

Statement of Policies

1. This Statement of Policies is published by the Air Transport Licensing Panel (the **Panel**) pursuant to section 16 of the Civil Aviation (Air Transport Licensing) Act 2007 (as amended by the Civil Aviation (Air Transport Licensing) Amendment Act 2024) (the **Act**).
2. This is a statement of the policies the Panel intends to adopt in performing its functions under the Act.
3. These functions are set out in section 5 of the Act and are:
 - (a) to grant, refuse, revoke, suspend or vary any air transport licence in accordance with the provisions of the Act; and
 - (b) such other functions as are conferred on the Panel by virtue of the Act.
4. This statement of policies is principally concerned with the Panel's air transport licensing functions as set out at (a) above. It is not expected that these policies will cover every aspect of the Panel's performance of its air transport licensing functions or every circumstance.
5. Under the Act the Panel has the power to do anything which is calculated to facilitate, or is conducive or incidental to, the performance of any of its functions. This may include departing from any of the policies set out in this statement or varying their application in the light of particular facts or circumstances. It should therefore not be assumed that they will apply in every case, or have not been applied in respect of any application made prior to the publication of this statement of policies.
6. This statement of policies cannot override the Panel's statutory duties. Those duties are set out in section 7 of the Act. They concern the manner in which the Panel is required to perform its functions.
7. This statement of policies also cannot override the provisions of the Civil Aviation (Air Transport Licensing) Regulations 2007 (the **Regulations**).

Applications for an air transport licence (ATL)

8. The Panel has published a link to the current form of application on the Bermuda Civil Aviation Authority (BCAA) website at <https://www.bcaa.bm/air-transport-licensing>. The form specifies the particulars which must be supplied by an applicant for an ATL.
9. The Panel notes that the particulars required to be submitted, including in particular the Financial Information required in section 5 of the application form, are particulars which are the same or similar to those required to be provided for the purposes of air transport licensing in other jurisdictions around the world (including the European Union, the United Kingdom and its other Overseas Territories and the United States of America) which require applicants to demonstrate financial fitness before grant of a licence.
10. The Panel will make its decision based on the application and particulars supplied. When fully completed and all particulars have been supplied (including the business plan) the form is served on the Panel. The Panel will accept service at the offices of the BCAA or by email to info@bcca.bm. The Panel will treat an application as confidential until it is published in the Gazette (see **Publication of applications** below.)
11. If the application is not in the required form or does not contain all the specified particulars the Panel may, pursuant to Regulation 5(1) refuse to consider the application and will not publish it.

Publication of applications.

12. In accordance with Regulation 5(4) the Panel will publish in the Gazette such particulars of an application as it thinks necessary to indicate the substance of the application and will make a copy of the application available for public inspection at the offices of the BCAA. The Panel will therefore publish only a summary of an application.
13. If the Panel accepts that any of the particulars supplied by the applicant relate to the confidential commercial or financial affairs of the applicant or any other person and cannot be disclosed without disadvantage to the applicant or such other person, or are not in the public domain, it will redact those particulars from the copy of the application made available for public inspection. The Panel may dispense with publication where Regulation 5(4) (a) or (b) applies.

Hearings of applications

14. The Panel may decide to hold a hearing before making a decision to grant, refuse, revoke or suspend (other than provisionally) an ATL in accordance with Regulation 12. It will not normally do so unless a hearing is requested by a person having a right to be heard pursuant to Regulation 12 (1). If such a request has been made a hearing will be held unless that request is withdrawn and the Panel concludes that it may dispense with a hearing. The Panel appreciates that the required procedures relating to hearings are costly and add substantially to the time required before the Panel can reach a decision. This can be to the disadvantage of an applicant or a licence holder, when an understanding of any issues arising may be sought at a meeting between the Panel and the applicant or the licence holder. The Panel may call such a meeting itself or hold such a meeting at the request of the applicant or licence holder. However, the holding of such a meeting will be without prejudice to the holding of a hearing if it is requested or the Panel decides to hold one.
15. The foregoing will not apply in respect of preliminary hearings required to be held pursuant to regulation 11.

Consideration by the Panel of a decision to grant, refuse, revoke or suspend an air transport licence

16. Before reaching a decision the Panel will have regard to its duties under section 7 of the Act.
17. However, when it is considering whether to grant or refuse an ATL the Panel will normally consider first whether it must refuse to grant a licence as required by subsections 9(3) and 9(4) of the Act. Its duty to refuse an application pursuant to subsections 9(3) or 9(4) of the Act will override any of the Panel's duties under section 7 of the Act. However, as section 9(6) makes clear, notwithstanding being satisfied as to the conditions of subsections 9(3), (4) and (5) the Panel may in its discretion refuse to grant an ATL for other reasons and the provisions of subsections (1) and (2) of section 7 may (without limiting its discretion) have a bearing on the Panel's decision to grant an ATL.
18. When an application is for an ATL to include scheduled services, the Panel will expect the business plan to contain or be supported by evidence of the demand for each such service. More generally, it will expect financial forecasts to be based on realistic assumptions as to revenue and costs.
19. The Panel will have regard to the provisions of section 9(2)(b) and (c) but will not usually grant a conditional licence pursuant to section 9(2)(b) without first consulting the applicant.

Publication of the Panel's decision

20. Whereas the Panel is required under section 11 (1) of the Act, subject to subsections (2), (3), and (4) of section 11, to furnish an applicant, licence holder or former licence holder (as the case may be) and certain other persons with a statement of reasons for its decision, it has a discretion under section 11(5) of the Act whether to publish particulars of, and its reasons for any decision. The Panel expects always to publish its decision in the Gazette as soon as practicable. However the Panel may refrain from publishing its statement of reasons, publish

only a brief summary of its reasons or not publish reasons at all if it considers such publication would result in the disclosure of information about the confidential commercial or financial affairs of the applicant, licence holder or former licence holder (as the case may be) or of any other person and cannot be disclosed without disadvantage to the applicant, licence holder or former licence holder (as the case may be), or would disclose such information about any other person which is not generally in the public domain.

Date of Statement of Policies.

This Statement of Policies takes effect on the date stated below and may be subsequently revised.

3rd December 2025