



CIVIL AVIATION AUTHORITY

**Guidance on requesting a review of
adverse decisions or
proposals made by CAA SRG**

**REGULATION 6 OF THE CIVIL AVIATION AUTHORITY
REGULATIONS 1991**

**SECRETARY AND
LEGAL ADVISER'S DEPARTMENT
CIVIL AVIATION AUTHORITY**

DECEMBER 2006

Guidance on Requesting a Review of Adverse Decisions or Proposals made by CAA SRG

Introduction

The types of adverse decisions or proposals made by the CAA Safety Regulation Group (SRG) which are subject to review are defined in Regulation 6 of the Civil Aviation Authority Regulations 1991 (Extract attached). When such a decision or proposal is received the 'applicant' may request a review to be undertaken by Members of the CAA Board. Members are appointed by the Secretary of State for Transport.

How do I Request a Review?

The letter containing the notification of the CAA SRG decision/proposal will provide details on whom to contact to request a review.

What Happens Next?

Applicant Requests Review	The applicant may within 14 days* of a decision or proposal request a review.
Representation by Applicant	The applicant may within 21 days* of a decision or proposal make written representations of their case, which the CAA is bound to consider.
Brief Prepared by CAA SRG	SRG will produce a Brief (as described below) setting out their case.
Brief and Representations exchanged	The SRG Brief will be supplied to the applicant and the applicant's representations will be supplied to SRG.
Comments prepared and exchanged	SRG will prepare comments on the applicant's representations. The applicant will prepare comments on the SRG Brief. These comments will be exchanged
Review	Review conducted by Members of CAA Board and the decisions normally available within 10 days of the review.

** The CAA will be sympathetic in the matter of extending time limits if requested to do so. However, it should not be assumed that extensions will be granted.*

What is in the Brief?

The Brief is compiled by the SRG and will contain the details and facts on how the official's decision/proposal was reached

What happens during the Review?

The applicant will normally be offered an oral hearing; this will usually be attended by:

- Members of the CAA Board
- A CAA legal adviser acting as Clerk to the review panel and providing legal advice on the conduct of the hearing to the CAA Board Members
- The applicant
- The applicant's legal adviser, friend and/or witness if required by the applicant
- Technical assessor(s) who have not been involved in the case appointed by the CAA Board Members
- SRG Staff involved with the decision/proposal
- A CAA legal adviser acting as adviser to SRG.
- Shorthand writer

The hearing will be based on the documents supplied (Brief, Applicant's Representations, Comments by SRG on Applicant's Representations, Comments by Applicant on Brief) and provides the applicant the opportunity to make oral representations, seek clarification and ask questions. SRG staff will be given the opportunity to seek clarifications, make comments on the oral representations and question the applicant. The last word will go to the applicant.

If any new information or arguments are introduced, either by the applicant or SRG staff, which were not contained within the documents, the hearing may be adjourned to allow time for all parties to consider the new issues.

A transcript of the hearing will be supplied to applicant.

If the applicant decides not to attend or be represented at the oral hearing, the review will be undertaken by the CAA Board Members solely based on the documents. This will be without the attendance of SRG staff involved with the decision or proposal.

Hearing to be in public

The hearing will be in public unless either the applicant or SRG request it to be in private and the CAA Board Members are satisfied that it may be held in private in accordance with the provisions of Regulation 6(7A) of the Civil Aviation Authority Regulations (see below).

The Decision

The applicant will be informed, in writing, of the decision and the reasons for it, normally within 7 to 10 days of the hearing.

Rights of Appeal to the Court

If a personnel licence is refused, revoked, suspended or varied on the grounds that the CAA SRG does not consider the person concerned a fit person (in terms of character as opposed to medical fitness) to hold such a licence, that person has a right of appeal to the County Court against the decision of the CAA Board Members. The appeal should be filed within 21 days of the date of the decision letter. There is no such appeal in relation to decisions taken by the CAA Board Members on the grounds of competence.

Reapplication

It should be noted that after a decision to revoke, refuse a licence *etc*, is made the applicant may at any time in the future reapply. Clearly, if a further application is made quite soon after a decision has been reached then in the absence of any relevant new material in support of the applicant the CAA SRG is likely to reach the same decision. However, it is important that the applicant understands that a refusal or revocation is not for life.

Regulation 6 Review Complaints Procedure

If you have any complaint concerning the manner in which the review is conducted you may write to the Secretary and Legal Adviser, Civil Aviation Authority, CAA House, 45-59 Kingsway, London WC2B 6TE.

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EXTRACT FROM THE CIVIL AVIATION AUTHORITY REGULATIONS 1991

Part II Functions conferred on the Authority by or under Air Navigation Orders

Regulation of the conduct of the Authority

6(1) The functions conferred on the Authority by or under Air Navigation Orders with respect to:

- (a) registration of aircraft;
- (b) certification of operators of aircraft;
- (c) certification of airworthiness of aircraft;
- (d) noise certification;
- (e) certification of compliance with the requirements for the emission by aircraft engines of unburned hydrocarbons;
- (f) personnel licensing;
- (g) licensing of aerodromes;
- (h) validation of any certificate or licence;
- (i) approval of equipment and approval or authorisation of persons;
- (j) approval of schemes for the regulation of the flight times of aircraft crew;
- (k) receiving reports of reportable occurrences;
- (l) making air traffic directions;
- (m) making airspace policy directions;

are hereby prescribed for the purposes of section 7(2) of the Act.

(2) Subject to paragraphs (8) and (9) of this regulation, a decision with respect to any of the matters referred to in paragraph (1) of this regulation, being a decision to register, refuse to register, cancel or amend the registration of an aircraft or to grant, refuse to grant, validate, refuse to validate, revoke, suspend, vary or refuse to vary a certificate, licence, approval, authorisation or rating or make an air traffic direction or an airspace policy direction, may be made on behalf of the Authority only by a member or employee of the Authority.

(3) Subject to paragraphs (8), (9) and (10) of this regulation, where -

- (a) it is decided that it would be inexpedient in the public interest for an aircraft to be registered in the United Kingdom; or
- (b) an application for the grant, validation or variation of a certificate, licence, approval, authorisation or rating has been refused or granted in terms other than those requested by the applicant;

the Authority shall serve on the applicant a notice stating the reasons for the decision, and the applicant may within 14 days after the date of service of that notice request that the case be reviewed by the Authority.

(4) Subject to paragraphs (8), (9) and (10) of this regulation, where it is proposed to -

(a) cancel the registration of an aircraft on the grounds that it would be inexpedient in the public interest for it to continue to be registered in the United Kingdom; or

(b) revoke, suspend or vary a certificate, licence, approval, authorisation, validation or rating or make an air traffic direction or an airspace policy direction under an Air Navigation Order otherwise than on the application of the holder;

the Authority shall serve on the person concerned notice of the proposal together with the reasons for it, and the person concerned may within 14 days after the date of service of that notice, serve on the Authority a request that the case be decided by the Authority and not by any other person on its behalf.

(5) Any person who has failed any test or examination which he is required to pass before he is granted or may exercise the privileges of a personnel licence may within 14 days after being notified of his failure request that the Authority determine whether the test or examination was properly conducted.

(6) (a) The function of deciding a case where such a request as is referred to in paragraph (3), (4) or (5) of this regulation has been duly served on the Authority is hereby prescribed for the purposes of section 7(1) of the Act: and for the purpose of making any decision in such a case a quorum of the Authority shall be one member.

(b) The Authority shall sit with such technical assessors to advise it as the Authority may appoint, but the Authority shall not appoint as an assessor any person who participated in the decision or proposal or in giving or assessing the test or examination which is to be the subject of the Authority's decision.

(7) Where a request under paragraph (3), (4) or (5) has been duly served, the Authority shall, before making a decision:

(a) consider any representations which may have been served on it by the person concerned within 21 days after the date of service of the notice under that paragraph given by the Authority; and

(b) where the person concerned has requested the opportunity to make oral representations in his representations under sub-paragraph (a) above, afford him an opportunity to make such representations and consider them.

(7A) (a) Where an oral hearing is held it shall be held in public except where the Authority is satisfied that, in the interests of morals, public order, national security, juveniles or the protection of the private lives of the parties a private hearing is required, or where it considers that publicity would prejudice the interests of justice.

(b) The following persons shall be entitled to attend the hearing of an appeal, whether or not it is in private:

(i) a member of the Council on Tribunals or of the Scottish Committee of that Council; and

(ii) any other person which the Authority, with the consent of the parties, permits to attend the hearing.

(8) Nothing in this regulation shall:

- (a) prevent the Authority or any person authorised so to act on behalf of the Authority from provisionally cancelling the registration of an aircraft or provisionally suspending or varying any certificate, licence, approval, authorisation, validation or rating granted or having effect under an Air Navigation Order or making a provisional air traffic direction pending inquiry into or consideration of the case;
- (b) apply to the variation of a flight manual, performance schedule or other document incorporated by reference in a certificate of airworthiness;
- (c) apply where the Authority refuses to register or cancels or amends the registration of an aircraft or refuses to grant or validate, grants or validates in terms other than those requested by the applicant, revokes, suspends or varies a certificate, licence, approval, authorisation or rating pursuant to a direction given by the Secretary of State.

(9) Nothing in paragraphs (2), (3) or (4) of this regulation shall apply:

- (a) in respect of a medical certificate or certificate of test or experience relating to a personnel licence;
- (b) where pursuant to its duty under section 5 of the Act, the Authority refuses an application for the grant of an aerodrome licence or grants such an application in terms other than those requested by the applicant or proposes to revoke, suspend or vary an aerodrome licence otherwise than on the application of the holder.

(10) Nothing in paragraphs (3) or (4) of this regulation shall apply where the Authority -

- (a) refuses an application by the holder of an aerodrome licence for the substitution of an ordinary aerodrome licence for a public use aerodrome licence; or,
- (b) proposes, otherwise than on the application of the licence holder, to substitute a public use aerodrome licence for an ordinary aerodrome licence.