases at the end of the specified day. The maximum duration of a temporary exemption is 3 calendar years. For example, a temporary exemption granted for the maximum duration on 12 June 2013 will expire at midnight on 11 June 2016.
- (b) An exemption may be renewed. The process for renewal of an exemption is much the same as for its original issue. An applicant for renewal of an exemption must set out in writing the details of the exemption, but does not need to give the Authority information or documents previously supplied and which have not changed since the previous exemption was issued. However, the applicant should be aware that a renewal application does not automatically entitle the person to the granting of a further exemption in the same or similar terms. Each application will be assessed on its merits at the time of the application. After processing the exemption, the Authority will issue a grant or denial letter which will include the following
 - (i) The applicable regulation
 - (ii) Grant or denial statement; and
 - (iii) Exemption number (after signed)
- (c) A copy of the extension or denial shall be filed on the Register of exemptions.



3.3 EXEMPTIONS ARE NOT TRANSFERABLE

- (a) An exemption is not transferable. They are not property and cannot be handed from person to person. This includes exemptions which may be issued in relation to fixed or mobile facilities which, as property, can be transferred.
- (b) If an exemption is granted in relation to an aerodrome, airline or air navigation facility and the person who was granted the exemption no longer operates, the exemption will also cease.

3.4 REVOCATION OF AN EXEMPTION

- (a) The Authority may revoke an exemption on request by its holder. The Authority may at any time revoke an exemption in the interests of safety. This may occur as a result of the applicant not complying with the conditions of the exemption, or special circumstances arising and the Authority becoming aware that continuation of the exemption may threaten aviation safety.
- (b) If the Authority decides to revoke an exemption other than on request, it will normally give the holder of the exemption reasonable notice of its intention to do so and provide them with the opportunity to respond. The Authority will take the exemption holder's response into account in deciding whether or not to revoke the exemption. The Authority may not provide prior notice of its intention to revoke an exemption in circumstances of serious and imminent risk to aviation safety, or where the applicant has been found guilty of breaching a condition of the exemption or a related provision of the regulations.
- (c) Where the Authority revokes an exemption, it will do so in writing and will state the reasons for the revocation.



FIGURE 1: EXEMPTION PROCESS FLOWCHART

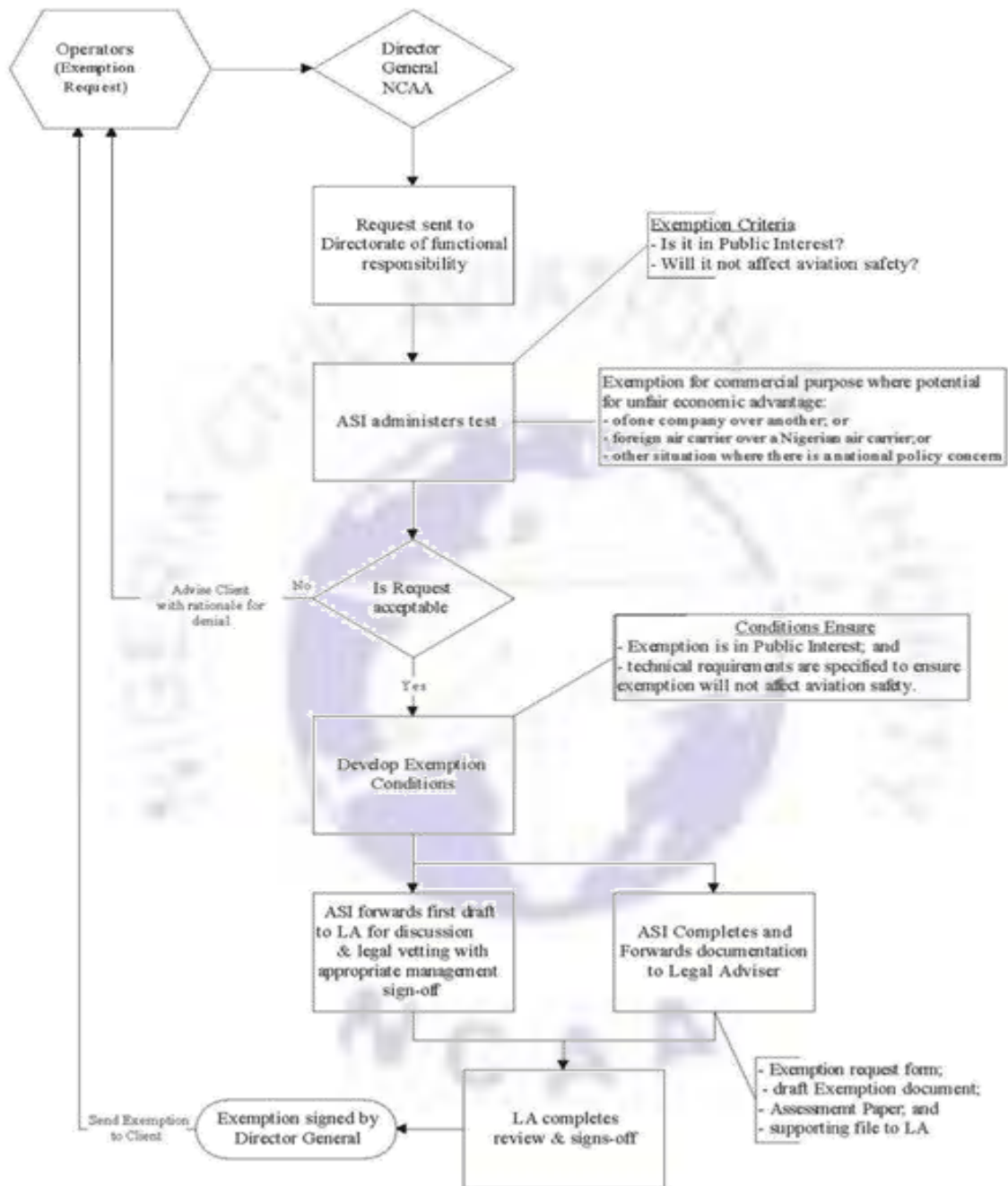
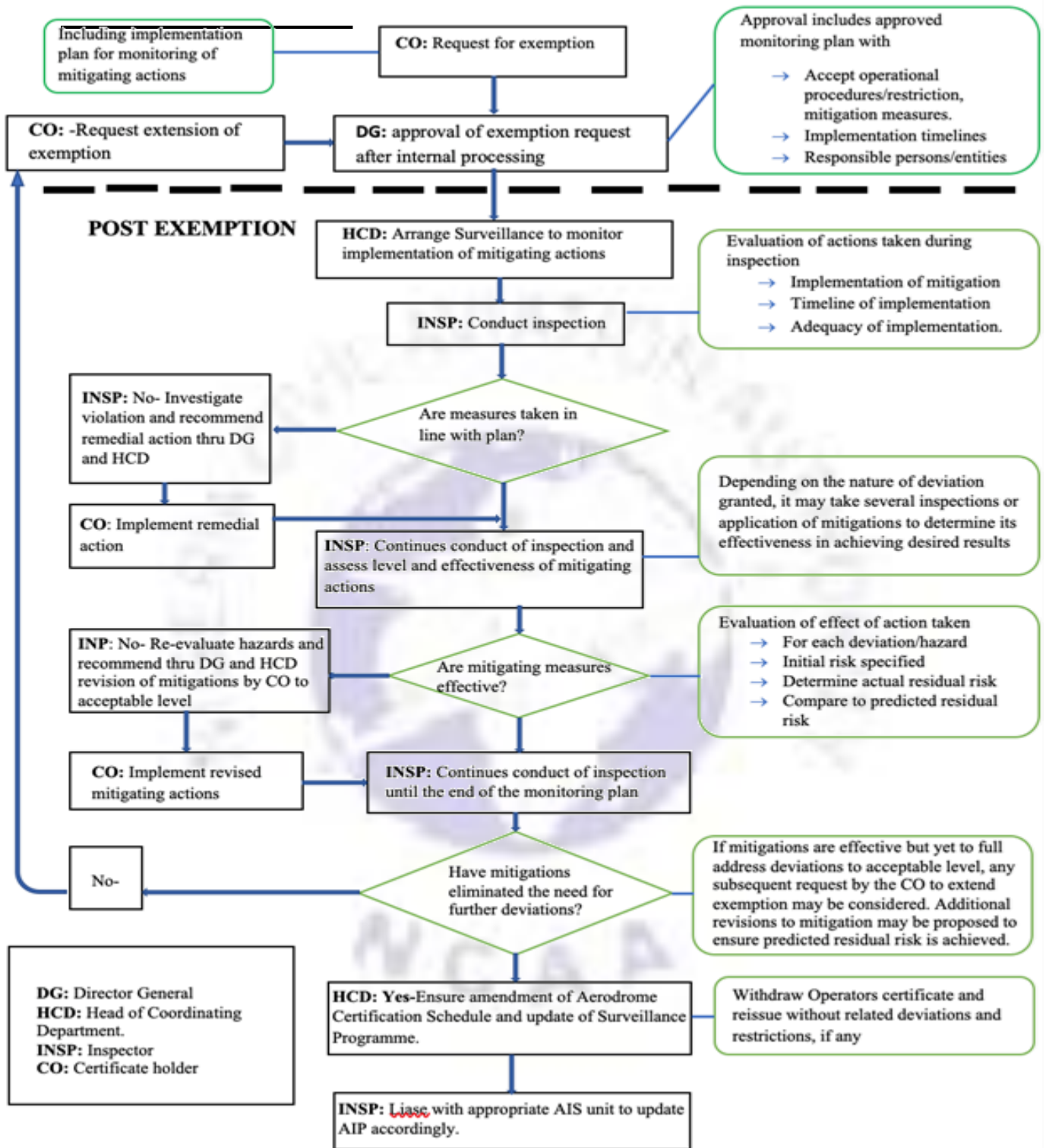




FIGURE 2: FLOWCHART FOR MONITORING EFFECTIVENESS OF MITIGATING ACTIONS





3.5 MONITORING OF THE EXEMPTION/DEVIATION

- (a) After a grant of the exemption, the Authority must ensure that the Operator monitors the status of the deviation and see to it that the implemented recommendations are effective, and that the level of safety is not compromised at any time. This assessment is to allow feedback into the safety assessment process, if required.
- (b) For temporary deviations, the operator is also required to notify the Authority after the deviation has been corrected.





CHAPTER 4

4.1 DEVELOPING A MONITORING PLAN

- (a) The operator shall develop and implement a monitoring plan and submit to NCAA periodic reports regarding the status of implementation of the approved mitigation actions.
- (b) A plan must be created for each hazard or deviation and must define:
 - (i) Monitoring activities; and
 - (ii) The frequency of the monitoring activities.

4.2 MONITORING ACTIVITIES

- (a) The assigned inspector should verify that the controls and/or safety requirements were indeed put in place and are functioning as designed and that procedures are being stringently followed.
- (b) The operator must indicate the method by which to gather the monitoring results.
- (c) The assigned inspector must ensure that the operator retains objective evidence that the safety requirements/controls have been implemented. Objective evidence is simply documented proof. The evidence must not be circumstantial; it must be obtained through observation, measurement, testing, or other means.



APPENDIX A - EXEMPTION REQUEST FORM

| | |
|---|--------------------------|
| 1. Name/Company of Applicant: | 2. Address of Applicant: |
| 2a. Mailing Address (<i>if different</i>): | |
| 2b. Telephone: | 2c. Email: |
| 3. Agent of Service (<i>if applicable</i>): | |
| 4. Nig. CARs Provision(s): | |
| 5. Technical Guidance Provision(s): | |
| 6. Description of the type of operations to be conducted under the proposed exemption (<i>Attach sheets if necessary</i>) | |
| 7. Details of Exemption sought | |
| 8. Regulatory Provision affected | |
| 9. The proposed duration of the exemption: | |
| 10. Have you considered the Public Interest if Exemption is granted? Yes No | |
| 11. If Yes, What factors were considered in the determination of Public Interest? (<i>Attach sheets if necessary</i>) | |
| 12. Have you considered the effect on Aviation Safety if Exemption is granted? Yes No | |
| 13. If Yes, What factors were considered to make sure Aviation Safety is not affected? (<i>Attach sheets if necessary</i>) | |
| 14. Proposed Conditions by Applicant to mitigate risks if Exemption is granted: (<i>Attach sheets if necessary</i>) | |



| | |
|---|------------------------|
| 15. Name of Authorised Person | 16. Signature and Date |
| <u>For Official Use Only</u> | |
| 1. Are Considerations by Applicant for Public Interest and Aviation Safety Satisfactory? Yes No | |
| 2. Based on the above, is it recommended that the Exemption be approved? Yes No | |
| 3. <i>Name of Inspector:</i> <i>Signature & Date:</i> | |
| 4. Recommending Directorate: | |
| 5. <i>Name of Director:</i> <i>Signature & Date:</i> | |
| 6. Has the Legal review been carried out and found satisfactory? Yes No | |
| 7. Legal Remarks: | |
| 8. <i>Legal Adviser:</i> <i>Signature & Date:</i> | |



APPENDIX B – EVALUATION OF EXEMPTION APPLICATION - FACTORS TO CONSIDER WHEN INTERPRETATING “PUBLIC INTEREST” UNDER ARTICLE 41 OF THE NIGERIA CIVIL AVIATION ACT

- (a) General factors to consider
 - (i) All factors relating to aviation public health and safety, as well as a general public benefit, need or welfare.
 - (ii) All factors that support the basic legal principle that justice should always be done and be seen to be done.
 - (iii) All factors relating to the general regulatory powers in respect of aviation found in Article 41 of Nigeria Civil Aviation Act. and/or Nigeria Civil Aviation Regulations
 - (iv) All factors relating directly to the adequacy of transportation service, to its essential conditions of economy and efficiency, and to appropriate provision for and best use of transportation facilities.
- (b) Factors to consider with particular focus on exemptions
 - (i) All factors that examine the safety impact on the community at large.
 - (ii) All factors that examine the economic impact on “non-exempt” operators given that an exemption must not result in any unjustified competitive advantage to one party over another.
 - (iii) The consequence of an exemption being granted or denied must be considered in terms of the needs of or benefits to the aviation public and the local community; consequences which may be of commercial or practical convenience, or necessity of the operation.
 - (iv) It is not sufficient that the exemption be considered “safe” and “commercially expedient” for the applicant.

The Legal Analysis Involved In Making The Determination Of “Public Interest” Under The Act

- (a) What is the meaning of the term “Public Interest” in the Nigeria Civil Aviation Act? Or Nigeria Civil Aviation Regulation?
 - (i) There is no statutory definition for “public interest”.
 - (ii) Instead, the Director General has been delegated the authority by Parliament to use his discretion to make an opinion on what constitutes public interest.
- (b) How does the Director General exercise his discretion?
 - (i) He must have regard to all of the relevant facts and law.



- (ii) He must not be swayed by irrelevant considerations.
 - (iii) He must have regard to the letter and purpose of the legislation that gives him the power to act.
 - (iv) He must consider each case on its merits. Policy is relevant, but only insofar as applied to the facts.
- (c) How does the Director General determine what are relevant considerations?
- (i) He must make his examination of the facts and law in terms of the letter and spirit of the Act.
 - (ii) He must make this determination in relation to the policies found in the Act.
- (d) Responsibilities of the Director General
- (i) The Director General must make his determination with the following policies in mind:
 - (1) The Director General is responsible to the public for the regulation and supervision of aviation activities so as to promote safety.
 - (2) The Act/Regulation enables a detailed regime of regulation intended to promote an acceptable level of aviation safety.
 - (3) Service Providers in the aviation industry are expected to comply with those regulations, and thereby achieve an acceptable level of aviation safety.
- (e) What specific interpretation does “public interest” have? within the context of the regulation
- (i) The interpretation must relate to the following:
 - (1) Accommodation of alternative practices;
 - (2) Fostering of a competitive aviation industry; and
 - (3) Reference to something other than safety - that it is in the interest of the public (and not just the air carrier) that the exemption be granted.
- (f) Within What Context is the Determination of public interest to be made?
- (i) In accordance with the circumstances of each individual case.
 - (ii) With regard to the impact of the decision on the applicant, the general public, other members of the aviation industry



APPENDIX C: EVALUATION OF EXEMPTION REQUEST -THINGS TO REMEMBER WHILE PREPARING THE EXEMPTION DOCUMENT –

- (a) An exemption cannot be dated retroactively and is effective only from the date on which it is signed by the Director General.
- (b) The party being exempt has the choice to follow either the exemption, or the regulation. However, once the choice is made to follow the exemption, the party must comply with its conditions. If the party chooses not to follow the exemption, the regulation applies.
- (c) Enforcement can only be exercised against the regulation, not the exemption.
- (d) When an exemption is required from a standard that is incorporated by reference into a regulation, the exemption must be written against the regulation to the extent of its relationship to the standard.
- (e) Never make promises to the party making the exemption request that (a) it will be granted, and (b) it will be granted by a certain time limit. The issuance of an exemption is a privilege and cannot be guaranteed, and the time required for the process to be completed will depend on many factors over which you may have no control.
- (f) After the party making the exemption request provides to the assigned inspector the exemption request form, together with all the necessary supporting documentation, subject to the complexity of the issues, allow for approximately six (6) weeks for the exemption request to be processed and the exemption document legally vetted.




APPENDIX D : EVALUATION OF EXEMPTION REQUEST - CHECKLIST OF QUESTIONS TO ASK WHILE PREPARING THE EXEMPTION DOCUMENT

- (a) What functional areas of responsibility are raised by the issues identified in the letter of exemption request?
- (b) Who are the parties involved in making the request for an exemption?
- (c) Why is the exemption necessary? What is the regulation preventing the party making the request for an exemption from doing?
- (d) What specific regulatory provision and/or standard linked to what regulatory provision is the exemption being written against?
- (e) Has the correct regulatory provision been identified?
- (f) Is the regulatory provision against which the exemption is being written an “offence-creating” regulation; i.e. with such words present as “no person shall”, or “the air operator shall”, or does it impose a duty on the Director General?
- (g) Are there any conditions that must first be met before the exemption will even apply? Has the test for assessing the merits of the exemption request under the circumstances of your particular case been applied?
 - (i) How is the exemption in the public interest? Identify criteria.
 - (ii) How is aviation safety not likely be affected? Identify criteria.
- (h) The results of the test for assessing the merits of the exemption request and the criteria identified to support the arguments made by the party making the request then become the conditions of the exemption.
- (i) What time period do you want the exemption to be in effect? Or until what event, or series of events occur? (This must not exceed the maximum time period that may have been specified by the Authority.)



APPENDIX E-EXEMPTION DOCUMENT

| EXEMPTION DOCUMENT | |
|---|---|
|  | FEDERAL REPUBLIC OF NIGERIA |
| NIGERIA CIVIL AVIATION AUTHORITY | |
| This exemption is granted by virtue of the powers conferred on the Authority by the Civil Aviation Act and Nigeria Civil Aviation Regulations Part 1.4. | |
| Details of Applicant Seeking Exemption | Name: Address: |
| Specific requirements of the regulations for which exemption is being sought | |
| Purpose of Exemption | |
| Entity(ies) to whom Exemption applies | |
| Conditions and Limitation of the Exemption | This exemption is subject to the following conditions: 1. . . . shall....; 2. |
| Validity of the Exemption | |
| Cancellation of previous Exemption (If any) | |
| Aeronautical Information Publication (AIP). If the exemption affects a significant population of the aviation community of Nigeria (If applicable) | |
| Date of issue: | Name: |
| Exemption Document No: | Signature: |
| | Title: Director General of Civil Aviation |



APPENDIX F-SAMPLE GRANT OF EXEMPTION

{File reference}

Date:

{Certificate Holder's Name}

{Aerodrome Name}

{Address}

Dear {Name},

Exemption to Civil Aviation (Aerodromes) regulations (Insert Regulation Name/Part)

Your request for an exemption from the requirements of Section **(Cite reference)** of the **(Insert regulation Name)** has been received and it has been determined that an exemption, with an expiration date of (date), should be issued.

Enclosed is the Grant Exemption. We request that you advise us as soon as you are in full compliance with the requirements of **(Cite reference)** of the **(Insert regulation name)**.

Yours faithfully,

{Signature}

{Name}

Director General
{Insert CAA Name}

Enclosure



APPENDIX G – RESERVED

INTENTIONALLY LEFT BLANK





APPENDIX H-SAMPLE FORMAT FOR EXTENSION OF EXEMPTION

(Note: Renewal will apply where there is not change to the terms and conditions under which the initial exemption was granted. Where the authority amends the terms and condition, the new terms must be included and the exemption letter must indicate renewal and not extension)

{File reference}

Date:

{Certificate Holder's Name}

{Aerodrome Name}

{Address}

Dear (Name):

This is in response to your application dated **xxxx** on behalf of (Aerodrome) for an extension of Exemption No. **xxxx** from **Part xxxx** in the **xxxx** Civil Aviation Regulation .

Your application indicates that the conditions and reasons stated in the original application remain unchanged and in effect. You also state that if this request to extend Exemption No. **xxxx** is granted, safety will not be compromised and the public interest will be served, because (Aerodrome) will continue to comply with the applicable conditions and limitations.

XCAA has reviewed the original application for exemption dated - - - -, and the application for an extension dated - - - -, and has determined that the conditions and reasons which resulted in the previous grant of Exemption No. **xxxx**, as amended, have remained unchanged. Accordingly, the Authority has determined that the justification for issuance of an extension of Exemption No. **xxxx** is valid with respect to this exemption, provided all other conditions and limitations remain the same.

In consideration of the foregoing, I find an extension to Exemption No. **xxxx** will provide an equivalent level of safety and is in the public interest. Therefore, pursuant to the authority contained in Article **xxxx** and **xxxx**, of the **[State]** Civil Aviation Act of **(date)**, and/or Part **xxx** of the **[State]** Civil Aviation Regulations. the Aerodrome is granted an extension of the provisions of Exemption No. **xxxx** to expire Date of **[Insert date]**, unless sooner superseded or rescinded.

This letter shall be attached to and is a part of Exemption No. **xxxx**.

Yours faithfully,

{Signature}

{Name}

Director General

{Insert CAA Name}

**APPENDIX I-SAMPLE EXEMPTION CANCELLATION**

{File reference}

Date:

{Certificate Holder's Name}

{Aerodrome Name}

{Address}

Dear (Name):

Exemption Cancellation from Subsection of the *XXX Aviation Regulations*

The exemption from subsection _____ of the *XXX Aviation Regulations* issued to **(person/company and address) on (date) at (place) by the DG, CAA** is hereby canceled because it is the opinion of the Authority that it is no longer in the public interest and is likely to affect aviation safety.

Yours faithfully,

{Signature}

{Name}

Director General
{Insert CAA Name}



APPENDIX J-AERONAUTICAL STUDIES ASSESSMENT CHECKLIST

1.2 CHECKLIST FOR AERONAUTICAL STUDIES

CL: AC-ARD003

GENERAL INFORMATION:

| | |
|----------------------------------|--|
| Name of Aerodrome: | |
| Aerodrome Address: | |
| State and Local Government Area: | |
| Name of Operator: | |
| Managing Agency of Facilities: | |
| Name of Aerodrome Manager: | |
| Head of Departments: | |
| Operational Hours: | |
| E-mail Address: | |
| Telephone Numbers: | |
| Runway Orientation: | |
| Reference: | Reference: Regulation 12.1.4.15, Advisory Circular NCAA-AC-ARD003 |

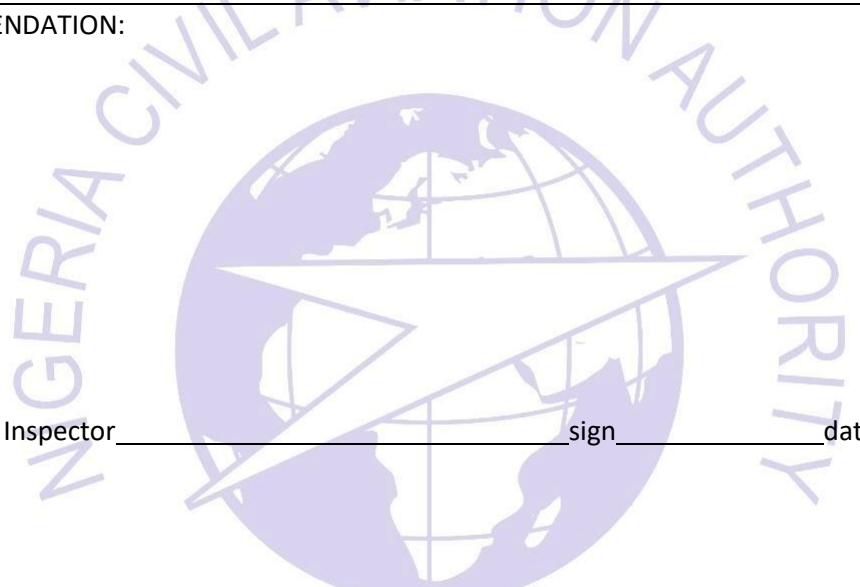
| | | | | |
|-----|--|--------------------------|--------------------------|--|
| 1. | Aim of the study including Address, safety concerns, identify safety measures, and make reference to specific Standards in Regulations; | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. | Consultation with stakeholders, senior management team and divisions/departments affected | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. | The study is approved by a senior executive of the organization | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4. | Background information on the current situation; | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5. | Proposed date for complying with Standards, if the deviation is due to development of the aerodrome; | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6. | Safety assessment including (a) identification of hazards and consequences, and (b) risk management; | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7. | The safety assessment used in the study (e.g. hazard log, risk probability and severity, risk assessment matrix, risk tolerability and risk control/mitigation); | <input type="checkbox"/> | <input type="checkbox"/> | |
| 8. | Recommendation (including operating procedures/restrictions or other measures to address safety concerns) of the aeronautical study and how the proposed deviation will not degrade the level of safety; | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9. | Estimation of the effectiveness of each recommendation listed in the aeronautical study; | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10. | Notification procedure including process flow, time frame and the publication used to promulgate the deviation; | <input type="checkbox"/> | <input type="checkbox"/> | |
| 11. | Conclusion of the study; | <input type="checkbox"/> | <input type="checkbox"/> | |



| | | | | |
|----|--|--------------------------|--------------------------|--|
| 12 | Monitoring of the deviation; and | <input type="checkbox"/> | <input type="checkbox"/> | |
| 13 | Notification to the Authority once the temporary deviation has been corrected. | <input type="checkbox"/> | <input type="checkbox"/> | |

INSPECTOR'S REMARK:

RECOMMENDATION:



Name of Inspector _____ sign _____ date _____

NCAA



APPENDIX K: EXEMPTION NOTICE TEMPLATE



NIGERIA CIVIL AVIATION AUTHORITY

Corporate Headquarters

EXEMPTION REQUEST FORM

FORM: AC-GEN012

| | |
|---|--------------------------|
| 1. Name/Company of Applicant: | 2. Address of Applicant: |
| 2a. Mailing Address (if different): | |
| 2b. Telephone: | 2c. Email: |
| 3. Agent of Service (if applicable): | |
| 4. Nig. CARs Provision(s): | |
| 5. Technical Guidance Provision(s): | |
| <input type="checkbox"/> <input type="checkbox"/> | |
| 6. Description of the type of operations to be conducted under the proposed exemption | |
| (Attach sheets if necessary) | |
| <input type="checkbox"/> <input type="checkbox"/> | |
| 7. Details of Exemption sought | |
| 8. Regulatory Provision affected | |
| 9. The proposed duration of the exemption: | |
| 10. Have you considered the Public Interest if Exemption is granted? | Yes No |



| | |
|--|------------------------|
| 11. If Yes, What factors were considered in the determination of Public Interest? (Attach sheets if necessary) | |
| 12. Have you considered the effect on Aviation Safety if Exemption is granted? Yes No | |
| 13. If Yes, What factors were considered to make sure Aviation Safety is not affected? (Attach sheets if necessary) | |
| 14. Proposed Conditions by Applicant to mitigate risks if Exemption is granted: (Attach sheets if necessary) | |
| 15. Name of Authorised Person | 16. Signature and Date |
| For Official Use | |
| 1. Are Considerations by Applicant for Public Interest and Aviation Safety Satisfactory? Yes | |
| 2. Based on the above, is it recommended that the Exemption be approved? Yes No | |
| 3. Name of Inspector:..... Signature & Date:..... | |
| 4. Recommending Directorate: | |
| 5. Name of Director:..... Signature & | |
| 6. Has the Legal review been carried out and found satisfactory? <input type="checkbox"/> <input type="checkbox"/> | |
| 7. Legal Remarks: | |
| 8. Legal Adviser:..... Signature & Date:..... | |